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MAR 20 1936

GIFT OF PUBLISHER

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 76 NEW YORK, MONDAY, APRIL 2, 1934 TEN CENTS

# Discussion Renewed on 20¢ Minimum Admissions

## Schenck Says Indies Should Not Be Aided

### *Foster Duals, Triples, Asserts U. A. Head*

Financial backing should not be made available to independent producers, declared Joseph M. Schenck, United Artists head, upon arrival here from the coast. They are flooding the market with inferior product, he said, at a time when over-production already exists and are fostering double and triple billing.

Schenck declared exhibitors should quit doubles and triples for their own eventual benefit, since too much show saturates patrons and results in less frequent trips to theatres.

"One bad feature is bad enough," he said; "two bad ones is worse."

"Only good pictures are making money," he declared, "but if you show a good one with a bad one, the in-

(Continued on page 10)

## Goetz Says Indies Are In Good Shape

Independent producers with whom Consolidated Film Industries deals—Monogram, Liberty and Mascot—are in good condition, declared Ben Goetz, vice-president, on his arrival here from the coast. Their outlook will continue favorable as long as double and triple featuring continues, he said.

Goetz said he new nothing of new independent financing plans. He will remain in the east for a week or 10 days.

### *Revolution Film in Work from Mentone*

"The World in Revolt," a full-length feature will be released by Mentone Prod. in April, according to E. M. Glucksman, president of the company. The feature, which is now being cut and edited, was written by Dr. Emil Lengyel, well known writer on politics and economics.

The musical setting will be fur-

(Continued on page 8)

### *Big Electric Suit Goes on Wednesday*

WILMINGTON, April 1.—Trial of the anti-trust suit brought by the Stanley company against Duovac Radio and General Talking Picture Corp. against Western Electric and A. T. & T. will begin Wednesday in the U. S. District Court. It is expected to last a month.

## British Quota Calls for 25 More Features

American film companies operating in Britain will be required to produce or acquire approximately 25 more British-made pictures this year than last, under the two and one-half per cent film quota increase which went into effect for distributors in Britain yesterday.

Approximately 90 features were either produced by American companies in Britain last year or by British producers for the American concerns distributing in Britain. This year's increased quota schedule will boost the number to approximately 115 pictures, it is estimated.

The British quota schedule for for-

(Continued on page 10)

## Monogram Program Sets Busy 4 Days

ATLANTIC CITY, April 1.—Details of the four-day Monogram convention to open here Wednesday call for a busy schedule of morning and afternoon sessions throughout. The meetings will open Wednesday with a talk by the Mayor and short speeches by Trem Carr, Al Blofson, Ed Finney, Lou Ostrow, Irving Mandel, Jack

(Continued on page 8)

### *20th to Begin Stage Production in August*

Twentieth Century has formed an alliance with A. H. Woods to present a play on Broadway next season. It will be an English adaptation by Jessie Ernst of "The Red Cat," by Rudolph Lothar and Hans Adler, which will be done in August. The play will be the first of a series planned for Broadway production by the company.

### *Chicago Expects An End of Reel Cutting*

CHICAGO, April 1.—Indications are that Chicago's newsreel censorship ordinances will be revoked in the very near future.

A resolution calling for repeal of

(Continued on page 8)

### *Even in Egypt*

**Kansas City, April 1.—Stanley Schwartz, owner of the suburban Tivoli, just returned from abroad, was surprised to find that dual bills had taken hold even in Egypt. He is displaying a program of the large Metropole in Cairo showing a bill consisting of "Bondage" and "Sailor's Luck," two Fox pictures of last season, at a price scale the equivalent of 45c-55c-65c.**

**"And the most we can get for doubles in Kansas City is 25 cents," he complains.**

## Bareford and Rubin Before Review Board

Harold S. Bareford of Warners and J. Robert Rubin of M-G-M left yesterday for Washington where they will represent Code Authority at today's hearing on the film code before the National Recovery Review Board.

So far as could be learned over the week-end no sales executives or other representatives of the industry, other than the two Code Authority alternates, were going to Washington in response to the review board's "request" for their testimony in connec-

(Continued on page 8)

## Fairbanks to Make Series in England

HOLLYWOOD, April 1.—Douglas Fairbanks will make a series of pictures in England for London Films, headed by Alexander Korda, declared Clarence E. Ericksen, Fairbanks' business man-

(Continued on page 8)

### *Lightman Approves Chatkin's Theories*

MEMPHIS, April 1.—M. A. Lightman agrees with most of David Chatkin's ideas on the decentralized operation of theatres.

"I have always advocated that the

(Continued on page 8)

### *Hope Held for Definite Plan Before Selling Next Season*

Renewed efforts to establish a 20-cent minimum admission for new season's product are under discussion by a number of leading distribution companies and are expected to materialize in definite proposals with the drafting of new season contract forms in advance of this year's sales meetings, it was learned Saturday.

Some current speculation centers on whether or not concerted action by distributors on including minimum admission clauses in new season contracts would be permitted under the National Industrial Recovery Act under those provisions relaxing anti-trust laws for industries under NRA codes. The industry code, itself, neither prohibits nor authorizes the inclusion of minimum admission clauses in contracts. Some viewpoints hold that concerted distributor action might be approved on the ground that the maintenance of a 20-cent minimum

(Continued on page 8)

## Loew Head Buyer; Vogel on Operation

David M. Loew, who until now has been chief film buyer of the Greater New York end of the circuit which his father founded, is now head buyer for the entire Loew chain, thereby taking over out-of-town purchases made to date by Joe Vogel.

The latter, long a protege of E. A. Schiller, will confine his activities to operation and will assume more of the duties handled by Schiller prior to his illness. These concern theatres out of the city. Operation of the metropolitan circuit are largely in the hands of Charles C. Moskowitz, young in years but a veteran in the Loew executive roster.

### *Tri-State and Gulf Conventions All Set*

MEMPHIS, April 1.—The Tri-States M.P.T.O. two-day convention got under way here today and will continue through tomorrow with Ed Kuykendall, M. A. Lightman, David Palfryman and Red Kann listed among the speakers.

NEW ORLEANS, April 1.—One of the features of the first convention of

(Continued on page 8)

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# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## O.H. Kahn Funeral Today

Funeral services for Otto H. Kahn will be held privately today at his Cold Spring Harbor estate. They will be conducted by Rev. Dr. Samuel H. Goldenson, rabbi of Temple Emanu-El. The widow, Mrs. Addie Wolff Kahn, and four children will attend. Burial will be in Cold Spring Harbor Cemetery.

## Re-Issue Rogers Shorts

Amity is going to re-release a series of Will Rogers shorts produced by C. S. Claney. They are: "Holland," "Switzerland," "Ireland," "Germany," "France" and "England." They will come out at the rate of one a month.


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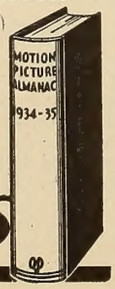



# Insiders' Outlook

*Bristol, Va., April 1.*

SO Joe Schenck would rule out financing of all independents because they flood the market with inferior product and foster double and triple features! Schenck forgets the day when he was an independent producer for First National, when Louis B. Mayer made the Anita Stewart stuff for the same company, when Norma Shearer appeared in independent pictures; when Hunt Stromberg, having left Tom Ince and pressagentry, was an independent on his own; when Harry Rapf made "School Days" on a button and part of a shoestring for the Warners. . . .

▼

The instances are legion, the proof substantial that many of those who walk in the high-powered and rarefied executive circle in which Schenck moves today had their beginnings among the very lowly that the U. A. president would rule off the checkerboard if he had his way. He will not, it is almost superfluous to point out. Amusing and contradictory is his attitude on double features. They're the blot on the industry 'scutcheon; they should be wiped out, Schenck goes on, yet admitting his company will sell along those lines if other distributors continue to do so. The revenue has nothing at all to do with the case, naturally. . . .

▼

Was last week's Code Authority ballot on 10 per cent cancellations made to order as a reply to those code critics who complain Campi is "producer dominated"? Snipers and those sincerely interested would like to know. Every affiliated company representative on Code Authority, together with Universal and Columbia, registered public objection to Division Administrator Sol A. Rosenblatt's ruling that the cancellation provision of the code was retroactive to Dec. 7, at the time the ruling was announced to Code Authority, Feb. 27. . . .

▼

Shortly thereafter it was determined by inquiries aimed at every large distribution company that, while the objections would stand, the cancellation privileges would be granted to every eligible applicant. So it was recorded in the news columns on March 10. On March 29, Code Authority put to a vote the question of accepting the Rosenblatt cancellations ruling. The result was an affirmative ballot of eight for and two against, Warner and Paramount representatives voting in the negative although indications have been noised about that both companies, by individual policy, would grant the cancellations in accordance with the ruling. . . .

Some critics of the code have persistently maintained that Code Authority is made up of only two genuine independents—W. Ray Johnston of Monogram and Nathan Yamins of Allied States, and that, in consequence, any genuine test of voting power on an important issue would result in defeat for independent interests by a vote of eight to two. The result of the cancellations vote—certainly an important issue—was exactly the reverse of the critics' forecasts. . . .

▼

Practically every member of the protective committee tied in with Fox Metropolitan Playhouses has been writing letters to deny Warners or Walter Reade

(*Continued on page* 11)

## Issues on Big Board Rise

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 26⅞ | 26½ | 26⅞ | + ⅝ | 200 |
| Consolidated Film Industries, pfd | 15¾ | 15½ | 15¾ | + ⅛ | 1,000 |
| Eastman Kodak | 86¾ | 85½ | 86¾ | + ¼ | 900 |
| Eastman Kodak, pfd | 132 | 132 | 132 | ..... | 10 |
| "Fox Film "A" | 15½ | 15 | 15½ | + ¾ | 600 |
| Loew's, Inc | 32⅞ | 31½ | 32 | + ¾ | 3,900 |
| Loew's, Inc., pfd | 90 | 90 | 90 | ..... | 100 |
| Paramount, cts | 5¼ | 4¾ | 5¼ | + ⅜ | 8,400 |
| Pathe Exchange | 3¼ | 3⅛ | 3¼ | + ⅛ | 100 |
| Pathe Exchange "A" | 18¾ | 18⅝ | 18⅝ | + ¾ | 1,200 |
| RKO | 3½ | 3¼ | 3¼ | + ⅛ | 3,200 |
| Warner Bros | 7⅛ | 6⅝ | 7⅛ | + ½ | 14,100 |
| Warner Bros., pfd | 22½ | 22½ | 22½ | +2 | 100 |

## Curb Stocks Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8 | 7⅞ | 8 | ..... | 200 |
| Trans Lux | 2 | 2 | 2 | ..... | 100 |

## Warner Bonds 2 Points Up

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅜ | 9 | 9⅜ | + ⅜ | 2 |
| Loew's 6s '41, ww deb rights | 98½ | 98⅛ | 98⅛ | — ⅜ | 7 |
| Paramount F. L. 6s '47 | 49½ | 49½ | 49½ | + ½ | 3 |
| Paramount Publix 5½s '50 | 49⅞ | 49 | 49 | + ⅜ | 11 |
| Pathe 7s '37, ww | 90⅞ | 90½ | 90½ | — ¼ | 5 |
| Warner Bros. 6s '39, wd | 58¼ | 55⅞ | 58 | +2 | 146 |

# Purely Personal

R. H. COCHRANE, Universal vice-president, gangplanked it to Bermuda Saturday in search of sunshine. He has been suffering from a cold for weeks.

ETHEL MERMAN will reach New York tomorrow from the coast. She has just finished work in "We're Not Dressing" for Paramount.

THORNE SMITH'S "Night Life of the Gods" has been bought by Universal, and an option has been taken on his "Topper."

WALLACE SMITH'S "The Captain Hates the Sea" has been sold to Columbia. LEWIS MILESTONE will direct.

SAM WARSHAWSKY'S "A Swell Job" will be presented at the Sutton Theatre by the Sutton Players, starting today.

MARK HANN, former sales manager for Paramount in India and China, is helping A. P. WAXMAN in handling the N. V. A. drive.

EDNA BEST is aboard the *Bremen* on her way to England, where she will spend a few weeks before returning to Hollywood.

EDWARD SHELDON'S and RUTH DONNELLY'S "Romance for Sale" has been sold to Fox.

BOGART ROGERS' and FRANK DAZEY'S story, "Twenty Hours by Air," has been bought by Paramount.

## Musicians' Local Revolts

Despite an official ruling from the American Federation of Musicians that a recent poll of Local 806 in favor of local autonomy has no standing, members of the local have called a meeting tonight at 210 East 86th St. to hear a report on new by-laws. A special election of officers has been called for April 30.

## Signs Vicki Baum

HOLLYWOOD, April 1.—Samuel Goldwyn has signed Vicki Baum to do an original for Anna Sten, following "Resurrection."


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*Directed by Roy William Neill*

**A COLUMBIA PICTURE**

# HERE HE IS, MEN!

The star every showman in the country has been clamoring to play! We don't have to sell you . . . You *know* he's the ace rage of radio today! As usual Warner Bros. scooped all others in introducing this new star months ago—and the draw of his Vitaphone Shorts has grown to panic proportions in recent test engagements. Therefore . . .

**In response to unanimous exhibitor demand Warner Bros. will reissue**

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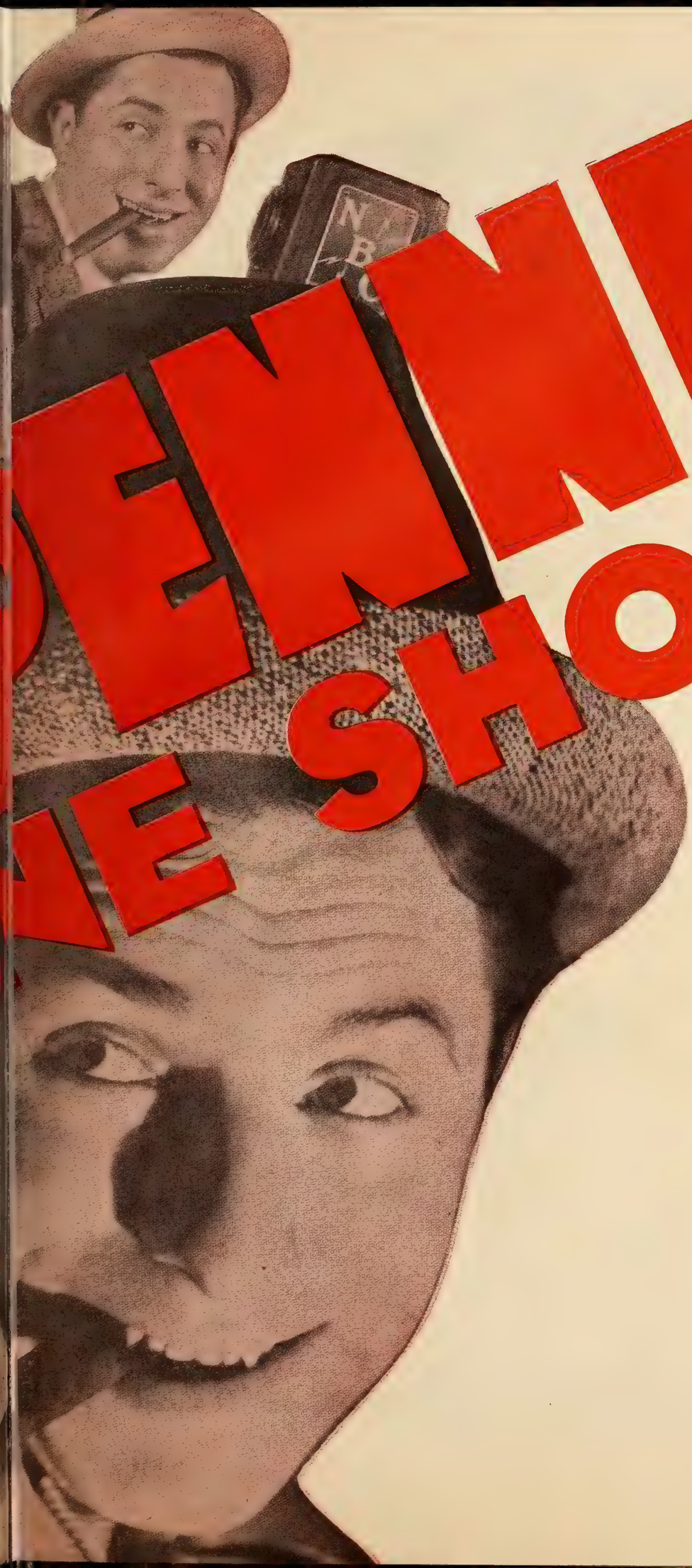

# JOE PENNER SHORTS

**Four 2-Reelers—Three 1-Reelers.**

**To Be Released Week-After-Week Starting April 14th.**

Apr. 14—*(2 Reels)*—JOE PENNER in "GANGWAY"

Apr. 21—*(1 Reel)*—JOE PENNER in "MAKING GOOD"

Apr. 28—*(2 Reels)*—JOE PENNER in "YOU NASTY MAN"
*(Formerly "Here Prince")*

May 5—*(1 Reel)*—JOE PENNER in "SERVICE STRIPES"

May 12—*(2 Reels)*—JOE PENNER in "WHERE MEN ARE MEN"

May 19—*(1 Reel)*—JOE PENNER in "A STUTTERING ROMANCE"

May 26—*(2 Reels)*—JOE PENNER in "TOREADOR"

**Ask any exhibitor who's played Penner . . . He'll tell you the only way to bill him is equally with or above the feature!**

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Translated by ERIC SUTTON

# garet Sullavan

— as the unforgettable Bunny of Hans Fallada's world-wide best seller — a book described by Elsie Robinson to the millions of readers of the Hearst newspapers as — "like a sane, strong hand reaching down into human misery... striking straight into human ignorance; leading us out, and up, into better understanding, into a new faith... Pinneberg and Bunny are not characters in fiction... Here are two loving, living, frightened, stupid, brave youngsters, and their story is OUR MODERN WORLD. It is the story of the struggle of two plain young people in a society robbed of beauty, decency and dignity by the greedy, powerful and selfish."

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## DOUGLASS MONTGOMERY

*Fred Kohler, Alan Hale, Mae Marsh, George Meeker, Muriel Kirkland, Hedda Hopper, Dewitt Jennings, Catherine Doucet, Bodil Rosing. Screenplay by William Anthony McGuire.*

# LITTLE MAN WHAT NOW?

A FRANK BORZAGE *Production*

# Discussion Renewed On 20¢ Minimum

(Continued from page 1)

admission benefited the entire industry and in so doing aided it in meeting increased costs under NRA.

If concerted action is prohibited, it is said, distributors still have several avenues open to them for individual action. One, of course, is the addition of a 20-cent minimum admission clause to the standard contract form. Others include requests to individual exhibitors to maintain the designated minimum admission without embodying it in the contract, or urging all exhibitors in single territories to agree among themselves to maintain it. In situations where 10-cent admissions are just getting a foothold or where the possibilities of exhibitors agreeing among themselves to maintain the higher scale are remote several leading distributors indicate that they might elect not to sell at all to theatres which habitually charge less than the 20-cent minimum.

**Rise of 10-Centers Reported**

Spurring on the efforts to increase the minimum admission scale is a marked increase everywhere in the number of 10-cent admission houses, it is said. Moreover, with generally improving business conditions, many distributors feel that a 20-cent minimum would meet practically no resistance from the public. Conditions a year ago made the adoption of 20-cent minimums almost impossible and plans for adopting them failed to get beyond the discussion stage.

If the move materializes with next season's product it may result in boosting first run admissions in many situations, it is believed. First run and pre-release houses are the first to benefit from increased scales by the subsequents and if a general 20-cent minimum could be maintained, the advance runs might be enabled to boost their scales, it is pointed out.

## *Revolution Film in Work from Mentone*

(Continued from page 1)

nished by Milton Schwartzwald, former head of the RKO musical department, and Gregory Stone. Extensive advertising and exploitation are being planned for the picture and will be in the hands of Joe Lee, Harry Goldberg and Arnold Rittenberg.

This will be Mentone's initial venture into the feature field. The company now produces musical shorts for Universal release.

## *Marcus Benn Returns*

PHILADELPHIA, April 1.—Marcus Benn is back from a Bermuda trip. He came in on the same boat with Al Lichtman.

## *"Glamour" to M. H.*

"Glamour" has been booked into the Music Hall for the week beginning April 20.

## *"Key" Now "Isle of Fury"*

HOLLYWOOD, April 1. — Warners' "The Key" is now "Isle of Fury."

# Monogram Program Sets Busy 4 Days

(Continued from page 1)

Berkowitz, Harry Thomas, Arthur Bromberg, Nat Lefton, Floyd St. John, Edward Golden, Claude Ezell and Oscar Hanson.

The annual meeting of stockholders will start at 2:30 in the afternoon and budgeting and other committees will be named. A meeting of the board of directors will be held in the evening.

Franchise holders and New York and coast executives will discuss 1934-35 product Thursday morning and afternoon. There will be a screening of "City Limits" at 11 P. M. Friday morning and afternoon will be devoted to a discussion of executive policy by W. Ray Johnston, and talks on product by Carr and Ostrow, followed by sales and advertising talks by Golden and Finney. Unfinished business will be cleared up Saturday morning. Herbert Ebenstein will talk on group insurance Saturday afternoon and John C. Flinn will discuss the Code Authority. The annual banquet will be held Saturday night with Louis Nizer as toastmaster.

Trem Carr, vice-president in charge of the company's production, arrived from Hollywood Saturday morning.

## *Chicago Expects An End of Reel Cutting*

(Continued from page 1)

the ordinances is understood to be ready for presentation to the City Council at a meeting shortly following the return to the city of Mayor Edward J. Kelly, who is due in tomorrow from a brief vacation.

Sentiment against the censorship ordinances was marshalled by a united front of the five newsreels here and supported by every major local newspaper. An issue was made of newsreel censorship when Mayor Kelly's police censor board recently banned showings of all newsreel shots of the Socialist rioting in Vienna. It developed later that the police censors had not seen the banned shots at the time the order was issued, and after viewing them when newsreels protested the order, found nothing objectionable in them and approved their showing.

## *Columbia Starting New Stock Company*

HOLLYWOOD, April 1. — Columbia is starting a stock company of 12 which will be kept busy throughout the year, according to the plan.

Those signed thus far are: Richard Heming, Arthur Rankin, Geneva Mitchell and Patricia Caron. William Perlberg, studio casting director, is in charge.

## *K. C. Returns West Film*

KANSAS CITY, April 1. — "She Done Him Wrong" gets a return showing downtown Easter week at the Publix Royal. The original downtown run was at the Publix Newman more than a year ago. It is figured many downtown regulars failed to see Mae West's initial vehicle and that it should draw well, despite the fact it has had repeat runs in the neighborhoods.

# Fairbanks to Make Series in England

(Continued from page 1)

ager, today. He has just returned from a trip to England.

London Films has been newly financed by British and African capital, Ericksen said, and Fairbanks' contribution will represent United Artists' British quota. The first will be further adventures of Don Juan, as yet untitled. It will be made entirely in Spain. Other pictures will be made in other parts of Europe, but under the London Films banner. In the meantime Fairbanks will return to this country at intervals for American pictures.

## *Lightman Approves Chatkin's Theories*

(Continued from page 1)

very best theatre management can be had only through personal contacts and that mechanical or robot operation can never be successful," he says.

"The real operation of a theatre requires a sensitive touch. It thrives on temperament. As a matter of fact, I would liken the operation of a theatre more or less to the work of an artist painting a picture, or any creative work for that matter.

"I do believe that much good can be derived through a central organization affiliated with group operations in various territories. I refer only to that part of theatre operation which is strictly mechanical and which lends itself to collective bargaining, etc. Everything else pertaining to the actual operation should be left to local management, or at least to groups not so big, but what they can be supervised by competent men in the field, without adding too much overhead to accomplish this purpose."

## *Tri-State and Gulf Conventions All Set*

(Continued from page 1)

the Gulf States Theatre Owners' Ass'n. set for a start here on Tuesday will be the presence in the city of a large number of M.P.T.O.A. delegates en route to the coast. The two-day session will be closed with a banquet Wednesday night, and a street fair will be one of the attractions.

## *Flood of Invitations*

HOLLYWOOD, April 1—Ben Berinstein is being snowed under with invitations to entertain M.P.T.O.A. conventioneers. Among those he has accepted is one to have the Wampas "baby stars" appear at the annual banquet in a group.

## *Coast Holds "Wonder"*

HOLLYWOOD, April 1. — "Wonder Bar" is being held over for a third week at both Warners' Hollywood and Downtown. The film has broken house records established at both houses by "42nd Street," coming in $1,500 ahead of the latter for a similar playing time at the Downtown.

## *John Crawford Expands*

GLOUSTER, Ohio, April 1.—John Crawford, operating the local Opera House, has taken over the Majestic, at Corning, O. He intends to acquire other properties to form an independent circuit throughout Ohio and possibly adjoining states.

# Bareford and Rubin Before Review Board

(Continued from page 1)

tion with the code's effect on small enterprises. A number of sales executives, as well as every Code Authority member, however, had been sent a request to appear.

Procedure at the scheduled hearing today, as indicated by Lowell Mason, counsel for the review board, will include a private conference with the Code Authority representatives which will be followed by a public hearing at which they will be asked to testify. Two days of hearings have already been given over by the board to testimony of critics of the code.

## *Awaits Acceptance Of Joint Secretary*

MILWAUKEE, April 1.—Confirmation of the recommendation for joint secretary made by the clearance and zoning and grievance boards at a joint meeting here is being awaited by local members. All members were on hand for the meeting with the exception of H. J. Fitzgerald, Wisconsin Amusement Enterprises, Inc., who is vacationing in Florida and who was represented by Charles Loewenberg, director of advertising for Wisconsin Amusement. It is planned to hold all code meetings at the Hotel Schroeder here.

## *N. O. Raise Is Ordered*

NEW ORLEANS, April 1.—Order have been issued by the Regional Labor Board to the Liberty requiring it to raise operators' wages from the second run figure of $46.66 to $65, the first run scale, with back pay to January when the house signed a second run contract with the operators' union. It was contended that the house has run first run films almost from the start of the agreement.

## *More Gov't Men for 'C.A.'*

WASHINGTON, April 1—Additional government representatives on Code Authority are in prospect as result of Administrator Hugh S. Johnson's announcement yesterday that labor and consumer representatives would be appointed for every coded industry as soon as he had names of qualified candidates.

## *To Repair Fox House*

KANSAS CITY, April 1. — Fox Midwest's Star at Nevada, Mo., will be closed two months for repairs, following a recent fire which destroyed the rear section of the building housing dressing rooms, storerooms and equipment, and damaged the stage and roof. Damage was estimated at $6,000. The blaze originated in an adjoining apartment house.

## *H. B. Franklin Back*

Harold B. Franklin arrived from the coast Saturday after a 10 days' stay in Hollywood. He plans to leave for London, probably late this week, in connection with plans for bringing current London stage plays to Broadway.

# GOING TO HOLLYWOOD?

A CORDIAL WELCOME TO ALL MEMBERS OF M.P.T.O.A. WHO ARE PLANNING TO ATTEND THE CONVENTION IN LOS ANGELES.

WON'T YOU PLEASE DROP IN ON ME AT PARAMOUNT STUDIOS DURING YOUR VISIT? WE CAN RENEW OLD FRIENDSHIPS AND EXCHANGE IDEAS.

I SHOULD LIKE VERY MUCH TO PERSONALLY THANK YOU FOR YOUR VERY KIND CO-OPERATION AND SUPPORT.

CHARLES R. ROGERS

# Schenck Says Indies Should Not Be Aided

(Continued from page 1)

ferior picture spoils the entertainment value of the other, and the patron leaves with a bad taste. While there is over-production, there is not enough meritorious product to permit two good ones on one bill."

Asked whether United Artists will permit multiple featuring of its product, Schenck replied: "If others sell them, we will. We would like to refuse them, but the Government will not permit us to do so."

## "Harum" Portland Smash at $12,000

PORTLAND, April 1.—Almost two and half times the normal intake of the Paramount was registered by "David Harum" during an extended nine-day run. The take was $12,000. Average is $5,000. "Once to Every Woman" on the double bill also helped. It was the best draw of the season thus far.

"Mystery of Mr. X" and "Journal of Crime" secured but $300 over the usual average of $6,000.

First run total was $30,200. Average is $23,000.

Estimated takings for the week ending March 22:

**"MYSTERY OF MR. X" (M-G-M)**
**"JOURNAL OF CRIME" (Warners)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,300. (Average, $6,000)

**"JIMMY THE GENT" (Warners)**
HAMRIC'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $2,800. (Average, $3,000)

**"MEANEST GAL IN TOWN" (Radio)**
**"KING FOR A NIGHT" (Univ.)**
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. **Gross** $2,000. (Average, $2,000)

**"THE SONG YOU GAVE ME" (Col.)**
PANTAGES—(1,700), 15c-25c, 7 days. Stage: Oklahoma Cowboys. **Gross:** $2,100. (Average, $2,000)

**"DAVID HARUM" (Fox)**
**"ONCE TO EVERY WOMAN" (Col.)**
PARAMOUNT—(3,008), 25c-35c-40c, 9 days. **Gross:** $12,000. (Average, $5,000)

**"CATHERINE THE GREAT" (U. A.)**
UNITED ARTISTS—(945), 25c135c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

## "Scandals" $4,400 Draw in Oklahoma

OKLAHOMA CITY, April 1.—"George White's Scandals" was the only attraction in town to pass par figures last week. It reached $4,400 at the Midwest.

Spring weather apparently had something to do with the general falling off. The $4,700 take of "Death Takes a Holiday" at the Criterion was down by $300.

Total first run business was $13,400. Average is $13,500.

Estimated takings for the week ending March 24:

**"GEORGE WHIE'S SCANDALS" (Fox)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,400. (Average, $4,000)

**"DEATH TAKES A HOLIDAY" (Para.)**
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $4,700. (Average, $5,000.)

**"HIPS, HIPS, HOORAY" (Radio)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,200. (Average, $2,500)

**"DARK HAZARD" (F. A.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,200. (Average week, $2,000)

**"HEAT LIGHTNING" (Warners)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $900. (Average week, $2,000)

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Upper World"*

*(Warners)*

HOLLYWOOD, April 1.—Aimed at the masses, combining melodrama with the uppercrust craving to get back to human things and blending a heart-tingling story with action, "Upper World" fashions an entertainment with plenty of appeal.

Railroad tycoon, Warren William, engaged in putting over a big merger, finds solace in his work, and his son, Dickie Moore, until he fishes a show girl (Ginger Rogers) out of the river. With his wife (Mary Astor) busy making a social success, William finds surcease with Ginger.

Ginger's sweetie, J. Carrol Naish, seeing easy money, importunes her to shake down William. Ginger refuses. William, coming to her apartment, is met by Naish, who makes his demands and in heated argument, Naish kills Ginger and William kills Naish.

At a swank socialite party, on the eve of his consummation of the Transcontinental Railroad merger, just before sailing for Europe, reporters rush in and claim the finger prints on the gun are identical with the prints of William. The denouement, answering the question, "Can a wealthy man get away with murder?" is satisfactory, if not startling, and will satisfy patrons. William, Miss Rogers, Miss Astor and Dickie Moore are restrained and confident in sympathetic parts. Naish, menace, is especially apt and convincing. Sidney Toler, William's nemesis, is effective in carrying the nub of the plot. Andy Devine, as William's chauffeur, does a swell comedy role with Ferdinand Gottschalk giving his usual polished performance. Miss Rogers sings one song and gives it that certain something.

Production values blend lavish eye appeal with varied locales. Director Del Ruth imbues the production with feeling and fluidity.

The title has box-office draught.

## *"I'll Tell the World"*

*(Universal)*

HOLLYWOOD, April 1.—"I'll Tell the World," a fluffy, fantastic comedy of the mythical kingdom type, heads right down Lee Tracy's alley and he handles it like a master.

The yarn deals with Tracy, a star reporter for a news syndicate, and a member of a royal family. While sleuthing about Europe he falls in love with Gloria Stuart, a princess in disguise, whom an archduke is determined to enthrone in her country after she has spent most of her life in America incognito.

After taking advantage of his acquaintance with Miss Stuart to scoop Roger Pryor, an opposition reporter, on the story, Tracy persuades Miss Stuart to return to her country against her wishes, only to discover that Lawrence Grant, former prime minister, has plotted to kill her as she crosses the frontier in order to place himself in power. The yarn unwinds Tracy's adventures in rescuing Miss Stuart and beating Pryor to the phone every time news breaks anent the situation.

Edward Sedgewick guided the film into the superior comedy class. The cast contributes fine support, especially Pryor, who comes through with flying colors as a "smarty" type. It is a good laugh picture.

## *"The Trumpet Blows"*

*(Paramount)*

HOLLYWOOD, April 1.—"The Trumpet Blows," reminiscent of "Blood and Sand," lacks the necessary punch. Manuel (George Raft) returns to Mexico, after being educated in the United States, to the ranch of his brother, Pancho Montez, alias Pancho Gomez (Adolphe Menjou), a bandit rancher. Raft falls in love with Frances Drake, a dancer.

Finding that his brother also loves her, Raft runs away and becomes a matador, walks the path of glory until he receives his first superficial wound and then loses his courage. Spurred on by Miss Drake and Menjou, he consents to fight again if Menjou will declare himself in the ring as Gomez, for whom the police are searching. Although wounded again, Raft kills the bull, with Menjou discovered in the ring by the police who, unable to identify him positively, release him, and the three—Raft, Miss Drake and Menjou—return to the latter's ranch. The ending indicates that Raft wins Miss Drake.

Raft's and Menjou's performances are somewhat nullified by the spotty story. Katherine DeMille is outstanding as a servant girl. Miss Drake shows promise. Excellent scenes in the bull ring do much to pull up the film. Stephen Roberts' direction uneven.

(Additional reviews on page 11)

# British Quota Calls for 25 More Features

(Continued from page 1)

eign distributors operating in that country increased yesterday from 15 per cent to 17½ per cent. The figure represents the per cent of total footage released by the foreign distributor in Britain which must be of British origin. The film quota law went into effect April 1, 1928, and expires March 31, 1938. The schedule of quota percentages is fixed for each year ending March 31. It began in 1928 at seven and one-half per cent, which meant that an American company releasing 50 to 60 pictures had to add to its British release schedule four or five pictures made in that country.

In 1930, the quota schedule increased to 10 per cent and remained at that figure for 1931. It increased to 12½ per cent in 1932, and to 15 per cent last year. It will remain at 17½ per cent this year and next, but in 1936 it jumps to the maximum, 20 per cent, where the schedule remains until March 31, 1938, the date on which the British Films Act expires.

The quota schedule for exhibitors in Britain changes on Sept. 30 of each year. This year the exhibitors' schedule, too, increases two and one-half per cent, which will make it 15 per cent. It began in 1928 at five per cent, but attains a maximum of 20 per cent in 1936. Applied to exhibition, the schedule means that, beginning next Sept. 30, at least 15 per cent of the footage exhibited in all theatres in Britain will have to be British-made.

## *Transfer of Lease Upheld in Kentucky*

LOUISVILLE, April 1.—The Court of Appeals has affirmed a judgment of the Jefferson Circuit Court upholding the validity of an assignment of a lease made by the Theatre Realty Corp., involving the old St. Joseph Hospital property in Louisville.

Doctor Alexander, a wealthy citizen of Woodford County, during the early part of 1928, negotiated with Chambers and Jones, owners of the hospital property, for its purchase with the understanding that the Theatre Realty Corp., organized by Chambers, Jones and others, would take a long lease.

When the Theatre Realty Corp. began to lose money on the lease it was alleged they attempted to get a rent reduction from Doctor Alexander's executors, without success. They then sold the lease to the Mercantile Realty Co., it is alleged, for $250 and claimed they were released thereby from any further obligations.

## *Midwest Managers Shift*

KANSAS CITY, April 1.—Managerial shift of Stanley Chambers from the Grand, Topeka, to the Uptown, Kansas City, has caused a transfer by Fox Midwest of C. C. Murray from the Palace, Wichita, to Chambers' old post. William Souttar, from Hutchinson, Kan., has replaced Murray.

# Hepburn Nabs High Take In Frisco Week

San Francisco, April 1.—The Golden Gate here used the Academy award to Katharine Hepburn for plenty of publicity with the showing of "Spitfire." The picture grossed $16,000, which is $3,000 over average, and went into a second week.

Another high on the street was the Orpheum, which grabbed $13,000, or $4,000 above normal, with "Love Birds" and the Mills Brothers on the stage. "Palooka" at the United Artists had $9,500, which is $1,500 over average.

Total first run business was $81,500. Average is $78,000.

Estimated takings:

***Week Ending March 20:***

**"SPITFIRE" (Radio)**

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, vaudeville, band. **Gross:** $16,000. (Average, $13,000)

***Week Ending March 21:***

**"LOVE BIRDS" (Univ.)**

ORPHEUM—(3,000), 15c-35c-50c, 7 days. Mills Brothers, stage, band. **Gross:** $13,000. (Average, $9,000)

**"HEAT LIGHTNING" (Warners)**
**"I BELIEVED IN YOU" (Fox)**

ST. FRANCIS—(1,400), 15c-25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $8,000)

**"PALOOKA" (U. A.)**

UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $9,500. (Average, $8,000)

**"DEATH TAKES A HOLIDAY" (Para.)**

WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Stage, band. **Gross:** $20,000. (Average, $19,000)

**LONG LOST FATHER" (Radio)**
**"HULA" (Central Films)**

FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage, vaudeville. **Gross:** $10,000. (Average, $9,000)

**"NO MORE WOMEN" (Para.)**
**"THIS SIDE OF HEAVEN" (M-G-M)**

PARAMOUNT—(2,670), 15c-35c-40c-65c. 7 days. **Gross:** $9,000. (Verage, $12,000)

# "Can't Buy" Pulls Omaha Top, $5,750

Omaha, April 1.—Aided by a Hearst campaign in the *Bee-News*, "You Can't Buy Everything" gave the World the week's best showing at $5,750. The May Robson picture was supported by "Sleepers East."

Duals all over town, except the Paramount which had "The Student Prince" tab on the stage along with "By Candlelight." Business was fierce despite a price slash to 40 cents in the middle of the week. Gross was about $7,000.

The Orpheum had an average week with "Hi Nellie" and "This Side of Heaven." The take was $7,250. The Brandeis was in the red, with "Mandalay" and "Bedside" getting about $4,100.

Total first run business was $24,100. Average is $25,000.

Estimated takings:

***Week Ending March 22:***

**"MANDALAY" (F.N.)**
**"BEDSIDE" (F.N.)**

BRANDEIS—(1,100), 25c-35c, 7 days. **Gross:** $4,100. (Average, $4,750)

**"BY CANDLELIGHT" (Univ.)**

PARAMOUNT—(2,900), 25c-35c-40c, 7 days. Stage: "The Student Prince." **Gross:** $7,000. (Average, $7,500)

**"YOU CAN'T BUY EVERYTHING" (M-G-M)**
**"SLEEPERS EAST" (Fox)**

WORLD—(2,200), 25c-35c, 7 days. **Gross:** $5,750. (Average, $5,000)

***Week Ending March 23:***

**"HI. NELLIE" (Warners)**
**"THIS SIDE OF HEAVEN" (M-G-M)**

ORPHEUM—(3,000), 25c-35c. 7 days. **Gross:** $7,250. (Average, $7,250)

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Unknown Blonde"*

(*Majestic*)

Hollywood, April 1.—Behind the general idea of exposing the divorce co-respondent racket herein dramatized is enough material for exploitation of "sensational" character. The picture reveals how divorces are arranged to the taste of the disgruntled husband or wife. There is nothing unusually daring or "smutty" in the film, but then again it is not a picture for children.

Some newspapers throughout the country are running a series of articles on the co-respondent divorce expose which fits right in with the film angle of it. In addition to exploitation, name value includes Edward Arnold, Dorothy Revier, Helen Jerome Eddy, John Miljan, Arletta Duncan, Barry Norton, Walter Catlett, Leila Bennett, Barbara Barondess, Esther Muir, Claude Gillingwater and Franklyn Pangborn. Hobart Henley directed.

The story concerns the marital and financial troubles of Arnold and his wife, Miss Revier, whose wanton extravagances lead her husband to take on divorce cases against his will. She frames him into a divorce so that she can marry Miljan for his money. Eventually Arnold has the pleasure of framing her so that Miljan can get a divorce.

Arnold has been making considerable headway in his new line, but sacrifices everything to save his daughter, Miss Duncan, from being tricked into a divorce by Norton's parents. He happens to be the lawyer on the case for the plaintiff, not knowing until it is too late that his daughter is to be the innocent victim.

## *"Finishing School"*

(*Radio*)

Hollywood, April 1. — Aimed at matinee business, "Finishing School" is a tender, touching film with an appeal primarily feminine. It has enough curiosity-arousing values, also, to make modern boys want to know what goes on behind the doors of a fashionable girls' school.

Frances Dee, modest society bud placed in an exclusive school by her mother (Billie Burke), meets pert, worldly Ginger Rogers, her roommate. In the school Miss Dee finds good-natured hypocrisy, evasion and the spirit of "do what you want, only don't get caught." On a clandestine week-end party a waiter (Bruce Cabot) intercedes for Miss Dee when an All-American halfback tries to get fresh. A romance develops between Cabot and Miss Dee, with Cabot barred from the snob school's social functions.

The real menace is the school itself, symbolizing a crushing, heartless suppression, personalized by the matron, Beulah Bondi.

Cabot and Miss Dee are attractive screen sweethearts. Miss Rogers nearly steals the show by her wise nonchalance. John Halliday, Miss Dee's father, and Irene Franklin as a pseudo aunt are fine in small parts.

Dual direction by Wanda Tuchock and George Nicholls, Jr., mixes the brilliant with the ordinary. The film is interesting and arresting, giving the lowdown and insight to lure the inquisitive and should more than satisfy as a program release.

## *"All Men Are Enemies"*

(*Fox*)

Hollywood, April 1.—Beautiful sets and photography are the keynote of this production with a romantically inclined story for the ladies. Its dearth of names for the American market is shrewdly balanced by the inclusion of British players for overseas response. The newcomer, Hugh Williams, English stage star, makes his American debut in the lead. His enunciation is broad, often difficult to understand, while his emotional reactions are artistically repressed.

The story is in a placid mood and a quiet tempo. Williams, an artist, irked by business routine in London, breaks away and goes to Italy, where he falls in love with Helen Twelvetrees. Separated by the war, their letters are intercepted, each losing track of the other. Thinking Miss Twelvetrees has gone, Williams is inveigled into marrying Mona Barrie. Unhappy, he separates from her, goes to Italy and finds Miss Twelvetrees.

With Williams uncertain as a drawing card, Miss Twelvetrees is the top box-office name, staging a nice comeback. Herbert Mundin, Una O'Connor, Henry Stephenson, Halliwell Hobbes and Matt Moore give good support. George Fitzmaurice directed. The title, which has no relation to the action, may help somewhat, but the lackadaisical unfolding of the plot holds this to the program category.

(*Additional reviews on page 12*)

# *Insiders' Outlook*

(*Continued from page 2*)

have made a bid for what's left of the metropolitan circuit. The protests seem a bit too persistent. After all, it's all up to the Federal court. If someone bounces in with a very sweet deal—one that will ring pleasantly in the ears that belong to the members of that selfsame protective committee—what would you think might happen? You're right. . . .

▼

The Educational-Fox deal has been submitted to some dry cleaning with less spot before the eyes on all sides. Why the cleaning? It goes back to that lightning-like arrangement which put the former's distribution through the latter in one week-end. The general understanding which went afloat concurrently with the setup was that Educational would make whatever shorts Fox wanted to handle. Only that didn't happen. Now, following some meetings, the inside has it Educational will be what it was slated to be originally, sans newsreel, and that this goes even for the Magic Carpet series, if next season is to have one. . . .

▼

Written on the train window: That Harold B. Franklin has been angling with RKO, his former love, for a distribution contract. J. R. McDonough is reported to have told him, in effect: "Sure, we'll release, but we want to take a look first." Now, there you have an obstacle. . . . That "Frankie and Johnnie," Chester Erskin - produced and Consolidated-financed, may end up in McDonough's favorite company, as well . . . That Loew's are lending serious thought to a one-theatre invasion of China. Shanghai would be the spot. Harry Moskowitz, head of the construction department and brother of Charlie, is expected to look over the ground. . . .

▼

Bang-up conventions, that's the reputation those Tri-States boys have gathered for themselves. We look in on that and on Memphis Monday, go Pullman into New Orleans for a day at the Gulf States pow-wow and then to the coast for the M.P.T.O.A. convention, three issues of the *Daily* with publishing roots temporarily sunk in California soil and a more or less minute study of what happens to exhibitors in Hollywood and even in reverse. It ought to be good. . . .

KANN

## *Making Industrials*

Joe Rothman of Caravel Studios has finished a series of sound films for industrial concerns, the latest being one for Goodrich Tire. A feature for Socony-Vacuum is in the offing.

## Cincinnati

CINCINNATI, April 1.—Tale from Barker L. B. WILSON's radio station WCKY, located at Covington, Ky., across the river from here, regaled the barkers at last week's meeting. MAURICE THOMPSON, studio director, acted as M.C. MURDOCK WILLIAMS, piano stylist, DIXIE DALE and the THREE MARTIN SISTERS, vocalists, provided the harmony. EDWARD T. DIXON, local member of the State Liquor Control Board, and TAY BROWN, noted football star, and coach at the University of Cincinnati, gave interesting talks.

CHARLES PALMER is the first applicant to be elected to membership under the new classification of non-active resident members, recently inaugurated.

WILLIAM DODDS, second in command at the RKO Albee, is to become party of the second part to a matrimonial contract in June, so 'tis whispered. MARGARET SCHNEIDER is the party of the first part.

KARL ROHS, operating the theatre which bears his name at Cynthiana, Ky., is another barker destined to say "I do" in the not far distant future. GERTRUDE HUMMELL, local girl, will accompany him down the aisle.

Arrangements are being made to hold a session of "night court" in the club rooms on some Saturday soon. Barkers EDWARD T. DIXON, former law court judge, ABE LIPP and CHARLIE WEIGEL, attorneys, will participate.

GEORGE W. EDDLEMAN is the new steward of Tent No. 3. He's an old-timer at the game, having shaken 'em up for more than 30 years.

W. F. RODGERS, general sales manager of M-G-M, here from New York, was a visitor to the club rooms in company with ED BOOTH, local manager.

## Cleveland

CLEVELAND, April 1.—A capacity crowd attended the club's regular luncheon meeting, with BENNY RUBIN, headliner on the RKO Palace vaudeville bill, as guest of honor.

NAT WOLF, Warner theatre zone manager, and SID DANNENBERG, in charge of publicity and exploitation, were "kings for the day." They provided the entertainment consisting of MANNY LANDERS' orchestra and several acts from the Roxy Theatre burlesque show.

BOB MENCHES, president of the Akron Exhibitors Ass'n, brought his gang from Akron for the festivities.

J. E. FONTAINE, club president, has negotiated for additional space, the four-week-old club having already outgrown its original quarters. The new space will be used for ping pong tables.

BILL WATSON and CHARLES E. DOTY of the Hippodrome will wear the regal crowns for Monday's luncheon.

## Kansas City

KANSAS CITY, April 1.—A "big time" and many surprises are promised for the housewarming today when the doors of the club quarters will be officially thrown open on the fourth floor of the Muehlebach Hotel. The layout comprises three rooms, formerly occupied by the Rotary Club. Renovations and changes, plus installation of a bar, are being rushed. The housing committee recommended the Muehlebach after extensive investigation of all possible facilities.

Barkers are proudly displaying membership pins and cards which were handed out by Chief Barker FRANK HENSLER.

"Kings for the Day" PAUL LAROCHE and STANLEY CHAMBERS procured DR. J. H. WIENER, former coroner's chemist, as the guest speaker at the last meeting. His subject, "Chemistry as a Policeman," the doctor related how the chemical sleuths track down puzzling elements of suicide and murder.

Weekly luncheon meetings, it has been decided, will be at the Muehlebach on Monday, serving starting promptly at 12 bells in the cafe.

Something different in the way of luncheon arrangements will be tested during April. Instead of two "kings for the day," the "kings" will be chosen from individual companies, with as many kings as there are members from that firm. Thus, April 2 is "Erpi Day," April 9 "Paramount Day," April 16 "Fox Day," April 23 "Dubinsky Day." Larger representation and bigger and better ideas are expected to result.

Chief Barker HENSLER, First Assistant Chief Barker ARTHUR COLE, as well as other officers and the canvassmen, say the turnout at the luncheons has been very gratifying.

Recent "kings" have been FINTON JONES, GEORGE BAKER and ERWIN DODSON, LEO FINKELSTEIN and DON DAVIS, HARRY TAYLOR and BILL WAGNER.

By-laws committee has completed its work and a state charter of incorporation will be applied for at Jefferson City. The committee comprised ARTHUR COLE, chairman; IRWIN DUBINSKY, CHARLES E. SHAFER and Attorney ELLIOTT H. JONES, who advised on the legal angles.

Barker L. J. MCCARTHY, Fox Midwest district manager, called his managers to Excelsior Springs for a two-day "pep" meeting. New product and campaigns were on the agenda.

Barker RALPH C. LIBEAU, Paramount district manager, shook the dust of Film Row for a couple of days in Texas.

Members of the Women's City Club motion picture committee were hosts to Barkers COLE, BARKER, CHAMBERS and MUCHMORE at an annual "appreciation" luncheon. Other film and theatre men were invited but, for various reasons, were unable to show up, much to the embarrassment of all concerned.

# Variety Club Chatter

## Pittsburgh

PITTSBURGH, April 1.—The annual benefit show will be held at Loew's Penn, April 15. This is the biggest stage and screen show of the year in Pittsburgh and a sellout is predicted.

Congratulations to PAPAS MCGREEVEY, MORIN and SULLIVAN. The JOHN MORINS and TOM SULLIVANS were each blessed with a little girl while the stork brought the J. T. MCGREEVEYS a bouncing baby boy.

The disabled veterans of the Marine Hospital and also from the World War Hospital will be the guests of the club Wednesday night at the six-day bike race at Duquesne Gardens.

ART (Columbia Pictures)) LEVY, as chairman of the golf tournament, has all of his plans set for this affair, which will be held on May 7 at the South Hills Country Club.

JERRY MAYHALL'S band at the Tent Club is causing plenty of favorable comment here in Pittsburgh.

STEVE COX took the Pittsburgh All Stars (Hockey) at Madison Square Garden for the championship playoffs.

JOHNNY HARRIS has been working out with the Pittsburgh Pirates in their training quarters on the coast.

# Looking 'Em Over

## "The Countess of Monte Cristo"

*(Universal)*

Hollywood extras, two in particular, have a little field day of their own in this story, which, of course, is too good to be true, but good enough to be entertaining. It has Fay Wray, an extra, being given the gate by her boy friend reporter when he loses his job. While on the lot made up for the part of the countess of Monte Cristo, Miss Wray, accompanied by Patsy Kelly, who acts as the maid, runs off with the studio car to a little Austrian town. She is accepted as the real countess.

Here she becomes intrigued by the suave Paul Lukas but it is Reginald Owen, a clever thief, who pulls a fast one on the hotel which subsequently benefits Miss Wray to the tune of a complete new wardrobe and quite a little money. Both fall for the heroine and when the two men meet, Lukas forces Owen to leave the country or face arrest. As a result of the threat, Owen notifies the police of the identity of Lukas. Rather than embarrass the girl, Lukas gives himself up. It turns out that there has been a large reward for his capture, Lukas having been a notorious criminal who successfully eluded the police for 10 years.

Miss Wray returns to her home and tells Page of the incident. He gets a scoop on the yarn, gets his job back on the paper and the heroine is given a nice long-term contract by the studio.

## "Love Past Thirty"

*(Monarch)*

"Love Past Thirty" succeeds in interesting moderately in spite of the handicap of an antiquated plot and its somewhat old-fashioned air. As its central character it has a woman getting on in years who has given herself completely to the care of her widowed brother's household. This role is played passably well by Eileen Pringle.

The film picks up interest when Miss Pringle, about to lose to her pretty niece (Phyllis Barry) the sweetheart of her girlhood (Theodore von Eltz), who has come to visit the home town after 16 years, decides to kick over the traces and show the hussy and the world she is not the old maid they think her. The transformation wins back von Eltz, who comes to the realization he cannot keep up with the pace set by youth. Miss Barry also comes to her senses and makes up with her boy friend, who has been eating his heart out over the girl's romance with the older man.

There is a homey touch about the production that may help it along. The cast, furthermore, has a number of names that are pretty good box-office. The players, in addition to those mentioned, include Ben Hall, Pat O'Malley, Gaylord Pendleton, Gertrude Messinger, Mary Carr, Robert Frazer, John Marston and Virginia Sales. Vin Moore directed.

## Pick Wheeling Receivers

WHEELING, W. Va., April 1.—Attorneys Jay T. McCamic and Carl O. Schmidt have been appointed special receivers for the Capitol Theatre Co. here by Judge J. H. Brennan in Ohio County Circuit Court. The appointments were made in an equity action brought by the Cleveland Trust Co. and Rudolf A. Malm, trustees, against the Capitol Theatre Co., Wright Hugus and Albert W. Laas, trustees, and Capitol Enterprises, Inc.

## Capital Club About Set

WASHINGTON, April 1.—The local chapter of the Variety Club, sponsored by Charles Krantz, Harry Hunter and others, is scheduled to take definite form on April 7, on which date the actual organization is planned.

## Louis A. Beatty Passes

WILMINGTON, April 1.—Louis A. Beatty, 48, theatrical producer and writer, died unexpectedly of a heart attack. In 1921 he founded the Lou A. Beatty Theatrical Bureau, of which he was producer, manager, booking agent and writer.

## S. C. Advances Seat Tax

COLUMBIA, S. C., April 1.—A committee of the Senate has approved the bill recently passed by the House to tax theatres on their seating capacity instead of one cent on every 10 cents admission, and it is expected that the Senate will also approve the bill within the next few days.

## New Writer Pacts Up

HOLLYWOOD, April 1.—Study of a uniform free lance writers' contract submitted by Tristram Tupper and Jack Natteford has been ordered by Trem Carr, president of the I. M. P. P. A. Carr says the association will take no action until every member has had a chance to look over the contract form.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 77 NEW YORK, TUESDAY, APRIL 3, 1934 TEN CENTS

## Loew's Won't Operate Poli Until Autumn

### *Sagal Expected to Stay Pending Change*

Operation of the 18 Poli New England houses will not be taken over by Loew until the Fall, according to present plans, it was stated yesterday. Loew's has had control of the circuit since early in the season, but is planning to delay installation of Loew management until the summer is over.

Louis M. Sagal, who is operating the houses now and has been since the resignation of Harry C. Arthur about a year ago, will in all probability con-

(*Continued on page 6*)

## Para. Shorts Cut; Series in East Set

Although Paramount will make an appreciable reduction in its new season short subject schedule it will continue to produce three of its established short subject series and a number of one and two-reel subjects in the east, Lou Diamond, in charge of the company's short subject production, said yesterday. Diamond returned Sunday

(*Continued on page 6*)

## ITOA Attacks NRA In Appeals Brief

ALBANY, April 2.—A brief was filed yesterday by Weisman, Quinn, Allan & Spett, attorneys for the I.T.O.A., in the Court of Appeals in a move to win a reversal of the decision handed down recently in the New York Supreme Court by Justice Collins ordering 11 theatres belonging to the exhibitor association to reinstate 55 operators af-

(*Continued on page 6*)

### *Hecht-MacArthur to Produce in the East*

Ben Hecht and Charles MacArthur, prominent screen and stage writers, will enter production in the east and may be backed by Eastern Service Studio, it was learned yesterday.

Hecht and MacArthur will write their own stories, and cast, direct and produce them, it is said. Captain G. McL. Baynes, head of Eastern Service Studio, declined to comment on the Hecht-MacArthur plans. It is understood that the initial production will be backed by Eastern Service and made at the Astoria studio.

## Warner Scale In St. Louis Stirs Up Row

### *Price War Threatened—MPTO Files Protest*

ST. LOUIS, April 2.—What many regard as the opening of a new price war here has developed as a result of the 10c-25c-40c scale at which Warners have opened "Wonder Bar" at the Shubert-Rialto. The 25 cents applies to 6 o'clock and the 40 cents evening, with 10 cents for children.

Many neighborhood houses charge these scales for subsequent runs, it is claimed. Following a meeting of the M.P.T.O., Fred Wehrenberg wired protests to Joseph Bernhard, head of Warners' theatres, and to Gradwell Sears, southern and western sales manager for Warners.

In the first run field Fox and Loew's State charge 15 cents for children, and the adult scale is 25 cents to 2

(*Continued on page 6*)

### *Bondholders Favor New St. Louis Plan*

ST. LOUIS, April 2.—A committee representing the holders of $848,000 in second mortgage bonds on the Ambassador, Grand Central and Missouri theatre properties has sent out letters to the holders of such bonds approving the proposed plan for the reorganization of the theatres.

The second mortgage bonds committee is headed by William T. Nardin. Under the proposed plan, second mortgage bonds would be replaced by stock in two new companies to be formed by Allen L. Snyder, Harry Koplar, et al. In all 25 per cent of the stock in the two corporations would go to the second mortgage bondholders.

These bonds were guaranteed by

(*Continued on page 6*)

### *Praises Trade Press*

**Memphis, April 2.—"We need the trade papers badly and must encourage them by urging exhibitors to read them. Without the trade press it would have been impossible for us to have kept thousands of exhibitors who didn't get to Washington advised on what was going on with the code," Ed Kuykendall told the Tri-State exhibitor convention today.**

**"The only intelligent way to keep in touch is through constant allegiance to the trade papers, for you must remember success in local operation depends on success in national operation."**

## Hold Decision Legalizes 20¢ Minimum Scale

The fixing of a 20-cent minimum admission, either by contract provision or other means, was held by sales executives queried yesterday to have been given legal authorization by the ruling handed down Saturday by Judge John Knox in U. S. District Court here which upheld price fixing under the NRA code for the cleaning and dyeing industry.

It is pointed out that provisions for establishing minimum admissions are present in the film code by virtue of their inclusion in the standard li-

(*Continued on page 3*)

### *Wage Survey to Be Made by Authority*

A survey of wage conditions and hours prevailing in distribution and exhibition will be started shortly by the committee appointed recently by

(*Continued on page 2*)

## *Holy Week Business Is Spotty In Some of Keys*

Business was spotty in a number of key cities due to Holy Week and a tendency to hold back big pictures, but in isolated instances grosses were well over normal. Detroit was one of the latter. Montreal and Minneapolis and St. Paul also held up, but Pittsburgh and Providence went into the throes of a slump, and Washington fell off.

Chicago was also hit hard with only two first runs above average. These were "It Happened One Night," with $15,000 at the Roosevelt, and "George White's Scandals," with $16,000 at McVickers. The others were: "Catherine, the Great," United Artists, $15,000; "Good Dame," with show, Chicago, $28,000; "No More Women,"

(*Continued on page 6*)

## Call Sounded By Kuykendall To Halt Labor

### *Business in Union Grip, He Tells Tri-States*

By RED KANN

MEMPHIS, April 2.—Declaring organized labor cannot be permitted to organize new unions where none now exist unless exhibitors want them, Ed Kuykendall threw down the gage of battle today and promised the Tri-States convention a way will be found to prevent labor from running the business. Approximately 700 I. A. T. S. E. organizers recently were let loose throughout the country to form new unions and as many more are about to go forth, he stated, adding it looked like war to him.

Kuykendall's speech was the highlight of the two-day convention, which

(*Continued on page 3*)

## Don't Expect Too Much, Warns Kann

MEMPHIS, April 2.—"Don't expect too much from the code. The best that can be said for it is that it is temporary. For years distributors' and exhibitors' troubles have been wracking the industry. Therefore, why, because of the NRA or any other alphabet department of the government, should you think four months of a code can or will do what years have failed to do?" asked Red Kann in a

(*Continued on page 3*)

## Plan to Complete Boards by Friday

With the code selection committee meeting today to complete personnel of New York and Philadelphia boards, Campi expects to announce the official setups April 6.

Two members of the Philadelphia boards are in question while the committee today will start work on picking men for one main board and three advisory committees for New York.

### *Radio Authority Is After Audience Data*

WASHINGTON, April 2.—Questionnaires are to be sent out to broadcasters by the radio code authority to determine how many performances are open to the public, how large the

(*Continued on page 3*)

# MOTION PICTURE DAILY

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *Wage Survey to Be Made by Authority*

(*Continued from page* 1)

Code Authority to report on the Hollywood situation.

The survey of the production, distribution and exhibition fields follows a request by President Roosevelt to all industries for a 30-hour week and increased salaries.

A report on the Hollywood studio schedules is expected within the next week or so. The committee consists of Harold S. Bareford, Charles L. O'Reilly and George J. Schaefer.

## *Expect Code Cost Plan Ready Monday*

Complete data on plans for financing Code Authority is scheduled to be announced Monday, following approval of the budget by Campi Friday. Each city, town and hamlet will be broken down into total population and theatres for purposes of arriving at a figure for taxing industry members.

Details on the Hollywood extra situation are also expected to be made public following the next session of Campi.

## *Flash Review*

*A Modern Hero*—Richard Barthelmess in a human story which should appeal generally.

*Review of this picture will appear in full in an early issue of* MOTION PICTURE DAILY.

## *Allied Delays Meeting*

Allied of New Jersey has called off its regular session scheduled for today. The next meeting will be held April 10.

# Boards Start Job in Seven More Cities

Code boards in seven more cities—Memphis, St. Louis, New Orleans, Pittsburgh, Denver, San Francisco and Cleveland—have begun work. In some there have been disagreements over secretaries which will be settled by Code Authority.

ST. LOUIS, April 2.—Grievance and clearance and zoning boards met here today for organization purposes.

Word has been sent out by the M. P. T. O. that exhibitors where there are no zoning schedules should get in touch with the clearance and zoning board. They also have been told that claims for 10 per cent cancellation privileges should be sent to the grievance board.

NEW ORLEANS, April 2.—Independents who registered to Bert Kern of the Happy Hour and Herbert J. Schwartz of the Maison Blanche Co. as code board members have been told by Ed Kuykendall that no action will be taken until proof of their impartiality is submitted.

DENVER, April 2.—Grievance and zoning and clearance boards held a joint meeting here today. A successor to Harry Huffman, who failed to qualify as a member of the clearance and zoning board, was discussed Huffman failed to sign the code.

PITTSBURGH, April 2.—A deadlock over the appointment of a secretary developed at a week-end joint meeting of the grievance and clearance and zoning boards. The subject went over until the next meeting. No successor has been named by the Code Authority to Ben Kalmenson on the grievance board.

SAN FRANCISCO, April 2.—Miss Rowena Foley, secretary of the Film Board of Trade, has been unanimously recommended for the post of joint secretary for the grievance and clearance and zoning boards. Morgan A. Walsh of Oakland, president of the I. T. O. of Northern California, was chairman of the organization meeting. Charles Muehlman, Floyd St. John and Aaron Goldberg were named on a committee to select permanent quarters, and G. C. Parsons, Cliff Work and A. M. Bowles were selected to secure furniture for the offices.

MEMPHIS, April 2.—Dissension developed at the initial joint meeting of the code boards here at the Chisca Hotel over the naming of a secretary. The boards agreed on the nomination of Mrs. Alma Walton, who is also secretary of the M.P.T.O. of Arkansas, Mississippi and Tennessee, but Howard Waugh protested the choice on the ground that she would be biased in favor of the organization.

Several other nominees were discussed, but the only other person figuring in the final voting was Mrs. Ethel Horne, secretary to Col. Cecil E. Vogel, Loew city manager.

A monthly budget of $500 was fixed. The boards will meet regularly on alternate Mondays in headquarters to be selected by a committee composed of M. A. Lightman, J. J. Rogers, W. E. Sipes. Ed Kuykendall was present at the organization meeting.

CLEVELAND, April 2.—Code boards here met for the first time today jointly at the Statler. Edwin J. Fontaine was named temporary chairman of a committee including J. D. Kalafat, Jerome M. Friedlander and Frank Drew to select quarters and report at the next meeting on Monday. Georgia Moffett, Film Board secretary, was unanimous choice for secretary. Maximum monthly operating cost of $950 was proposed.

KANSAS CITY, April 2.—The local code boards will announce a secretary, budget and quarters late this week, following approval by Code Authority.

## *Mayer Services Today*

Funeral services for Adolph H. Mayer, father of Bertram Mayer, of the law firm of Feitelson & Mayer, and Archie Mayer, of DuWorld Pictures, will be held today at 2 o'clock from the Riverside Funeral Chapel. Mayer died Sunday afternoon.

## *Issues on Big Board Advance*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 29¾ | 27¾ | 29½ | +2⅝ | 3,000 |
| Consolidated Film Industries | 4⅝ | 4⅜ | 4⅝ | + ⅜ | 500 |
| Consolidated Film Industries, pfd | 15⅞ | 15⅜ | 15½ | — ¼ | 200 |
| Eastman Kodak | 88 | 87½ | 88 | +1¼ | 500 |
| Fox Film "A" | 15½ | 15 | 15½ | ..... | 1,100 |
| Loew's, Inc. | 32⅞ | 31⅞ | 32⅞ | + ⅞ | 10,400 |
| Loew's, Inc., pfd | 92½ | 92 | 92½ | +2½ | 200 |
| Paramount, cts. | 5⅝ | 5⅛ | 5⅝ | + ⅜ | 2,400 |
| Pathe Exchange | 3⅜ | 3¼ | 3¼ | ..... | 1,300 |
| Pathe Exchange "A" | 19⅜ | 18⅝ | 19⅜ | + ¾ | 2,400 |
| RKO | 3⅜ | 3⅜ | 3⅜ | + ⅛ | 1,600 |
| Warner Bros. | 7⅜ | 7 | 7⅜ | + ¼ | 8,600 |

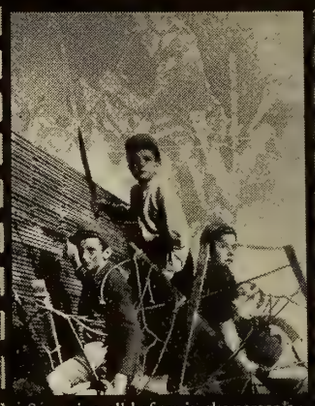
## *Technicolor Up ¼ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8¼ | 8⅛ | 8¼ | + ¼ | 200 |

## *Paramount Publix Bonds Rise 2*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9½ | 9⅛ | 9⅛ | — ¼ | 8 |
| General Theatre Equipment 6s '40, ctf | 9½ | 9½ | 9½ | ..... | 5 |
| Loew's 6s '41, ww deb rights | 98 | 98 | 98 | — ½ | 9 |
| Paramount Broadway 5½s '51 | 33⅝ | 33⅝ | 33⅝ | + ⅝ | 1 |
| Paramount F. L. 6s '47 | 50¼ | 50 | 50¼ | + ¾ | 8 |
| Paramount Publix 5½s '50 | 51 | 50¼ | 51 | +2 | 15 |
| Pathe 7s '37, ww | 91 | 90⅞ | 91 | + ½ | 3 |
| Warner Bros. 6s '39, wd | 58¾ | 58 | 58¼ | + ¼ | 143 |


## *Spot News from Columbia*



Sweeping all before it, the screen's greatest emotional masterpiece is on its way! Frank Borzage's finest achievement, "NO GREATER GLORY," based on Ferenc Molnar's world famous novel!

Exhibitors are going to have a Roman holiday with this one! Just throw open the doors before they batter them down to see it! JOHN BARRYMORE in "20th Century," with Carole Lombard, Walter Connolly, Roscoe Karns. Screen play by Ben Hecht and Charles MacArthur. A Howard Hawks production.

The strangely powerful drama of a woman who loved *two* men who loved her—and *had* to choose! ELISSA LANDI in "Sisters Under The Skin," with Frank Morgan and Joseph Schildkraut. Directed by David Burton.

# Call Sounded By Kuykendall To Halt Labor

(Continued from page 1)

opened with screenings Sunday and business session all morning and afternoon today.

The M. P. T. O. A. president spoke 75 minutes during which his address ranged from the place the theatre should play in the community to block booking and the code.

"The big bad wolf is not so bad at all," he said. "The big men in New York are willing to go along and are appreciative of exhibitor problems, except where efforts are made to chisel. The code will be fair because any board member or Code Authority member who is not will be drummed out of business. It's true we exhibitors didn't have much left to give up but whatever benefits there may be in the code the exhibitors got."

### Stick Together, He Urges

Kuykendall took a wallop at exhibitors who failed to organize, declaring organization workers were carrying along the drones, thereby making a lot of "dumbells" successful despite themselves.

"The man who fails to be active in exhibitor work can be described only as a cheat," he declared. "The code might have been different if exhibitors had been organized as producers were and if petty groups interested in getting for themselves what they did not have but someone else did were not so active."

Kuykendall made the statement the Patman bill, which, he said, was "so rank you will never see it again," proved the necessity for exhibitor associations and warned theatremen faced an avalanche of trick taxes all over the nation if they failed to get together. Overbuying was an evil he attacked, dividing blame between irresponsible exhibitors and high-pressure salesmen. "It can't continue because it means constant confusion in the industry," he pointed out. He described negotiations looking to the end of free radio shows and revealed for the first time the M. P. T. O. A. membership, which he placed between 7,000 and 8,000. theatres, had contemplated banning any film star who went in for broadcasting.

### Criticizes Percentages

On percentages his comment was: "The drift toward constantly increasing percentages is growing overwhelmingly. With between 30 to 35 per cent for features, more percentages for that racket known as score charges and five per cent for shorts, exhibitors cannot exist. I have been fighting score charges, which are a simon pure racket and hope action will develop at the Los Angeles convention." Explaining the 10 per cent cancellation privilege, he said all exhibitors should exercise it where rentals are $250 and less, regardless of what exchange men may tell them, and predicted the distributor practice of selling a block of 60 on the basis of eight specials and then pulling out specials to be sold separately will ultimately cease. His method of accomplishing this he said would be to make contracts so plain there could be no misunderstanding.

Indecent gags dragged into otherwise clean pictures were submitted to his attack. "Hollywood must learn to stop it," he said, "just as it must learn to stop taking uncalled-for pokes at childbirth." While he did not mention "State Fair" by name, Kuykendall's reference to the picture falling in the former classification was unmistakable to those present.

As a prospective piece of business for Los Angeles is a warning that if steps are not taken action will be directed at stars who continue to receive unfavorable newspaper publicity. Kuykendall intimated the M. P. T. O. A. was considering banning their pictures. Broached here for the national convention to follow up is the national organization's belief fewer pictures and longer runs were on the way. Kuykendall declared producers in New York told him this was on the way.

### Sees Meet Biggest Ever

He said the Los Angeles meeting will be the biggest M. P. T. O. A. convention of all, with Will Rogers definitely set as banquet toastmaster and Marie Dressler on the program among others, adding some studios would spend as much as $10,000 to entertain the conventioneers.

"Useless shorts" were condemned by resolution, as was the indelicate handling of childbirth sequences.

Fred Jack, district manager for Warners, declared his company plans more like "As the Earth Turns" if this picture clicks and urged a return to old-time exploitation methods.

Lionel H. Keene, Loew's southern district manager, came from Atlanta to attend, as did "Snake" Richardson, Universal district manager in the same city.

From New York was David Palfreyman, theatre contact of the Hays organization, who tonight left for the Gulf States convention in New Orleans with Kuykendall.

### Lightman Presides

M. A. Lightman, Tri-States president, was in the chair and in the afternoon conducted an open forum in which strong protest against high-bracket percentage pictures was registered. He concurred with Kuykendall that advances by labor would spell disaster for the industry unless checked, and tonight he was in general charge of the banquet and entertainment which closed the convention.

Mississippi exhibitors, confronted by a state tax which totals 12 per cent on some admissions, enlisted support of Arkansas and Tennessee exhibitors on a proposed test case of the law, with Palfreyman pledging financial support in the proposed battle, which starts with a meeting of Mississippi showmen in the next few days.

Kuykendall said tonight Jay Emanuel, Philadelphia, will be his Campi alternate temporarily.

## *To Decide "Villa" Policy*

Decision whether or not to road-show "Viva Villa" will be made by M-G-M shortly following the opening of the picture at the Criterion, April 10.

## *First Division in N. O.*

NEW ORLEANS, April 2.—First Division will open offices here shortly under management of Lyall Shields.

## *To Pick Secretaries*

**Recommendations for approximately 15 of the 31 secretaries for clearance and zoning and grievance boards will be approved by Code Authority at its meeting Friday.**

# Don't Expect Too Much, Warns Kann

(Continued from page 1)

brief address today before the Tri-States M.P.T.O. convention.

He disagreed with Ed Kuykendall, M.P.T.O.A. president, who stated earlier that the code should not be criticized before trial, pointing out that criticism before trial seemed to him proper in order to make it work smoothly once the code becomes operative.

"There have been pot shots taken at the personnel of Campi on the ground that producers are in control, but remember that in all other codes major vested interests dominate their code authorities. If you happen to subscribe to the argument that producers dominate Campi, your beef should be directed at the NRA and its concept and not at your own business."

## *Radio Authority Is After Audience Data*

(Continued from page 1)

audience is, and whether any stations charge admissions.

Officials of the NRA today pointed out that while the film and legitimate theatre code authorities have spoken of radio studio audiences in round numbers, there is no accurate information available. Before negotiations with the other two code authorities on the controversy over free radio performances, the radio code authority wants to find out definitely whether any stations charge admissions, it having been reported that WLS in Chicago is charging $1 for its "Barn Dances." If this is the case, it is declared, it has a definite bearing on the charge that the studios are competing unfairly with theatres.

## *Say Decision Makes 20c Minimum Legal*

(Continued from page 1)

cense agreement. Several distribution companies are now discussing plans for a 20-cent minimum admission clause in new season contracts, as disclosed yesterday in MOTION PICTURE DAILY. The plans are regarded as having been given considerable impetus by the Federal court decision. Fixing of the 20-cent minimum, it is expected, may be defended by increased production and operating costs under the code.

## *Warners to Release Full Schedule of 60*

KANSAS CITY, April 2.—Warners will release its full schedule of 60 features the current season, S. Charles Einfeld, advertising and publicity director, revealed here today enroute to the coast. Beginning June 1, the company will release 24, the balance for the season, at the rate of 6 per month.

# Costs Raised 20% by Code, Carr Asserts

Production costs under the film code have been increased 20 per cent per picture without any corresponding increase in receipts having materialized yet, Trem Carr, Monogram production head, said yesterday.

Producers, he declared, look for no increase in revenue to offset code costs until business conditions throughout the country are generally stabilized. Carr reported appreciable increases in employment in Hollywood have resulted from the code, but said that in some instances this has reduced the earnings of other employe classifications by reducing their former working schedule to comply with the maximum hour provisions of the code.

"These employe classifications and producers," Carr said, "are about the only ones in Hollywood who have not received any benefits from the code up to now."

Carr said that increased production costs under the code have placed a real burden on the smaller independent producers, as the rate of cost increase per picture is proportionately higher for the producer making only a small number of pictures.

Carr is here to attend Monogram's annual sales meeting, which opens tomorrow at Atlantic City.

## *Monogram Heads Off For Atlantic City*

Monogram executives and franchise holders gathered here yesterday in advance of the company's annual sales meeting, opening tomorrow at Atlantic City. The entire delegation leaves today for the meeting place.

W. Ray Johnston, president; Trem Carr, vice-president in charge of production; Lou Ostrow, executive producer, and Edward Golden, sales manager, head the delegation which leaves for Atlantic City today. Franchise holders in the convention group include Claude Ezell, William G. Underwood, Nat Lefton, Barney Rosenthal, Nat Steinberg, Jack Berkowitz, B. H. Mills, Arthur Bromberg, Howard Stubbins, Floyd St. John, Irving Mandel, J. T. Sheffield, Robert F. Withers, J. S. Jossey and Herman Rifkin. Norton Ritchey, Monogram export manager, and Harry Thomas, president of First Division, are also in the convention group.

## *United, Canada, Has $1 Per Share Profit*

MONTREAL, April 2.—The financial statement of United Amusement Corp. operating 21 theatres in Montreal and vicinity, shows the company has maintained a sound position. Net profit at Dec. 31 stood at $74,675, equivalent to $1 for each common share, after depreciation, bond interest and other charges.

Assets totalled $5,166,509 and working capital $179,270. The previous report gave assets at $5,297,744, with working capital at $87,510. United Amusement is closely associated with Famous Players Canadian Corp.

OPENING AT
RKO MUSIC
HALL APRIL 20

# GLAM

with

## PAUL LUKAS

CONSTANCE

## CUMMINGS

Phillip Reed, Joseph Cawthorn, Doris Lloyd, and many others. Directed by William Wyler. Presented by Carl Laemmle. A B. F. Zeidman Production.

A UNIVERSAL PICTURE

Edna Ferber's

# COUR

# Loew's Won't Operate Poli Until Autumn

(*Continued from page* 1)
tinue in that post until Loew takes control, it was said yesterday

Election of Nicholas M. Schenck to the presidency of Poli-New England will take place Friday, April 6, at which time David M. Bernstein will be named vice-president and Leopold Friedman secretary. The elections will take place at Loew headquarters in the Loew building.

## *49 Chicago Indies Join Against Favoritism*

CHICAGO, April 2.—Calling for the privilege of running the same release simultaneously with competitors provided like admission is charged and determined a place should be created for dime houses where conditions warrant, 49 local exhibitors, representing 77 theatres, met at the Stevens today and formed the Independent Theatre Owners Ass'n. Roy Alexander, Melrose Park Theatre, presided. R. Christenson, La Salle, and Henry Barbaras, Lorraine, were co-chairmen.

The group represents 75 per cent former Allied members, who withdrew from the organization charging it failed to stand up for the small independents. Joe Pastor has been sent to Washington to speak for them before the National Recovery Review Board.

# *Holy Week Business Is Spotty In Some of Keys*

(*Continued from page* 1)
Oriental, $22,000; "The Lost Patrol," Palace, $17,000; "Sleepers East," State-Lake, $13,000.

Detroit had an exceptionally good week.

Washington grosses fell off slightly. Takes were as follows: "Gallant Lady," Columbia, $5,500; "Jimmy, the Gent," Earle, $15,000; "No More Women," Fox, $19,000; "Once to Every Woman," Metropolitan, $6,000; "Eskimo Wife Traders," Palace, $9,000; "The Love Birds," Rialto, $9,000; "It Happened One Night," RKO-Keith's, $5,500.

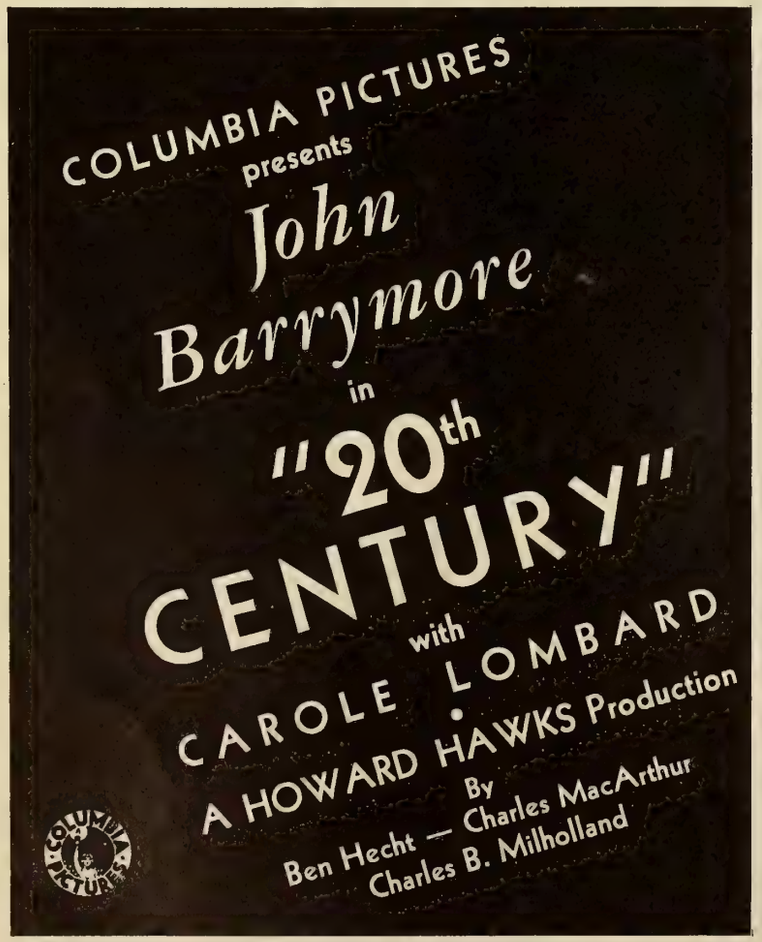
Twin Cities grosses failed to show any bad effects from Holy Week. "Bolero" ran away with top honors at the Minnesota in Minneapolis with $8,500,

Pittsburgh took it on the chin, five of its six first runs slumping.

"I've Got Your Number," with a stage show, ran away with top honors in Denver. The $13,000 take topped normal by $3,500 at the Orpheum.

"The Lineup" was the only attraction in Providence to reach first base. It took $7,500, up by $500, at the RKO Albee, helped by Billy Rose's "Crazy Quilt Revue."

Business was slow in Indianapolis. "David Harum" was still good for an average $2,500 in its fourth week at the Apollo. "Journal of a Crime" was taken out of the Circle at the end of five days to make way for "Wonder Bar."




# Para. Shorts Cut; Series in East Set

(*Continued from page* 1)
from a month's visit at the Paramount studios.

The actual shorts schedule has not been set yet and awaits further conferences here between Diamond and Emanuel Cohen, Paramount production head. Three series produced in the east are assured of being continued, however, Diamond said. They are Paramount Headliners, Paramount Pictorials and Screen Souvenirs.

Diamond explained that while he has not made any new season deals with outside shorts producers, Paramount will be in the market for any good subject that is marketable. He ascribed the forthcoming production curtailment to code regulations limiting short subject sales in proportion to the number of features offered.

# Review Board Goes On Erratic Course

WASHINGTON, April 2.—Continuing the erratic course which has marked its proceedings throughout, the National Recovery Review Board today postponed its examination of the labor clauses of the code and will go into that phase tomorrow. No reason was given for the delay after the session set for 3 o'clock this afternoon had been postponed to 4 o'clock and then entirely called off.

A number of oil men waiting to be heard were not reached. Harold S. Bareford, representing Code Authority, and here for conferences on when its testimony will be sought was also kept waiting, although Lowell Mason, counsel for the board, said he expected to confer with him tonight.

Due to the death of his sister, Miss Jane Rubin, Sunday night at the Doctors' Hospital, J. Robert Rubin called off his trip to Washington to attend the hearing of the National Recovery Review Board.

Rubin and his family yesterday accompanied the body to Syracuse where the funeral will be held tomorrow morning.

## *Argue Quittner Motion*

A motion for leave to appeal the Joseph Quittner monopoly suit against major producer-distributors "as a pauper" was argued yesterday in U. S. Circuit Court of Appeals here. Arthur Butler Graham represented Quittner, a former Middletown, N. Y., exhibitor, and Gabriel Hess of the M.P.P.D.A., and Bruce Bromley, of Cravath, de Gersdorff, Swaine & Wood, appeared for the defendant companies. The court reserved decision.

## *Campbell at Cheese Club*

Speakers at the Cheese Club luncheon today will be Gerald Campbell, British consul-general; Charles Laughton, Philip Merivale, Raymond Massey and A. E. Mathews.

# Warner Scale In St. Louis Stirs Up Row

(*Continued from page* 1)
o'clock, 35 cents to 6 o'clock and 55 cents thereafter. At the St. Louis and Missouri, running sluff pictures, the scale is 15 cents for children and 25 cents for adults to 6 o'clock and 40 cents thereafter. The Ambassador, only house with stage shows, has a 15c-25c-35c-55c, depending upon what time the patron enters. Many subsequent run and neighborhood houses have scales of 25c-30c-35c.

Some of the neighborhoods are threatening to cut to 10 cents.

Joseph Bernhard and Gradwell Sears refused to discuss the St. Louis situation when asked yesterday.

## *Bondholders Favor New St. Louis Plan*

(*Continued from page* 1)
Charles, George and Spyros Skouras and Clarence M. Turley. The committee has recommended that the Skouras brothers and Turley be released from the old guarantee and that their offer to buy the stock in the new companies over a period of 15 years at the face value of the old second mortgage bonds be accepted. This purchase price would be at the rate of one per cent a year for 10 years, beginning in two years.

It is expected that both the first and second mortgage bondholders will accept the proposed reorganization plans, and reach an agreement with Fanchon & Marco for operation of the houses.

## *ITOA Attacks NRA In Appeals Brief*

(*Continued from page* 1)
filiated with Local 306, I.A.T.S.E., allegedly dismissed in violation of the NRA.

One of the grounds on which reversal is sought is that "the National Industrial Recovery Act is unconstitutional, as being in excess of the power of Congress to enact, as being a delegation of legislative powers, as providing excessive punishment."

The brief asserts "there is not one statement of fact" in the action brought by Local 306 to support its charges that the defendants were seeking "to bring about the disintegration and destruction" of the local. The I.T.O.A. "unequivocally denies" boycotting the local.

## *ITOA Refused Code Places, It Declares*

Several members of the I. T. O. A. have been offered places on the local clearance and zoning board and have turned them down, the organization stated yesterday. The unit said it will not sign the code because of differences with Division Administrator Sol A. Rosenblatt.

Harry Brandt, Milton C. Weisman and Charles E. Lewis leave today for Washington to attend the hearing of the National Recovery Review Board.

# IN HOLLYWOOD

The first exhibitor convention out where they make 'em in nine years and the first since sound came in will be covered in three issues of Motion Picture Daily to be published in Hollywood April 10-11-12, supplementing the regular appearance of the publication in New York each morning.

The smart merchandiser will want to be represented.

# ALWAYS SOMETHING NEW WHERE *Educational Pictures* PLAY

Monotony is **out** of the show where *Educational's* short subjects add spice and variety to the program. Here there's *always something new, something different.*

Just one month's releases bring you...the return of **Buster Keaton**...the screen debut of those popular "nut" comics, the Three **Ritz Brothers**..."**Pagliacci**" the biggest thing in screen grand opera...an amazing microscopic picture, "**Born To Die,**" showing the actual beginning of life...a beautiful **Romantic Journey** in natural colors...and the always sure-fire cartoon laughs of **Terry-Toons.**

Variety...entertainment value...box-office power...showmanship...always.

Buster KEATON in "THE GOLD GHOST"
Directed by CHARLES LAMONT

ANOTHER GEM FROM THE TREASURE CHEST SERIES....
Famous Scenes from
"PAGLIACCI"
with
HENRY HULL
Produced and directed by WILLIAM C. DeMILLE
English libretto by JOHN ERSKINE

ONE OF THE GREATEST FEATURETTES OF ALL TIME
Play it for a return run
NOW
"KRAKATOA"
Winner of the Academy Award for the Best Short Subject Novelty of 1933

The THREE RITZ BROTHERS
in a fast and furious frolic of fun
"HOTEL ANCHOVY"
Produced by AL CHRISTIE

Educational Pictures
"THE SPICE OF THE PROGRAM"

**Distributed in U. S. A. BY FOX Film Corporation**

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 78 NEW YORK, WEDNESDAY, APRIL 4, 1934 TEN CENTS

# Review Board Findings To President April 15

## Stanley-Erpi Suit May End Outside Court

### *Delay Anti-Trust Trial Over Replacements*

WILMINGTON, April 3.—An amicable settlement of the anti-trust suit brought by Stanley Co. of America, Duovac Radio and General Talking Pictures against Erpi, Western Electric and A. T. & T. is in progress, it was reported unofficially here today when lawyers for both sides appeared in U. S. District Court and asked that trial of the suit, which was scheduled to start Wednesday, be continued until next fall.

None of the local counsel would confirm the report that a settlement was in progress.

Plaintiffs in the action charge that Erpi and affiliated companies named in the suit violated the Clayton and Sherman anti-trust laws in their enforcement of restrictive clauses on

(*Continued on page* 5)

### *Columbia Half-Year Profit Is $404,562*

Columbia during the half year ended Dec. 30, 1933, continued to show the improvement indicated in its statement for the year which ended July 1, 1933, according to figures released yesterday. The company reports a net profit of $404,562.93 for the second half of last year after all charges. This is equal to approximately $2.25 per share on the common and compares with $4.10 on earnings of $740,-240.97 for the preceding 12-month period.

Consolidated balance sheet showed total assets for the half year of $6,-911,664.47, against which there were total liabilities of $1,485,286.66. Earned surplus amounted to $2,363,610.01. Cash aggregated $653,423.93.

### *Franklin and Selwyn Set to Sail Friday*

Harold Franklin sails Friday on the *Berengaria* for London, where he will spend four weeks on a pleasure and business trip. He says he has several things in mind and when he returns will have something definite to announce as to his future plans.

Accompanying Franklin will be Arch Selwyn and Jed Harris.

"The time is ripe for individualism in pictures," Franklin states. "By

(*Continued on page* 2)

## R. A. Rowland Goes to Radio As a Producer

HOLLYWOOD, April 3.—Richard A. Rowland today signed a contract to become an associate producer for Radio. He will leave for New York the end of the week to look over suitable stories and plays and will return here to produce.

## Production Gains; 42 Films in Work

HOLLYWOOD, April 3.—Production last week continued on the incline over the preceding week, which was considered a heavy week for action and above the normal average of 40 features in work. The past week registered 42 features and 12 shorts in work as compared to 41 and 10 for the preceding week.

At the beginning of this week stu-

(*Continued on page* 5)

## See Angle of Labor Fight In Louisiana

By RED KANN

NEW ORLEANS, April 3.—Louisiana, reflecting what Ed Kuykendall declared at the Tri-States convention in Memphis was the impending national fight on unions, is faced by legislation calling for the creation of an examining board of operators which if enacted would, it is said, place all theatres under the domination of alleged radical labor leaders.

Important theatre men identified

(*Continued on page* 5)

## Business Gaining, Kann Says in N. O.

NEW ORLEANS, April 3.—A note of optimism was brought to the first annual convention of the Gulf States Theatres Association today by Red

(*Continued on page* 5)

## *Monogram Men Set for Atlantic City Sessions*

ATLANTIC CITY, April 3.—Approximately 50 Monogram franchise holders and executives arrived here today for the opening of Monogram's fourth annual sales convention at the Ambassador Hotel on Wednesday.

W. Ray Johnston

The annual meeting of Monogram stockholders to elect directors and the annual meeting of the new board of directors to elect officers of the company will be held Wednesday night in conjunction with the sales gathering. The re-election of W. Ray Johnston as president of the company is regarded as certain.

Mayor Harry Bachrach is scheduled to open the business sessions of the convention with a brief address Wednesday morning. The meeting will then be called to order by Johnston, who is scheduled to preside at the business sessions. Brief addresses by Trem Carr, vice-president in charge of production; Lou Ostrow, executive producer; Harry Thomas, First Division president and distributor for Monogram in a number of eastern situations; Edward Golden, Monogram sales manager; Ed Finney, advertising and publicity

Trem Carr

(*Continued on page* 6)

### *No Radical Suggestions Coming, Is Feeling In Washington*

WASHINGTON, April 3.—Findings of the National Recovery Review Board on complaints of monopoly, unfair practices and oppression of small businesses under the code will be in the hands of President Roosevelt by April 15, in compliance with a request for speedy action made by him prior to his departure from Washington last week, it was learned tonight.

With the sole exception of William C. Elliott of the I.A.T.S.E., who will appear next Monday to refute testimony on the labor provisions submitted today by Murray Harston of New York on behalf of the Independent M. P. Operators' Union, the questioning of witnesses was completed today.

Reporting to the board on his conference last night with Harold S. Bareford of Warners, Lowell Mason,

(*Continued on page* 4)

### *Back Wages Ordered For 14 RKO Workers*

The NRA Regional Labor Board yesterday ordered RKO to grant back pay to 14 employes of the RKO Albee, Brooklyn, who had filed charges that they were working 52 hours per week instead of the 40 hours prescribed by the code, although paid on the latter basis. The back pay order was for the 12 hours per week difference from Jan. 1 to the present.

The board reserved decision on charges brought against Madison Square Garden by Theatre and Amusement Employes' Union, Local 118, over the alleged discharge of ushers for union activities. Both the Garden and Local 118 were given 24 hours in which to file affidavits in connection with the charges.

### *New Sign Men's Pact Is Likely This Week*

Action on a new contract with New York Sign Writers' Union, Local 230, calling for a wage increase of $1.50 per hour and a seven-hour day, four-day week, may take place the end of this week, it was learned yesterday. The old contract with the sign writers expired Sunday. The union is conducting its negotiations this year with contractors for lobby sign work, instead of with theatre operators directly as formerly.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Franklin and Selwyn Set to Sail Friday

(*Continued from page 1*)

that I mean concentrating on one picture at a time; being committed to no definite number of pictures a year nor to any release dates that must be met."

In association with Selwyn, Franklin plans to produce a number of plays, later filming those that prove successful on the stage. The pair will try to consummate a deal in London with Charles B. Cochran to produce three of his British stage successes here with the same stars.

Only tried and proved plays and players will be considered by Franklin, he intimates. As an example of screen technique on the stage, he cited "She Loves Me Not."

## Seidelmans Due Tonight

Joseph H. Seidelman, head of foreign activities for Columbia, arrives tonight from Southampton on the *Berengaria* with Mrs. Seidelman.

While abroad Seidelman closed several distribution deals, including one for Paris.

## Lewis to MPTOA Meet

The I. T. O. A. will be represented at the M. P. T. O. A. convention April 10-12 by Charles E. Lewis, who leaves for the Coast either today or tomorrow to attend the three-day annual meeting.

## Mayor at Variety Lunch

CINCINNATI, April 3.—Mayor Russell Wilson was guest of honor at yesterday's noonday luncheon of the Variety Club.

## Ampa Party Program Mapped at Meeting

Advertising and publicity heads and purchasing agents for all film companies yesterday met at the M. P. Club to map plans for getting out the souvenir program for the Ampa "Naked Truth" Dinner to be held at the Astor April 21.

More than $10,000 is expected to be raised for the *Film Daily* Relief Fund and the M. P. Charity Fund, which will evenly divide the net profits of the banquet. Approximately 900 of the 1,500 tickets available have already been sold for the affair.

Attending the meeting were Howard Dietz, Si Seadler, Charles E. McCarthy, Robert H. Gillham, Eugene Zukor, Walter Eberhardt, John C. Flinn, Ken Hallam, Henry Randell, Joe Lee, Jack Bowen, Al Sherman, Joe Pincus, George Brown, Al Seligman, J. J. McCarthy, Paul Benjamin, Charles Sonin, Sam Sedran, Paul Gulick, Robert Wolff, Rutgers Neilson, Hal Horne, Louis Nizer, Joel Swenson and Martin Starr.

## Signs Wampas Winners

HOLLYWOOD, April 3.—The Wampas "baby stars" have been signed by B. P. Schulberg for "Kiss and Make Up." They are Katherine Williams, Jacqueline Wells, Gigi Parrish, Lu Ann Meredith, Lucille Lund, Ann Hovey, Hazel Hayes, Jean Gale, Dorothy Drake, Helene Cohan, Jean Carmen, Betty Brysen and Judith Arlen.

## Cohn in Tomorrow

HOLLYWOOD, April 3.—Harry Cohn, president of Columbia, leaves by plane for New York tomorrow arriving there Thursday for conferences with his brother Jack and Nate Spingold.

## Agree on "Nana" Cuts

SPOKANE, April 3.—The censor board has consented to have "Nana" shown at the Granada here following the agreement of United Artists officials to delete parts of the film objected to.

## Lichtman Returns Today

Al Lichtman, vice-president and general sales manager for United Artists, returns today from Bermuda, where he has been recuperating from a recent illness.

## Paramount Decides To Stay in Germany

Paramount will not withdraw from Germany as long as trade conditions there continue in their present status, it was indicated yesterday as a result of conferences on the company's future policy there which have been under way between John W. Hicks, president of Paramount International, and Adolph Zukor, Paramount head.

It is understood, however, that the possibility of the company's withdrawing from Germany may again be considered in the event restrictions on American film companies result in making business operations there more difficult than they now are.

Hicks recently returned from a European trip and has just completed his report to Zukor on conditions in Germany.

## Warner Executives West

Jack L. Warner, vice-president in charge of production; Gradwell Sears, southern and western sales manager, and A. W. Smith, eastern and Canadian sales manager of Warners, leave today for the coast to begin conferences on the new season's line-up. They will also look over the remainder of the current season list and set the summer release schedule.

## Dissolve Color Pictures

Dissolution of Color Pictures, Inc., was voted by stockholders yesterday at a meeting at the offices of the company, 15 Broad St. The firm had been inactive since it was founded in February, 1929, to produce pictures in color using the Technicolor process. William Travers Jerome headed the firm until his death recently.

## Protest Delaware Bill

Formal protest against the pending Delaware censor bill has been sent to Wilmington by the Civil Liberties Union on the ground that control of obscenity should be left to the courts, "as in the case of newspapers, periodicals and the stage."

## Take Spanish Films

Kinematrade, Inc., has closed a deal with Reliable Film Export Co. for distribution in the United States of two Spanish-language films, "Two Women and One Don Juan" and "The Enemy."

## Eastman Up One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30⅝ | 29¾ | 30 | + ½ | 3,800 |
| Consolidated Film Industries | 4¼ | 4¼ | 4¼ | — ⅜ | 500 |
| Consolidated Film Industries, pfd | 15½ | 15½ | 15½ | ..... | 200 |
| Eastman Kodak | 89 | 87½ | 89 | +1 | 300 |
| Fox Film "A" | 15⅝ | 15¼ | 15½ | ..... | 1,100 |
| Loew's, Inc. | 32⅞ | 32 | 32¾ | — ⅛ | 7,100 |
| Paramount, cts. | 5⅝ | 5¾ | 5⅝ | ..... | 16,400 |
| Pathe Exchange | 3½ | 3¼ | 3¼ | ..... | 2,000 |
| Pathe Exchange "A" | 19⅞ | 19½ | 19¾ | — ⅜ | 2,200 |
| RKO | 3½ | 3⅜ | 3½ | + ⅛ | 2,000 |
| Warner Bros. | 7¼ | 7 | 7¼ | — ⅛ | 8,000 |

## Technicolor Drops One on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8½ | 8 | 8 | —1 | 300 |
| Trans Lux | 2 | 2 | 2 | ..... | 200 |

## Bond Market Up Slightly

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9½ | 9½ | 9½ | + ⅛ | 2 |
| General Theatre Equipment 6s '40, ctf | 8⅞ | 8⅞ | 8⅞ | + ¼ | 1 |
| Loew's 6s '41, ww deb rights | 98¾ | 98½ | 98¾ | + ¾ | 29 |
| Paramount Broadway 5½s '51 | 34½ | 33⅞ | 34½ | + ⅞ | 6 |
| Paramount F. L. 6s '47 | 50⅞ | 50 | 50 | — ¼ | 11 |
| Paramount Publix 5½s '50 | 51½ | 50½ | 50⅝ | — ⅜ | 18 |
| Warner Bros. 6s '39, wd | 59 | 58¾ | 59 | + ⅛ | 76 |

## Purely Personal

FELIX F. FEIST, E. M. SAUNDERS, FRED QUIMBY, MORT SPRING, JOE VOGEL, C. C. MOSKOWITZ, DAVID BLUM, GABRIEL HESS, LEO ABRAMS, HARRY SHIFFMAN, LEE OCHS, BEN SHERMAN, JACK STEINMAN, LOUIS NIZER, LOUIS PHILLIPS, JOE VERGESSLICH, HENRY SEIGEL, PHIL HODES, CHARLES GOETZ, AL FRIEDLANDER, and MORRIS KUTINSKY all at the M. P. Club yesterday partaking of food and chatting about things other than business.

JOSEPH SIMMONDS, president of Tower Pictures, arrives from the coast this week. He is making a stopover in Chicago prior to his arrival in New York where he will confer with HERMAN GLUCKMAN, president of Majestic.

MARTIN STARR has been appointed publicity director for the Ampa "Naked Truth" Dinner to be held at the Astor April 21. He leaves shortly for the coast where he will sign several bathing beauties with producers.

ROBERT H. GILLHAM leaves for the coast the end of the week and plans to stay in Hollywood only a week to get material for Paramount's product announcement book.

ALAN SCOTT is on his way to the coast to make an adaptation of his stage play, "Ringstrasse," for Radio. FRED ASTAIRE and GINGER ROGERS are under consideration for the leads.

BEBE DANIELS and her husband, BEN LYONS, have gone to Chicago for the first stop of their personal appearance tour. After visiting Detroit they will return here.

MOE STREIMER, U. A. local exchange manager, leaves for Atlantic City Saturday for a short vacation. MRS. STREIMER accompanies.

HOWARD S. CULLMAN, Roxy receiver, will discuss "Unemployment Insurance" before the state legislature at Albany today.

HARRY D. BUCKLEY and MONROE GREENTHAL are back from Boston where they attended the opening of "The House of Rothschild."

ROY MACK, Vitaphone director, left for the coast yesterday to direct two two-reelers in Technicolor at the Warner plant.

EDWARD BOWES returns to aircasting Sunday after an absence of four weeks.

EMANUEL COHEN expects to stay in New York for another three weeks before trekking back to the west coast.

KATHARINE HEPBURN will arrive on the *Paris* today. She spent five days in Europe.

ALICE FAYE is on her way to New York. She has just finished work in Fox's "Now I'll Tell."

GEORGE MARION JR.'s story, "College Rhythm," has been purchased by Paramount. It will be a musical.

CARROLL GRAHAM's novel, "Border Town," has been bought by Warners.

GLORIA SWANSON arrives from the coast tomorrow.

BOB SISK bought a ticket to Boston yesterday.

BEN GOETZ will be in town about 10 days before returning to the coast.

# RIPTIDE

## ...happy days are here again...

**SMASH** go the records from Coast-to-Coast. Here's the first three days' business by telegraph, as we merrily go to press:

NEW YORK
Sets three days' record for past year and a half!

PHILADELPHIA
Biggest mid-week opening in 3 years!

BALTIMORE
S. R. O. signs for Shearer fans!

BOSTON
Biggest first three days in two years!

COLUMBUS
Beats everything except "Tugboat Annie" record-holder!

RICHMOND
Beats everything except "Tugboat Annie."

ROCHESTER
Terrific business for Shearer's greatest!

WASHINGTON
Within reach of house record! And going strong!

SYRACUSE
Sensational reception! S. R. O. here!

MEMPHIS
Beat "Tugboat Annie"

EVANSVILLE
Best opening on the books!

DES MOINES
Biggest house has had except "Tugboat Annie"

NEW ORLEANS
Beats "Tugboat Annie" and "Dinner at 8."

NASHVILLE
Beats "Tugboat Annie" and "Dancing Lady." Sensational!

And the telegrams pour in from Akron, Canton, Cleveland, Providence, Springfield, Houston, Kansas City, Indianapolis, St. Louis, Omaha, Louisville...and all around the map it's "Riptide Wrecks Records!"

*Cheers for*
Norma Shearer, Robert Montgomery in "Riptide," with Herbert Marshall, Mrs. Patrick Campbell. Written and directed by Edmund Goulding. Presented by Irving G. Thalberg.

**EXTENDED PLAYING TIME? NATURALLY!**

# Review Board Findings Set For Apr. 15

(*Continued from page 1*)

counsel, announced that the Code Authority would content itself with the filing of a statement on the standard contract, and, possibly, a brief answering the points raised by complainants. Tomorrow the case against the code will be summed up by Mason and Abram F. Myers, general counsel for Allied.

No radical recommendations will be made by the board in its report to the President, it was indicated tonight. In considering the testimony taken during the hearings, members of the board will also delve into the proceedings before the Recovery Administration during negotiation of the code, and will not lose sight of the fact that during the hearings just closed only one side of the picture has been presented.

In all probability, it was indicated, the report will merely point out that there are provisions in the code which undoubtedly should be amended, and may cite instances of this nature, but the making of such changes will be left to Administrator Hugh S. Johnson, to whom the Board expects the President naturally will turn for advice.

### Industry Practices Attacked

Attacks on block booking, labor provisions, protection and patents marked the hearing today, as members of the Board, impressed by the fact that 13,000 independents had so many charges against a few majors, became more insistent in their questions as to why, comprising the bulk of the industry, the independents have never attempted to force modification of the methods of the "Big Eight."

Appearing for the purpose of attacking the labor provisions, Harston was interrupted almost before he got well into his argument by W. O. Thompson, a member of the Board, who declared he did not think anyone should be heard unless appropriate notice had been sent to all interests involved. Harston's testimony was stopped, but he later was permitted to continue when it was learned that Elliott would come to Washington next week to answer.

Declaring that the code as written is perfectly satisfactory, Harston charged the affiliated unions with having interpreted its provisions in a way never intended. He declared that the hearings during the negotiation of the code indicated clearly what was intended.

As a result of the "perversion" of code provisions, he asserted, contracts made by his union August 21 with New York exhibitors were thrown out by the Regional Labor Board on the contention of the affiliated union that the code prohibited changes in personnel except by mutual consent. The result of this decision, he said, was to make effective the affiliated union's demand for two men in a booth. Exhibitors have held the Board's decision to be unconstitutional and have indicated their willingness to go to court, and the matter has not been settled, he said. Fifty cases are pending in New York courts, he added.

Harston offered new provisions which he would have incorporated in the code for the purposes of clarification, he explained. Under these amendments to Section 6, the August 23 date would be eliminated and the phrase "the date of the effective date of this revised code" substituted, which would eliminate a chief basis of controversy.

### Offers Another Provision

In addition, he would have a new Sub-Section B providing that the boards set up under the section "shall determine solely the prevailing wage scale and compute the maximum number of working hours for such employes, per individual," thus eliminating a contention that the cost of booth operation be used in arriving at prevailing wages.

Explaining that he appeared at the request of the I.T.O.A., Governor Floyd B. Olson of Minnesota, declared films were affected by a public interest and "a practice which in one sense may be oppressive to the industry may in another sense also affect the opportunity of the public to see pictures which they should have an opportunity to see."

Referring to protection, Governor Olson declared that uptown houses in Minneapolis, formerly running 60 days after the downtown theatres, now were 120 days behind.

"The situation, as I view it, is this," he explained. "If the Code Authority, which is entirely dominated by the producing interests, carries on in the same manner in their public capacity as they have as representatives of private industry, ultimately they will compel the outlying theatres to show a film after it is shown downtown at the downtown prices. The obvious tendency has been to bring all the trade downtown. It is not a good thing to compel this by law."

### Calls Complaints Useless

Complaints to Administrator Johnson, the Governor said, were ineffective. Independent exhibitors should have adequate representation on the Code Authority, he held, as well as the public.

"Do you believe a man who represents the government in this case should be taken from the ranks of the 'Big Eight'?" he was asked by Board member J. F. Sinclair.

"You are asking me to make a comment concerning a member of my profession," he replied, referring to the fact that both he and Division Administrator Sol A. Rosenblatt are lawyers. "I would prefer, if I were dealing with a tribunal, that he be someone other than a representative of the industry. It is not a matter of integrity, but of viewpoint."

### Steffes Testifies

Governor Olson was followed by W. A. Steffes, president of Allied of the Northwest, who discussed the Minneapolis Film Board of Trade, which, he said, was originally formed "to create good will, but turned out to be a form of kangaroo court where the producers' representatives could gather and all agree among themselves on various trade practices and then go out and enforce these practices against the independent theatres."

Asked what effect the code has had, Steffes said the local boards had not yet begun to function, adding: "I think under the code they have the right to tell us we must wait 10 years for pictures and charge $11.60 admission."

"What would you suggest as a substitute for block booking if it were eliminated?" Sinclair asked.

"I think the theatre owner should have the right to select features from every company in the business," Steffes said.

Later he said he did not think producers had any right to be in the theatre business.

Replying to a question as to why some of the big companies are in receivership, Steffes said: "Towns are greatly over-seated. If they had stayed out of the theatre business they would not be in the hands of receivers today."

Alfred Weiss, for six years vice-president and general manager for Samuel Goldwyn, discussed the troubles of independents. Goldwyn made money as an independent producer, he said, until sound came along and then found himself unable to sell his product because he used independent equipment and the "Big Eight" demanded the use of licensed equipment.

### Sees Sound Monopoly

Attacking what he termed the patent monopoly of the telephone company through its subsidiaries, Weiss testified he went into the manufacture of sound equipment, selling it for from $4,500 to $6,500 against W. E.'s charge of $22,000. In six months he secured sales of $600,000 he said, and had an offer of $750,000 for 49 per cent of his company which he accepted. He was then served with papers in a suit for infringement, he said, and exhibitors were scared off and refused to complete their contracts. The offer for his company was withdrawn and he was forced out of business, he added. The suit never was pressed, he asserted.

The attack on the alleged patent monopoly was continued "as a fundamental matter vitally affecting the American people," it was said by Robert Robbins, sound device manufacturer, whose company, now bankrupt, will be reorganized "if the Administration perpetuates the National Recovery movement."

Robbins declared that Erpi's contract with the major producers permits the telephone company to "own directly or indirectly six or eight of the major producers." He urged that public utilities be divorced from private enterprise. He also urged the enactment of the communications bill pending in Congress and the placing of films under a communications commission.

# Complaints to Be Listed As They Come In

Complaints will be listed and heard by grievance boards in the order of filing. All exhibitors making protests will be checked for qualification by boards, which will have a duplicate file of unqualified assents on hand. No one not signing the code will be qualified to protest.

A number of complaints already filed with Campi in New York will be forwarded to secretaries upon appointment.

Three forms for filing complaints were sent to all board members yesterday. They are divided into white, blue and pink classifications. About 350 forms are now in the mail and approximately 30,000 will go out shortly.

The white form is for complaints dealing with Article VI, Part 2, Section 1, Paragraphs (a) or (b) or (c) or (d). The blue form is exclusively for complaints under Article VI, Part 2, Section 4. The local board does not make a determination of complaints filed under this section: it either dismisses the complaint or certifies the complaint for determination by Code Authority. The pink form is for protests under Article VI, Part 2, and deals with non-theatricals, refusal of fair adjustment, designation of percentage dates, reduced admissions, theatre transfers and premature advertising.

A continuous checkup on exhibitors requesting 10 per cent cancellations will be kept by Code Authority through exchanges throughout the country. Whenever concessions are about to be made by distributors, branch managers will notify secretaries of the boards and they in turn will first request exhibitors who did not sign the code to contribute toward its upkeep before the cancellation is granted.

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PITTSBURGH, April 3.—A second meeting of the code boards has been set for next Tuesday afternoon, at which time a report is expected from the committee on headquarters. Aaron S. Jaffe, Samuel Horvitz, Joseph Moore and James Alexander are in charge of this.

James Balmer, general manager for the Harris Amusement Co., will represent Senator Frank J. Harris on the grievance board until the latter recovers.

At the first code meeting, Robert Klingensmith, staff editor here and representative of the *Box-Office*, was agreed upon for the permanent secretary.

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Approval of Robert Klingensmith as secretary for the Pittsburgh boards is expected at the Campi session Friday. His nomination is unanimous and procedure of Code Authority is to name appointees who meet with unaqualified approval.

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NEW ORLEANS, April 3.—Mona O'Rourke, secretary to Harry S. McLeod of the St. Charles, today was unanimously nominated local board secretary. Offices will be in the Canal Bank building.

# See Angle of Labor Fight In Louisiana

(Continued from page 1)

with the Gulf States Theatres Ass'n, who were informed of the plan at the opening of the two-day convention of the organization here today, ventured the opinion wages would rise to uncontrollable heights if the examining board sprang into being, in view of the anticipated tendency the board would approve few new applicants and therefore send up the ante on those now licensed. The impression prevails the ultimate consequence might be that many exhibitors would be compelled to pull out. It is claimed that while at first the law would operate only in cities of over 5,000, later an amendment could be added which would eventually eliminate theatres which refused to "pay off."

### Worried by Tax Threat

Fear was expressed as well over the impending state admission tax, which was described as "a hold-up" fostered by politicians seeking to land more jobs for their constituents and political supporters. This note of warning was struck by Miles Pratt, president of the St. Charles Theatre Co., who told the assembled exhibitors it was only through organization that legislation such as this could be overcome. It was determined to wage part of the fight through trailers which will be furnished all houses and which exhibitors will be urged to run until the forthcoming legislative session has terminated. Gulf States members will also prepare a list of votes controlled by their families, together with the amount of capital invested in their businesses, as compelling arguments for use in dissuading admission tax proponents from their contemplated course.

Indicative of how the NRA has increased theatre operation in this territory were facts presented by Harry McLeod of the St. Charles, who told the conventioneers his operating overhead has increased $300 weekly, with employes increased from 14 to 31, and that supplies and film rentals have correspondingly increased. Other theatre men corroborated this statement. Increased admissions were discussed as the way out, but the idea was discarded, as many exhibitors told of earlier resistance to price increases which had compelled them to return to former levels.

### Other Speakers

D. C. Hickson, division operating manager for Erpi with offices in Washington, told of the coming of third dimension sound reproduction, predicting greater advances within the next decade.

Kuykendall was also a speaker, repeating his Memphis speech. Delegates and visitors to the M. P. T. O. A. convention on the coast, arriving from Memphis, were met at the train by a delegation of local exchange and theatre men, who included Howard McCoy, Fred Jack, William Richardson, Lou Connor, Leo Schexnaydre, John Winberry, C. J. Briant, Harold Wilkes and Gaston Dureau.

Gulf States was organized January 21 with 66 members. It has now on its rolls 100 and embraces Louisiana, Mississippi and Alabama. Mississippi delegates reported practically all houses had absorbed the admission tax.

Tonight a banquet was held at the Hotel Roosevelt, with a floor show under the direction of Rodney Toups, manager of Loew's State. Tomorrow a section of South Liberty St. will be roped off for the film fair, in which all exchanges will participate.

McLeod was elected president.

Other officers named were: Vice-presidents, A. Higginbotham, J. A. Barcellona and Charles Lauve; directors, E. J. Myrick, A. H. Yoemans, Rodney Toups, Philip A. Sliman and Joseph Alsina; legislative committee, Myrick, Higginbotham; secretary-treasurer, Sliman; assistant secretary, Jack Duffy.

# Business Gaining, Kann Says in N. O.

(Continued from page 1)

Kann, editor of MOTION PICTURE DAILY. He declared that a national analysis of theatre grosses shows an increase of 12 or 15 percent this year over the same period in 1933.

"This does not at all indicate your battles are over," he said, "but it does indicate definitely conditions are on the upturn. I don't know whether it is the NRA, the PWA, the CWA or other government agencies which have done it, and opinion differs on that score. They have contributed, naturally, but regardless of the reason, it is an indisputable fact that grosses are better."

Kann also stressed the value of exhibitor organization. He expressed no preference on national affiliations, but did assert that the way for showmen to avoid initial taxation municipally and throughout the states was to present as solid an organization front as possible. He then repeated the warning he gave before the Tri-State convention in Memphis that exhibitors should not expect too much from the code. He pointed out that the document may be rewritten in part before a satisfying formula can be evolved.

In introducing Kann, Harry McLeod, Gulf States president, said: "Perhaps the speaker you are about to hear has a clearer and more intimate contact with producers, distributors and exhibitors than any man in America. This man is the industry's greatest editor."

## *Elkhart Hearing Set*

WASHINGTON, April 3.—The National Labor Board on Friday will hold a hearing in the Elkhart, Ind., controversy involving an appeal of Theatrical Service Employes' Local 19110 charging the Elkhart Amusement Co. with refusal to abide by a decision of the Indianapolis labor board ordering reinstatement of employes discharged for union activity.

## *Madge Evans Plans Trip*

HOLLYWOOD, April 3. — Madge Evans, accompanied by her mother, will leave for New York Thursday for a vacation. After two weeks on Broadway, Mrs. Evans will leave for a three months' visit to England.

## *Hammett to Reliance*

HOLLYWOOD, April 3.—Reliance has signed Dashiell Hammett, author of detective stories, to write an original for United Artists' release.

# Production Gains; 42 Films in Work

(Continued from page 1)

dios reported 29 features in preparation, which promises continued prosperity for the next two weeks, as these are scheduled to start within that time. In addition to this, the short subject producers report a total of 14 subjects in the final stages of preparation and 21 in the cutting rooms as compared to an extraordinary number of 44 in the same stage of production last week.

Paramount continues to hold the lead with nine features in work, four preparing and three in the cutting rooms; Fox follows with five, five and five; M-G-M has five, one and nine; Universal, five, zero and two; Warner-First National, four, one and 10; Radio, two, seven and three; United Artists, two, one and one, while the independent studios reported a total of seven in work, eight preparing and six cutting.

Among the short subject makers M-G-M leads the field with five working, three preparing and five cutting; Roach has one, three and four; Columbia, one, zero and zero; Universal, zero, one and one; Radio, zero, three and three, while the independents register a total of five, four and eight.

## *Lindsey to Hear Unions*

HOLLYWOOD, April 3.—Judge Ben Lindsey will review complaints of alleged code violations by studios presented by the four unions which figured in the studio strike.

# Stanley-Erpi Suit May End Outside Court

(Continued from page 1)

leases for replacement of equipment. Exhibitors, it is charged, are required by their leases to obtain repair and replacement parts exclusively from Erpi.

Preliminary injunction decrees were issued against the defendant companies by Judge John P. Nields here last July, under which Erpi was restrained from enforcing or attempting to enforce provisions by which certain producers were obligated to distribute only to exhibitors supplied with Erpi reproducing apparatus and sound records. In the present suit the plaintiffs seek to broaden the scope of the injunction.

Erpi counsel here could not be reached yesterday for comment on the reported move to settle the anti-trust suit out of court.

## *Chicago Now Awaits Cancellation Order*

CHICAGO, April 3.—Action on the 10 per cent cancellation clause remains in status quo as far as exhibitors and exchanges here are concerned. Plenty of requests for cancellation have been recorded with various exchanges, but so far all have been denied on the ground that the exchanges are not ready to take any action pending instruction from the home offices.

# End of Lent, Election Hit K.C. Houses

KANSAS CITY, April 3.—Holy Week and a riotous city election, plus the fact two attractions were in a third stanza, socked first runs, not a theatre showing a winning week. High take of $9,000, which was $3,000 below par, was scored by "Massacre" with a stage revue featuring George Dewey Washington. The third week's gross of "David Harum," at the Uptown, was $3,000, as compared with $7,300 and $6,000 for the first and second weeks, respectively. "Catherine the Great" was anemic with $6,100 at the Midland.

Total for the week was $24,900. Average is $34,800.

Estimated takings:

***Week Ending March 29:***

**"MASSACRE" (F.N.)**

MAINSTREET—(3,049), 25c-40c-60c, 7 days, plus Saturday late show. Stage: "Cotton Club Revue," with George Dewey Washington, Mills Blue Rhythm Band, Lucky Millinder, Nicodemus, 4 Flash Devils, Alma Smith, Josie Oliver. **Gross:** $9,000. (Average, for combination shows, $12,000)

**"BEGGARS IN ERMINE" (Monogram)**
**"THE NINTH GUEST" (Col.)**

NEWMAN—(1,800), 25c, 7 days, plus Saturday midnight show. **Gross:** $4,800. (Average, $6,000)

***Week Ending March 30:***

**"CATHERINE THE GREAT" (U.A.)**

MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $6,100. (Average, $10,000)

**"ELYSIA" (Master Arts)**

ROYAL—(810), 25c, 7 days, 3rd week. **Gross:** $2,000. (Average, $3,000)

**"DAVID HARUM" (Fox)**

UPTOWN—(2,000), 25c-40c, 9 days, 3rd week. **Gross:** $3,000. (Average, for 9 days, $3,800)

# "Four Frightened" Fair in Portland

PORTLAND, April 3.—Heavy rains added to the general dullness of Holy Week with the result that only three houses reached average. Best comparative draw of the trio was "Four Frightened People" with $3,000 at Hamrick's Music Box.

The other two at par were duals, "Three on a Honeymoon" and "Ninth Guest," with $5,000 at the Paramount, and "Blood Money" and "Woman's Man" with $2,000 at Pantages.

Total first run business was $20,400. Average is $21,000.

Estimated takings for the week ending March 30:

**"NO MORE WOMEN" (Para.)**
**"THE POOR RICH" (Univ.)**

BROADWAY — (1,912), 25c-35c-40c, 7 days. **Gross:** $5,700. (Average, $6,000)

**"FOUR FRIGHTENED PEOPLE" (Para.)**

HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

**"THREE ON A HONEYMOON" (Fox)**
**"NINTH GUEST" (Col.)**

PARAMOUNT — (3,008), 25c-35c-40c, 8 days. **Gross:** $5,000. (Average, $5,000)

**"BLOOD MONEY" (U.A.)**
**"WOMAN'S MAN" (Monogram)**

PANTAGES—(1,700), 15c-25c, 7 days. **Gross:** $2,000. (Average, $2,000)

**"GOOD DAME" (Para.)**

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $4,700. (Average, $5,000)

## *Para. Holds Mae West*

HOLLYWOOD, April 3.—Paramount this week renewed options on Mae West and Directors Alexander Hall and Leo McCarey.

# *Monogram Men Set for Atlantic City Sessions*

(*Continued from page* 1)

head, and Al Blofson, Irving Mandel, Jack Berkowitz, Arthur Bromberg, Nat Lefton, Floyd St. John, Claude Ezell and Oscar Hanson, franchise holders and branch managers, are scheduled to follow.

**Edward Golden**

Carr is expected to outline personal ideas for new season production in his address at the opening session, while details of the 1934-35 program will not be set until Thursday when the franchise holders, home office and studio executives confer on the new season schedule. Franchise holders on the program for the opening session will discuss sales and distribution problems of a general nature and offer solutions.

Discussions on executive, production, sales and advertising policies are scheduled for Thursday and Friday sessions. On Saturday the conventioneers will participate in an open forum on the film code at which John C. Flinn, executive secretary of Code Authority, will preside. The annual meeting closes Saturday night with a banquet at the Ambassador at which Louis Nizer, secretary of the New York Film Board, will act as toastmaster.

## *"Wonder Bar" Hit Around Pittsburgh*

PITTSBURGH, April 3.—"Wonder Bar" is something of a sensation in this territory. In some spots it has trebled averages.

At the Capitol, Steubenville, it opened Easter Sunday to $1,060. Recent average business for a week at this house has been a little over $1,000. The day before it went into the Memorial, McKeesport, and took $1,200 for the day. This is considered good for three days on some attractions.

In some other places it has rolled up "42nd Street" and "Gold Diggers" grosses. This is surprising, because the Stanley gross here was not sensational.

DAYTON, April 3.—"Wonder Bar," set in at the Victory, 1,400-seat independent house, for a two-week run, opened Saturday to standout business, necessitating opening the house an hour earlier than usual and extending the closing time for an hour. The picture played to practically 10,000 people Saturday and Sunday, establishing a local record for a two-day attendance.

## *"One Night" Breaks Seattle Run Record*

SEATTLE, April 3.—All records for long film runs here have been shattered by "It Happened One Night" at the Liberty. The Columbia opus is in its sixth week at the 1,800-seat house, setting a new long run mark for pictures in a theatre seating more than 1,000.

The former record was held by "Be Mine Tonight," which played five weeks at Jensen-Von Herberg's Roxy. For houses seating less than 1,000 the record of eight weeks at Hamrick's Blue Mouse set by "The Jazz Singer" still stands. The present run of "It Happened One Night" is marked by a price advance of 10 cents, bringing the top to 35 cents.

## *Wehrenberg to Head St. Louis Delegates*

ST. LOUIS, April 3.—Fred Wehrenberg will head the delegation from this territory to the M. P. T. O. A. convention in Los Angeles. Others who will make the trip are: Mrs. Ella Lau, Luxemburg, Mo.; W. A. Collins, Elvina, Mo.; J. B. Lueken, St. Louis; Bob Cluster, Salem, Ill., and Theodore Coleman, Mount Carmel, Ill. Others are expected to join before the start.

## *Schwalm's Mother Ill*

HAMILTON, O., April 3.—John A. Schwalm, manager of the Rialto, has been called to Pittsburgh by the serious illness of his mother. She is 82.

## *Weldon Closes in N. O.*

NEW ORLEANS, April 3.—Weldon Pictures here has closed its exchange, turning physical distribution over to Mayfair.

## *Missouri Sales Tax Short of Estimates*

JEFFERSON CITY, Mo., April 3.—Receipts from the one-half of one per cent sales tax which went into effect in Missouri January 15 on theatre admissions, advertising, utility and other services has failed to reach the optimistic expectations of its sponsors.

Instead of retiring any indebtedness, the state ended the first quarter of 1934 nearly $2,500,000 in the red. The sales tax to date, on returns for the last two weeks in January, has produced about $165,000. When the sales tax was passed, estimates as to the revenue it would bring ranged as high as $7,000,000 a year. On the basis of the initial returns, it is indicated collections would be in excess of $330,000 for a full month and that the total for the year would reach about $4,000,000.

## *Report Circuit Move To End K.C. War*

KANSAS CITY, April 3.—It is reported here that New York circuit executives controlling downtown first runs are mapping a plan to present to subsequents to end the local price war. The circuits are understood to be willing to put into effect price increases and end duals provided subsequents make similar concessions. It is reliably stated this will develop within the next two weeks, with failure likely to result in double bills at Loew's Midland. Jay Means, I. T. O. head, claims no knowledge of the plan.

# "Catherine" Gets $33,500 At the Rivoli

"Catherine the Great" demonstrated its continued drawing powers by piling up $33,500 at the Rivoli last week.

This is quite a feat. It topped the Paramount's $23,000 with "Come On Marines" and Will Mahoney and came pretty close to the Capitol's $37,815 on "The Show-Off," held a second week, with Jimmy Durante, Polly Moran and Lou Holtz on the stage.

"George White's Scandals," switched from the Music Hall to the Palace, was good for $14,482. "Bottoms Up" at the Music Hall took a mild $63,121.

Estimated takings:

***Week Ending March 26:***

**"CATHERINE, THE GREAT" (U. A.)**

RIVOLI—(2,200), 35c-99c, 7 days. **Gross:** $33,500.

***Week Ending March 27:***

**"HOUSE OF ROTHSCHILD" (U. A.)**

ASTOR—(1,012), 55c-$2.20, 2nd week, 7 days. **Gross:** $23,500.

***Week Ending March 28:***

**"BOTTOMS UP" (Fox)**

RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $63,121.

***Week Ending March 29:***

**"THE SHOW-OFF" (M-G-M)**

CAPITOL—(4,700), 35c-$1.65, 2nd week, 7 days. Stage: Jimmy Durante, Polly Moran, Lou Holtz and others. **Gross:** $37,815.

**"GEORGE WHITE'S SCANDALS" (Fox)**

PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $14,482.

**"COME ON, MARINES" (Para.)**

PARAMOUNT—(3,700), 35c-99c, 7 days. Stage: Will Mahoney, Grace Hayes and others. **Gross:** $23,000.

**"HOLD THAT GIRL" (Fox)**

ROXY—(6,200), 25c-65c, 7 days. Stage show. **Gross:** $17,400.

**"WONDER BAR" (F. N.)—1 day**
**"JIMMY, THE GENT" (Warners) 6 days**

STRAND—(2,000), 35c-$1.10, 7 days. **Gross:** $20,845.

***Week Ending March 30:***

**"ONCE TO EVERY WOMAN" (Col.)**

RIALTO—(2,300), 25c-65c, 7 days. **Gross:** $11,200.

**"DAVID HARUM" (Fox)—4 days**
**"NINTH GUEST" (Col.)—3 days**

RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $7,513.

***Week Ending April 2:***

**"EVER SINCE EVE" (Fox)**

MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $7,200.

# "Harum" 4th Week Indianapolis Draw

INDIANAPOLIS, April 3.—"David Harum" withstood the shock of the Holy Week slump here despite the fact that it was in its fourth week. The gross at the Apollo was $2,500, equal to a first week average.

Total first run business was $19,700. Average is $16,500.

Estimated takings for the week ending March 31:

**"DAVID HARUM" (Fox)**

APOLLO—(1,100), 20c-40c, 4th week, 7 days. **Gross:** $2,500. (Average, $2,500)

**"JOURNAL OF CRIME" (F.N.)**

CIRCLE—(2,800), 20c-40c, 5 days. **Gross:** $2,700. (Average week, $3,500)

**"SUCCESS AT ANY PRICE" (Radio)**
**"TWO ALONG" (Radio)**

INDIANA — (3,100), 20c-40c, 7 days. **Gross:** $4,000.

**"LET'S BE RITZY" (Univ.)**

LYRIC—(2,000), 20c-40c, 7 days. Vaudeville. **Gross:** $6,000. (Average, $6,000)

**"THIS SIDE OF HEAVEN" (M-G-M)**

PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500)

# LET'S ALL GET TICKETS

AND GIVE THIS
LITTLE GIRL A
GREAT BIG HAND
ON THE BIG NIGHT-
. . . DINE-DANCE
LAUGH AND . . .

Entire net proceeds to be shared equally between MOTION PICTURE CHARITY FUND and FILM DAILY RELIEF FUND

## BE HAPPY with A.M.P.A.—APRIL 21st

**at Hotel Astor—Grand Ballroom—Tickets $5.00 per person**

TICKETS MAY BE SECURED FROM

**PAUL BENJAMIN, at NATIONAL SCREEN SERVICE, 630 Ninth Avenue, N.Y., BYrant 9-9800**

## Short Subjects

### "Bride of Samoa"
(*DuWorld*)

Although the South Seas have long been a popular subject for the cameraman, they never seem to lose their lure. "Bride of Samoa" proves this fact anew. Produced by Central Film Co., it depicts a Samoan wedding and the preparations leading up to it, with no details spared. The famous Siva-Siva dance of the natives is caught by the camera in all its movements, and there are plenty of eye-filling scenes of the Samoan ladies disporting themselves with slight covering. Thoroughly entertaining. Running time, 26 mins.

### "Camping Out"
(*Disney-U. A.*)

This is Mickey Mouse No. 21 and the laughs clock right up with the best of the series. Mickey, Minnie, Horace Horsecollar and Clarabelle Cow are camping out in the woods when a playful young mosquito bites Mickey on the nose, then gets stuck in a chocolate cake, but escapes and backs off and spears Horace from behind while he is sitting in a hammock. The young mosquito reports back to the swarm in a swamp, and the developments after that are uproarious. Running time, 7 minutes.

### "The Gold Ghost"
(*Educational*)

Plenty of gags. A preview audience seemed to think it was great. Buster Keaton leaves his father's palatial home when his girl turns him down as a mollycoddle and motors west until his gas runs out in a Nevada ghost town. Warren Hymer drops in by plane—accidentally. He is an escaping gunman. They pull a lot of funny stunts by themselves until a gold rush repopulates the town. Among the arrivals are the girl and her father. Dorothy Dix, Joe Young, William Worthington, Lloyd Ingraham and Leo Willis also are in the cast. Running time, 21 mins.

### "Hotel Anchovy"
(*Educational*)

The Three Ritz Brothers furnish the comedy. They have been engaged by Doris Hill to act as manager, bellhop and clerk so guests will not leave while the hotel is being sold. It has some fine scenes as well as some riotous comedy. Very good. Running time, 18½ mins.

### "Born to Die"
(*Educational*)

One of the "Battle for Life" series with the subjects all curious types of marine life. The shots are made under water. The microscopic shots show the development of fish eggs, the protection by an octopus of its eggs, and other interesting scenes. Running time, 6 2/3 mins.

### "Paramount Pictorial"
(*Paramount* 3-7)

One of the more interesting of the series, showing some of the queer fish of the sea, followed by a demonstration of the effect of liquid air on various objects, and winding up with a screen interview with Lanny Ross, radio star. Running time, 10 mins.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

### "Whirlpool"
(*Columbia*)

HOLLYWOOD, April 3.—Here is a father and daughter story that is well knit and restrained for general appeal.

Just married to Lila Lee, Jack Holt, a circus guy, accidentally kills a man in a carnival brawl and gets 20 years. In order to save his wife, a prospective mother, humiliation, Holt forges a letter from the warden to Miss Lee, stating that he had died trying to escape.

Out of jail, Holt and a circus pal, Allen Jenkins, attain "big shot" status. Miss Lee is now happily married to a judge. Her daughter, Jean Arthur, a reporter, loves Donald Cook. She is assigned to report Holt's underworld connections and discovers the father-daughter relationship. Holt realizes that his testimony will ruin his wife's happiness and front page his daughter's plight. Confronted with his prison record by Lawyer John Miljan, Holt kills him, burns the evidence and then kills himself, leaving Miss Lee, Miss Arthur and Cook happy.

Clean and human scenes between father and daughter are finely repressed for emotional effects. Jenkins' comedy is neatly spotted.

Roy William Neill's direction balances well for dramatic values, and the story by Howard Emmett Rogers is well developed by Dorothy Howells and Ethel Hill. Where they like Holt and melodrama, this will satisfy.

### "I Hate Women"
(*Goldsmith*)

HOLLYWOOD, April 3.—A fast, sensibly produced action drama of newspaperdom and romance possessing values essential to neighborhood and secondary houses. Aimed to please ordinary folk, its assets are hokum and realism nicely combined. Its logical story is given unique twists and creates and holds attention, while its dramatic and comedy values, with menace and semi-mystery, offer contrast. It is acted by a good cast. Wallace Ford, June Clyde, "Fuzzy" Knight and Bradley Page stand out. Alexander Carr and Eleanor Hunt contribute catchy bits.

"Scoop" (Ford), a woman hater, bumps into the greatest story of his career and love simultaneously. A noted financier is murdered. The police search for Anne (Miss Clyde), shielded by "Scoop." Keeping the girl hidden as comedy and romance interweave, the newspaper man unravels the circumstantial evidence, outwits the villain, a rival reporter (Page), obtains the dying killer's confession and finds he loves one woman, though hating women.

Realistic newspaper sequences, an aquatic night club dance number and waterfront scenes give color to the film. The picture has been well directed by Aubrey Scotto and should do nicely in subsequents.

### "When Strangers Meet"
(*Liberty*)

HOLLYWOOD, April 3.—All this picture can boast is a big name cast. The story and acting are mediocre. Direction by William Christy Cabanne is weak and photography is not of the best.

Heading the cast is Richard Cromwell, who is supported by Arline Judge, Vera Gordon, Lucien Littlefield, Arthur Hoyt, Sarah Padden, Ray Walker, Hale Hamilton, Bryant Washburn and several others. Miss Judge seems out of place and lacking in expression. Cromwell also appears stilted and miscast.

The story is laid in the courtyard of a six-family, "U"-shaped house, of which Cromwell's father is owner. Cromwell, a radio engineer, is in love with Miss Judge, but his father objects because her dad is a habitual drunkard. Cromwell gets an offer to go to Des Moines, but turns it down. He is afraid to leave his mother alone with his tyrannical parent. The father gets a new tenant, falls in love with her despite a husband in the case and neglects his own wife. When the new tenant's husband surprises Cromwell's father as the latter is making advances, the tenants are killed. Cromwell's father plants the gun on Littlefield, who is drunk, and for a time manages to cover up. However, Cromwell's mother has seen the murder and at the last moment betrays her unfaithful mate.

Cromwell and Miss Judge are now free to go to Des Moines and settle down, with a job for the boy already provided.

*"Lazy River," Monday's preview at the Mayfair, was reviewed from Hollywood by wire on March 2.*

*"Gambling Lady," last night's preview at the Strand, was reviewed by wire from Hollywood on Feb. 16.*

## Short Subjects

### "North of Zero"
(*Educational*)

A fair comedy with Charles Judels in another of his characterizations. He is cast as an owner of a saloon in a Canadian outpost. He's a slick gambler in love with his Mexican dancer. For a time he is on the verge of losing her to a vaudevillian, out to clean up Judels. But the actor's wife objects to her husband's dealings with the hot tamale and Judels ultimately comes out the winner. Tom Patricola is in a small role and does not get a chance to exhibit his wares. Running time, 19 mins.

### "Bedlam of Beards"
(*Radio*)

Clark and McCullough have grabbed the current kidnapping excitement as the basis of a fast-moving comedy of beards. The kidnapped man is bearded. The comedians, proprietors of a barber shop, see his picture and decide to disguise McCullough as the kidnapped man so Clark can collect the reward. About the same time the kidnapper has the same idea. The three meet in the kidnapped man's house, and during the course of the excitement the kidnapped man himself walks in. Plenty of laughs. Running time, 18 mins.

### Pathe Review No. 4
(*Radio*)

This is made up of four subjects. In the first Dr. Sigmund Spaeth talks and plays on a piano to illustrate varying blends of rhythm, melody and harmony. He defines music as the "organization of sound toward beauty." Very interesting. The second number shows the 4,000 lenses in a fly's eye and how it sees. The third is a song by Carson Robison and his buckaroos. Mildly entertaining. The last is slow motion photography designed to show rhythm. Running time, 10 1/2 mins.

### "Girl Trouble"
(*Astor*)

"Girl Trouble," a William Steiner production, is a comedy only mildly funny. Jack Perrin, a ranchman, runs into trouble when his pal, an ugly brute, sends one of the former's pictures to a matrimonial bureau to snare a bride. Jack's sweetheart refuses to believe he is on the level and the other woman is dissuaded from forcing him to marry her only when the fellow who shares the ownership of the ranch with him picks her up. There's plenty of action but little of it that is genuinely comical. Running time, 30 mins.

### "Kings Up"
(*Universal*)

In this Oswald cartoon, Oswald is a troubadour who enters the Queen's castle for the purpose of entertaining her, but his songs in front of the throne are interrupted by the efforts of the Duke to force his attentions on her. After a duel, won by Oswald, the Queen takes him in marriage. All the dialogue is sung. Very good. Running time, 7 1/3 mins.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 79 | NEW YORK, THURSDAY, APRIL 5, 1934 | TEN CENTS

# Bareford Brief Defends Majors; Hearing Near End

## MPTOA Group Off Tonight To the Coast

### *President Sends Letter; Program Lined Up*

With the good wishes of President Roosevelt and with their four-day program on the coast complete, members of the M.P.T.O.A. get away tonight for the Los Angeles convention.

Some minor changes and additions have been made to the program which was published in full in MOTION PICTURE DAILY of March 22. M. A. Lightman will make the response to the welcoming address of Mayor Frank L. Shaw of Los Angeles at the first business session next Tuesday morning instead of Walter J. Vincent,

(*Continued on page* 10)

## Gulf States Votes For Clean Pictures

NEW ORLEANS, April 4.—At the morning session of the Gulf States Theatre Owners' Ass'n. convention here today delegates pledged themselves 100 per cent in favor of clean films. Mrs. Albert S. Tucker, speaking for the better films group, declared against censorship in conformity with a resolution of the convention. It is

(*Continued on page* 10)

## *Tri-States Roster 70 of Possible 115*

MEMPHIS, April 4.—Out of a possible maximum membership of 115, the Tri-States organization today embraces 70 paid up members and expects to have 90 in the next couple of months, according to M. A. Lightman, president. Maximum selling possibilities served out of Memphis are 164 houses. In point of actual exhibitors operating this total, however, the number shrinks because of the existence of a number of circuits, most of them small.

## *Maxwell Nominated London Group Head*

By BERNARD CHARMAN

LONDON, April 4.—John Maxwell, head of British International, today was nominated for the presidency of the Kinematograph Renters' Society. He will succeed Sam Eckman, Jr., head of M-G-M's London office, who has held the presidency for the past three years.

## Profits More Than Doubled—Johnston

ATLANTIC CITY, April 4.—With the combined film rentals of the 37 affiliated Monogram exchanges aggregating more than $4,000,000 in 1933, net profits of the company for the year ended Feb. 28 were more than double the earnings of the preceding year, W. Ray Johnston, president, told the company's stockholders at their annual meeting today, held in conjunction

(*Continued on page* 9)

## Majestic Policies To Be Decided Here

All Majestic franchise holders congregate in New York Monday to start a series of conferences dealing with production and distribution for the next season. Under discussion will be the number of pictures to be made, the type, production cost and sales policy. Following the meetings, Herman Gluckman, president, who will preside, will leave for the coast

(*Continued on page* 9)

## *President's Greetings*

THE WHITE HOUSE
WASHINGTON

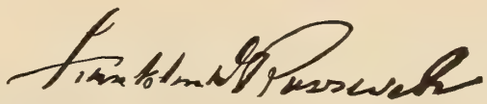
March 27, 1934

Gentlemen:

I am delighted to greet the Annual Convention of the Motion Picture Theatre Owners of America at Los Angeles. Your loyal support of the Administration has been demonstrated by the assistance which you have freely given to all of the Recovery Agencies in affording to them the facilities of your theatres and in your loyal support of the P. R. A. and of the Motion Picture Industry Code.

It is my sincere hope that your Convention will be a great success and that the cooperation of your Association will be continued in the future as it has in the past.

Very sincerely yours,



Motion Picture Theatre Owners of America,
c/o Mr. Ed Kuykendall,
Ambassador Hotel,
Los Angeles, California.

## *Brandt, Myers Sum Up Indie Protest for Review Board*

WASHINGTON, April 4.—With the filing of the statement promised by Harold S. Bareford, Campi alternate for H. M. Warner, during his conference Monday with Lowell Mason, counsel for the National Recovery Review Board, and the summing up of complaints by Harry Brandt, president of the I. T. O. A. of New York, and Abram F. Myers, Allied general counsel, the case against the film code was completed today with the exception of brief testimony to be given April 9 by William C. Elliott, president of the I. A. T. S. E.

The only witness to appear today was A. Burt Carlisle of Minneapolis,

(*Continued on page* 4)

## Para. Meet to Be On Coast in June

Paramount's annual sales convention, to be held at the Ambassador Hotel, Los Angeles, June 18 to 20, will be preceded by a district managers' meeting in Chicago this month at which new season sales policies will be discussed and the past year reviewed, George J. Schaefer, Paramount

(*Continued on page* 4)

## *Poster Men Meet in St. Louis Saturday*

Poster renters from all over the country will hold their second annual convention in St. Louis Saturday and Sunday. Simon Libros, president of the national association, will preside at the two-day affair.

Directors of the organization met yesterday in New York to discuss plans for making posters. Announcement of details will be made following the two-day talks. Most of the eastern poster service men leave for St. Louis tomorrow.

## *Col. Releases Set in France and Belgium*

Returning last night aboard the *Berengaria* from a three-month tour of Europe, Joseph H. Seidelman, in charge of Columbia's foreign activities, stated that while abroad he consummated a deal with the recently formed Cinematographique Luxemburg where-

(*Continued on page* 10)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Hays Starts For West

Will H. Hays left here last night on his regular visit to Hollywood, to be gone about four weeks. En route west he will stop off for two or three days at his Sullivan, Ind., home, proceeding from there to the coast where he will remain about three weeks. Hays is accompanied by his secretary, Earl Bright.

## Dick Powell to Tour

HOLLYWOOD, April 4.—Upon completing work in "Dames" at Warners, Dick Powell will leave on a personal appearance tour in this country and abroad. M. C. Levee negotiated the deal.

## Mrs. Belmont at Ampa

Mrs. August Belmont, president of the M. P. Research Council, will appear as one of the speakers at the Ampa "Naked Truth" Dinner at the Astor, April 21. Meyer Davis and his band will supply the music.

## Betty Furness Signed

HOLLYWOOD, April 4.—Betty Furness has been signed to a long term contract by M-G-M.

BEN BLUE
*Under Contract*
WARNER BROS.
VITAPHONE STUDIO
Now Making Personal
Appearances in England
*Direction of*
JOE RIVKIN — Leo Morrison Agency

# Insiders' Outlook

*San Antonio, April 4*

AS the revolving wheels of the Sunset Limited churn their way further west, there comes to mind the cautious, but unmistakably defined, attitude which greeted Dave Chatkin's recent landslide of words on long-distance circuit operation, New York style. It was both funny and somewhat tragic.

The reaction in one quarter was deprecating, a sort of "Well, it's not as bad as that" reply. In another, of all the amazing answers, came the admission that all Chatkin had to say was correct and, therefore, there could be no answer. Now Lee Goldberg, once a Warner zone manager, gets off what apparently has been on his chest. It's plenty.

▼

CONCEDING, as was done, that swivel chair operation of large numbers of theatres from New York is a fallacy, the natural question which follows is: "Why, then, keep it up?" The answer, essentially, is that this is the picture business.

The whole theory of producer participation in exhibition is interesting, as is also its current method of practice. Having been terribly mangled in the days that followed the big deflation, one might imagine the producers and distributors, who are also exhibitors, would have determined to change their ideas. That, however, is not the case.

Paramount, of course, has dropped many houses. The company has angled for, and obtained, write-downs on the properties it wants to keep and, in great measure, has succeeded in wringing the water from 1929 valuations. RKO has walked away from the Orpheum circuit, stepped lightly with other of its houses and is revamping as many deals as it can successfully maneuver. Loew's has remained virtually intact, except in Cleveland. Warners, not only have held to their circuit, but have added houses and, very soon now, may be found in the dead center of two, perhaps three, deals which would make it the Number 1 circuit of them all.

▼

THE conclusion to be drawn from this is merely that these major companies, despite the several catastrophes which have been scrawled over the history book of the industry in the last couple of years, will stick to their spots even if it kills.

The effects are several. Just as long as any industry institution makes and shows its own pictures over a circuit large enough to guarantee a profit, there can be no real stimulus in production. While bad pictures are not bad because the producer sets out to make them so, a premium automatically is placed on different product through the playing time the paralleling theatre circuit commands and grants.

Endeavoring to strike a balance with one end of the seesaw marked "Production" and the other "Theatres" has been a dubious procedure in lean years because it has been difficult to determine which factor should predominate. As the theory and practice are constituted largely today, producers own and operate theatres to sweeten the revenue of their distributing companies. It follows the distributor makes money and plenty of it, but in the process the theatres are losing plenty, too. In other words, the producer-exhibitor is neither a simon-pure producer, nor is he a simon-pure exhibitor. He is a double-headed something, constantly torn between two objectives with no clear-cut decision veering him in one given direction.

▼

AS long as it is to be the way it now is, will the question of producers in exhibition remain unsettled and a paramount issue? There is a clear-cut policy to be outlined and some day it will have to be reached if any permanent equilibrium in this industry is to be struck. Perhaps the answer is in local autonomy and local partners—the real thing, not a pseudo something which purports to be what it actually is not. Many of the more observant in the business feel this is the way out.

KANN

## Moray on the Coast

LOS ANGELES, April 4.—Norman Moray, Vitaphone sales manager, is here contracting local exhibitors on types of shorts desired next season. He leaves next week for the east following a short conference with Jack L. Warner, Gradwell Sears and A. W. Smith, who are en route from New York.

Moray gets back at the home office around May 1.

## Beecher Set at M-G-M

HOLLYWOOD, April 4.—It's practically set for Milton Beecher, originally of the M-G-M home office, to become Howard Strickling's assistant at the studio. Beecher is here from New York and has been conferring with Strickling, but official sanction from Howard Dietz is being awaited.

## Allied to Move Soon

Allied of New Jersey will move its headquarters some time next month, probably to the Lincoln Hotel. The unit needs more space now that Sidney Samuelson has taken on the duties of president of the national organization in addition to the local association.

## Major Sales Heads Meet

Major company sales executives met at the M.P.P.D.A. offices yesterday to discuss distribution problems presented by legislation in southern states.

## "U" Rises 2⅞ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30⅜ | 29⅞ | 29⅞ | — ⅛ | 800 |
| Consolidated Film Industries, pfd | 16¼ | 15⅝ | 16 | + ½ | 600 |
| Eastman Kodak | 89¾ | 89 | 89 | ..... | 700 |
| Fox Film "A" | 16¼ | 15¾ | 15⅝ | + ⅛ | 3,300 |
| Loew's, Inc. | 33¼ | 32⅛ | 32¾ | ..... | 14,300 |
| Paramount, cts. | 5¾ | 5½ | 5¾ | + ⅛ | 25,500 |
| Pathe Exchange | 3½ | 3¼ | 3⅜ | + ⅛ | 2,000 |
| Pathe Exchange "A" | 20⅜ | 19¾ | 20 | + ¼ | 2,700 |
| RKO | 3½ | 3½ | 3½ | ..... | 4,800 |
| Universal Pictures, pfd | 34⅞ | 32 | 34⅞ | +2⅞ | 20 |
| Warner Bros. | 7⅝ | 7¼ | 7½ | + ¼ | 25,100 |

## Curb Stocks Remain Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8⅛ | 7⅞ | 8 | ..... | 12.000 |
| Trans Lux | 2 | 2 | 2 | ..... | 200 |

## Paramount Broadway Bonds Up 1⅜

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅝ | 9½ | 9⅝ | + ⅛ | 7 |
| General Theatre Equipment 6s '40, ctf | 9¼ | 9 | 9 | + ⅛ | 4 |
| Loew's 6s '41, ww deb rights | 99 | 98⅞ | 99 | + ¼ | 29 |
| Paramount Broadway 5½s '51 | 35⅞ | 34¾ | 35⅞ | +1⅜ | 3 |
| Paramount F. L. 6s '47 | 49½ | 49½ | 49½ | — ½ | 12 |
| Paramount Publix 5½s '50 | 51 | 50¾ | 51 | + ⅜ | 12 |
| Warner Bros. 6s '39, wd | 60½ | 59¼ | 60½ | + ½ | 208 |

MOTION PICTURE ALMANAC
1934-35
NOW IN PREPARATION
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00

# ALL SMILES!

### *Barbara's Smiling*

—because the New York critics say "Gambling Lady is colorful, authentic" . . . "one of the best pictures Barbara Stanwyck has made"... "my idea of good entertainment"..."a lively and entertaining page from the chronicles of present-day Americana."

### *Chicago's Smiling*

—because "Gambling Lady topped the loop at the Chicago." —(*Variety, Apr. 3*)

### *Boston's Smiling*

—because "Stanwyck is proving a magnet as she always has here. Looks as if... she will shape velvety gross at the Paramount." —(*Variety*)

### *Baltimore's Smiling*

—because "the femmes are cottoning to Gambling Lady for nice gross at the Century."

### *We're Smiling—*

—because The 1934

# Stanwyck

in

# "GAMBLING LADY"

**is another 1934 WARNER BROS. hit!**

With Joel M'Crea, Pat O'Brien, Claire Dodd, C. Aubrey Smith, Phillip Reed, Directed by Archie Mayo.
Vitagraph, Inc., Distributors

# Bareford Puts Majors' Case Before Board

(Continued from page 1)

business manager of the International M. P. Operators' Union, who declared that the code as it now stands will put his organization out of business. Under the code, he told the board, the A. F. of L. is set up as "dictator" and their wage scales are to prevail. In this respect, he contended, the code is in violation of those provisions of the Recovery Act assuring to employes the right to collective bargaining through representatives of their own choosing.

Bareford's statement on behalf of the Code Authority was read into the record by Mason, who explained that it had been promised at a conference called to determine whether the members of the Authority were to be questioned. He explained that he had also asked for a copy of the master contract, which had not been furnished. The statement in full was as follows:

### Find Best Customers

"It is the business of the distributors of motion picture film, whether large or small, to find the best customers possible for their product and to receive or contract for the best film rentals, and in the accomplishment of that purpose it is immaterial whether that customer is a customer operating one theatre or 500 theatres. It is, of course, obvious that a company distributing motion pictures and also operating theatres, will prefer its own theatres to those of competing exhibitors, but beyond that point and in dealing with theatres operated independently of the distributing company, the distributor will invariably, for its own selfish interests, license its product to the exhibitor who can pay the best film rental. The credit risk and integrity of the individual exhibitor is always a factor, as well as the representation that pictures are given in first run theatres, which representation affects the manner in which the public receives the picture not only for the first run but all subsequent runs in the territory. That is to say, a theatre that will properly publicize and present a picture, definitely adds to the public good will of the picture.

"Producers spend hundreds of thousands of dollars in the production of individual pictures which are leased to exhibitors for minute fractions of their cost. It must be obvious that this tremendous investment can be prejudiced, injured or destroyed by the manner in which it is handled.

### Question of Competition

"It would be foolish to suppose that a distributor would give a better price and better terms for its product to a competing distributor who was interested in the operation of theatres than to an exhibitor who was not a distributor. Competition in no industry is keener than the competition between producers and distributors of motion pictures. Distributors sell their product to circuits of theatres as well as to individual theatres regardless of whether or not circuits are connected with producers of motion pictures. The same general form of contract is used for all customers. In dealing with large circuits, however, the regular form of contract used by distributors necessarily requires some elaboration to apply the terms thereof to a large number of theatres differently situated, each theatre having a definite problem and usually a definite film rental.

"A large circuit of theatres will pay as high if not higher rental for pictures than individual theatres. Were it not for the high film rentals paid by circuits, the money would not be forthcoming to the producer, and the producer could not assume the risk of investing large sums in production."

In summing up for the complainants, Brandt asserted none of the points agreed upon by the "Big Eight" and independents during code negotiations were contained in the agreement, which, he charged, "was handed to us with a take-it-or-leave-it attitude," adding: "I think if Will Hays had the writing of the code to do he would have at least soft-pedaled some of the clauses so as not to have aroused this great wave of protest."

### Criticizes Code Choices

Brandt said that an estimate would indicate that the 350 houses in the New York I. T. O. A. represented an investment of more than $150,000,000. He criticized Division Administrator Sol A. Rosenblatt's connection prior to his entering the NRA, as well as Charles L. O'Reilly's membership on the Code Authority as an independent and the selection of John C. Flinn as secretary of the Authority when his past experience had been with majors.

Brandt attacked the cancellation clause as worthless and charged that the majors, in order to get their product into countries having quotas, were taking foreign pictures, which, he said, they did not show in their own houses but forced upon independents. He also charged they were forcing westerns upon independents.

"We ask that an impartial administrator be put in charge of the code," he said. "We contend the present code is unconstitutional in a great many things."

Myers, pointing out that most controversies are between sellers and buyers of films, declared there are seven sellers and three buyers on the authority, further pointing out that two producing companies are rated as non-affiliated although connected with the Hays group, which gives the "Big Eight," he said, an opportunity to pack the local boards.

### Sees Producers in Control

"The code," he said, "has as fine and clear an arbitration setup as you have ever seen but only for the determining of differences between producers. When the difference is between their group and ours, then they must control the tribunal and they not only have complete and utter control of this court of appeals but there is vested in the Code Authority the power to appoint each individual member of each local board that has to hear these questions in the first instance. There never was a more glaring example of a packed court."

It was declared by Myers that the grievance boards are "impotent to grant relief" but are a powerful weapon of punishment for price-cutting and other offences and can easily put an exhibitor out of business.

## *Amity Gets "Circle"*

John M. Crinnion of Amity Pictures has closed a deal with Fox for national distribution of "The Crooked Circle."

# Para. Meet to Be On Coast in June

(Continued from page 1)

vice-president and general manager, said yesterday.

The advance Chicago meeting will be held April 21 and 22 at the Edgewater Beach Hotel. In addition to Schaefer, Neil Agnew, J. J. Unger, Stanley Waite and G. B. J. Frawley of the home office, the Chicago meeting will be attended by District Managers M. S. Kusell, New York; P. A. Bloch, Philadelphia; J. E. Fontaine, Cleveland; William Erbb, Boston; Oscar Morgan, Atlanta; Jack Dugger, Dallas; Charles Reagan, Chicago; R. C. LiBeau, Kansas City; Hugh Braly, Denver; M. H. Lewis, Los Angeles; Ben Blotcky, Minneapolis, and M. A. Milligan, Toronto.

Paramount's district, branch and sales managers, studio and home office executives will attend the annual sales meeting in Los Angeles, where the new season's program of between 60 and 65 features, and new sales policies will be set.

## *Rule Cleaners Are Subject to 2 Codes*

Division Administrator Sol A. Rosenblatt has ruled that theatre cleaners, whether employed directly by theatre operators or by cleaning contractors, are subject to the labor provisions of the film and legitimate theatre codes and cannot be worked more than 40 hours per week, Nathan Straus, Jr., state director of the National Emergency Council, was advised by wire yesterday.

The ruling was sought as a result of charges brought against American Maintenance Corp., a cleaning contractor, by Theatre and Amusement Employes Union, Local 118, citing instances of theatre cleaners being worked 50 to 80 hours per week. The film and legitimate codes prescribe a 40-hour maximum week. Straus followed up the charges with a personal investigation and made his own report to the NRA compliance board at Washington. The American Maintenance Corp., asserting that its workers were not on the theatres' payrolls, contended that they were not subject to amusement industry codes.

## *Kansas City Union Asks a Vaude Probe*

Kansas City, April 4.—The stage hands' union has filed a protest with the I.A.T.S.E. in Washington with a request that Division Administrator Sol A. Rosenblatt be requested to investigate vaudeville showings at the Liberty and Ed Dubinsky's refusal to employ stage hands.

The union alleges a code violation. Musicians are making the same claim.

## *Defer P.-P. Hearing*

A review of Referee Henry K. Davis's ruling disallowing bankruptcy claims of $2,000,000 filed against Paramount Publix by General Talking Pictures and De Forest, and a claim of undetermined amount filed by American Tri-Ergon, which was scheduled for yesterday in U. S. District Court here, was postponed to April 18.

# Authority to Act Soon on Secretaries

With code boards having met in practically every key city, Code Authority has before it a number of nominations for secretarial posts which are expected to be approved tomorrow.

Already recommended for secretaries are Emma Abplanalp, Chicago; Love B. Harrell, Atlanta; Regina Molseed, Omaha; Georgia Moffett, Cleveland; Mrs. Alma Walton, Memphis; Regina Foley, San Francisco; Mona O'Rourke, New Orleans; Robert Klingensmith, Pittsburgh; Ruth Doyle, Portland.

In Los Angeles, Lola Adams Gentry has been suggested unanimously for the job as first choice and Minnie Koppel is second. The former is secretary of the film board there and the latter secretary of the I.T.O. June Metcalf, originally agreed upon in Kansas City, has met with some opposition and appointment for this territory may be held up as a result.

While the New York boards' situation will not be announced until Friday and no meeting is scheduled for the first informal conference, talk locally pivots around three names for the New York secretarial title. One is Louis Nizer, currently executive secretary of the film board, whose experience with arbitration and other film cases dates back to the time when Louis Phillips, now with Paramount, was secretary.

Another suggestion is Tom Murray of the A. H. Schwartz-Century circuit. Murray for many years was manager of the Paramount Brooklyn exchange and served on the local arbitration board prior to joining the Schwartz outfit.

Arthur Abeles, now an independent exhibitor, for some time was associated with Warners and before entering exhibition on his own was general manager of the Schwartz-Century circuit.

Many of the names submitted are currently secretaries of film boards in the territories from which they have been nominated.

Kansas City, April 4.—Code boards here expect to be in operation within a week. Advice on details is now being awaited from Campi.

The boards are not unanimous on the choice of a secretary and have asked Campi to make the choice. Quarters in the Davidson building have been chosen tentatively.

A. F. Baker, unaffiliated first run zoning member, has wired Campi asking clarification of the zoning rules involving premiums.

Detroit, April 4.—At the first code board meeting here, E. S. Kinney, assistant general manager of Allied of Michigan, was unanimously recommended for the secretaryship, and Edgar E. Kirchner and Nat Levy were appointed a committee to select permanent quarters and furniture. They will report back at the second meeting next Monday. Audrey Littell, secretary of the Film Board, was the other candidate for the secretaryship, but members felt that a man should be appointed to the job.

## Canada Tax Office Open; Mails Forms

OTTAWA, April 4.—A sensation has developed with the discovery that the Canadian Government has maintained a special office in Ottawa, with a staff of employes, for the purpose of collecting a royalty tax on rentals of pictures imported from the United States, Great Britain and other foreign countries although the Department of National Revenue decided one year ago not to impose the levy.

The office personnel has done nothing during the past year but send out periodical notices to the Canadian film distributors to file returns on bookings of foreign films. These notifications have been ignored by the exchanges because of the department's decision to forego the tax in spite of the urgent need for more revenue. It had been the intention to collect 12½ per cent. on gross revenue derived from Canadian bookings of foreign films. This was in line with a recommendation made at the Imperial Economic Conference in Ottawa in 1932 that a direct levy should be charged against rentals of pictures with the exception of those from British studios, thus adding to British preference.

## Flash Reviews

*Stolen Sweets*—. . . fairly entertaining picture. . . .

*The Crosby Case*—. . . average mystery film. . . .

*Wheels of Destiny*—Thrills aplenty for the youngsters. . . .

*These films will be reviewed in full in an early issue of* MOTION PICTURE DAILY.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Sisters Under the Skin"

(*Columbia*)

HOLLYWOOD, April 4.—This is adult entertainment of more interest to married folk in their forties than to youth, which really is the menace. It is a fine production with a substantial, serious quality.

The story has Frank Morgan, a millionaire, pretty tired at 49 of his wife's (Doris Lloyd's) social merry-go-round. He wants to play the piano, put on old clothes, go away in an old car, roam the auto camps and know the things he missed in his youth, while his wife likes society. Intrigued by an actress at one of his wife's parties, he traipses with her to Paris, where a young composer (Joseph Schildkraut), who tried to teach Morgan to play the piano, falls madly in love with the actress. The conflict between Morgan and Schildkraut, between actress and wife, between youth and autumn years, presents a neat domestic marital drama, with Morgan deciding in favor of his wife.

The general appeal of the picture is to those of ripened years. The film is well produced and photographed and handled with taste and discrimination by Director David Burton. Story and adaptation are Jo Swerling's. Morgan gives a splendid performance, Schildkraut is fiery, and Miss Lloyd is aristocratic. Elissa Landi is also in the cast.

## Freedman Rushes South

MIAMI, April 4.—Harold Freedman, operator of the Terrace in Yonkers, is on his way here by plane to the bedside of his father, Gilbert Freedman, who was injured in an automobile accident last night.

## Barrymores to Cruise

HOLLYWOOD, April 4.—John Barrymore and his family are leaving Sunday night on a two-month cruise of the South Seas aboard his yacht *Infanta*.

## Koon Off for Rome

WASHINGTON, April 4.—Dr. Cline M. Koon, government specialist in radio and visual education, one of those recently appointed to represent the United States at the International Congress of Educational and Instructional Cinematography in Rome, which opens April 19, sailed today for Italy. A report on "Motion Pictures in Education in the United States: Their Educational Influence and Instructional Use" has been compiled by him for submission to the congress.

## Price War Disturbs Theatres Near K. C.

KANSAS CITY, April 4.—Kansas City's price war and double billing is coming in for wholesale condemnation by exhibitors in the territory outside the city, letters to the Kansas-Missouri Theatre Ass'n. indicate. In response to a bulletin recently sent out by the association, exhibitors declare that the deplorable situation in Kansas City is having a bad effect throughout the territory.

Small town exhibitors so far have been able to resist the temptation to adopt practices which are rampant here, but it is feared that before long patrons will demand the low prices for first runs and double bills which they see advertised in Kansas City dailies.

Letters to the K. M. T. A. office here endorse the association's plan for concerted action in opposition to guarantee and percentage terms demanded by distributors. This and numerous other problems confronting exhibitors will be discussed at the association's forthcoming convention, to be held on a date before July 1.

## Roach Dark Four Weeks

HOLLYWOOD, April 4.—Having but six shorts and one feature to complete for this year's program, Hal Roach will close early next week for four weeks.

## DeLang to Louisville

LOUISVILLE, April 4.—Stuart DeLang will manage the National for the Gumbiner interests when it reopens next Sunday. DeLang has been managing the Mikado, St. Louis.

"AN INSTITUTION AS GREAT AS THE INDUSTRY IT SERVES"

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

# Monogram's GUARANTY!

TREM CARR
VICE-PRESIDENT IN CHARGE OF PRODUCTION

Monogram made definite promises to exhibitors in Atlantic City last year about its 1933-34 program. In every instance it has kept this promise. It has delivered the pictures which were scheduled and it has delivered them on time.

Monogram believes that a promise is a pledge, and as a proof of this it points to the following attractions:

W. RAY JOHNSTON
PRESIDENT

**THE AVENGER** Ralph Forbes and Adrienne Ames in an Edwin Marin production of the famous novel by John Goodwin. Dialog by Tristram Tupper. Directed by Edward L. Marin.

**THE SWEETHEART OF SIGMA CHI** College romance. Based on the famous song. A rollicking, riotous medley of thrills, drama, music and song with Mary Carlisle, Buster Crabbe, Ted Fio Rito and his orchestra. Supervised by W. T. Lackey. Screen play by George Waggner. Directed by Edwin L. Marin.

**BROKEN DREAMS** From the story "Two Little Arms," by Olga Printzlau. A Robert Vignola Production, with Martha Sleeper, Randolph Scott, Buster Phelps, Beryl Mercer and Joseph Cawthorn. Supervised by Ben Verschleiser. Screen play by Maude Fulton.

**MANHATTAN LOVE SONG** From the novel by Cornell Woolrich. Directed by Leonard Fields, with Robert Armstrong, Dixie Lee, Franklyn Pangborn, Nydia Westman and Helen Flint. Screen play by Leonard Fields and David Silverstein.

**BEGGARS IN ERMINE** An unusual novel by Esther Lynd Day. Adaptation and screen play by Tristram Tupper. With Lionel Atwill, Betty Furness and Henry B. Walthall. Directed by Phil Rosen. Supervised by W. T. Lackey.

**THE LOUDSPEAKER** From the story by Ralph Spence. Directed by Joseph Santley, with Ray Walker, Jacqueline Wells and Charles Grapewin. Screen play by Albert E. De Mond. Supervised by W. T. Lackey.

**WOMAN'S MAN** From the story "The Great God Fourflush" by Adela Rogers St. John. A Phil Rosen production. With John Halliday, Wallace Ford, Kitty Kelly and Marguerite de la Motte. Adapted to screen by Frances Hyland. Supervised by Ben Verschleiser.

**CITY LIMITS** Suggested by Jack Woodford's novel. Screen play by George Waggner. With Frank Craven, Sally Blane and Ray Walker. Directed by William Nigh. Supervised by W. T. Lackey.

**MONTE CARLO NIGHTS** From the Collier's story "Numbers of Death," by E. Phillips Oppenheim. Screen play by Paul Schofield. Directed by William Nigh. Supervised by Paul Malvern. Adapted by Norman Houston. With Mary Brian, John Darrow, Yola D'Avril, Robert Frazer and others.

**MONEY MEANS NOTHING** Adapted from the play "The Cost of Living," by William Anthony McGuire, author of "The Kid from Spain." With Wallace Ford, Gloria Shea, Edgar Kennedy and Vivian Oakland. Directed by Christie Cabanne. Screen play by Frances Hyland. Ben Verschleiser, supervisor.


**MONOGRAM IS NOW IN ATLANTIC CITY PLANNING ITS BIGGEST PROGRAM FOR 1934-35**

**37 EXCHANGES TO SERVE YOU**

# Chains Wrong 99%, Is View Of Goldberg

By LEE L. GOLDBERG

LOUISVILLE, Ky., April 4.—Dave Chatkin's article, recently published in MOTION PICTURE DAILY, pointing out the failure of circuit theatre operation from New York, must have won the plaudits of every one familiar with the subject.

Reflecting upon my recent experience, while acting as zone manager for a certain theatre chain, I echo Dave's sentiments. In fact, I can supply further evidence of the damage wrought upon this industry by misguided theatre executives, swiveling before their desks in New York.

My base of operation was over 1,000 miles from New York. There were 14 theatres, located in towns of population ranging from 5,000 to 25,000. They were "store shows" by comparison with some of the "de luxe" houses operated by the circuit in metropolitan centers. These theatres, of which I had been an active part owner, were profitable for many years previous. With all due modesty, I had enjoyed a reputation as a capable picture executive—my experience starting in 1906 and embracing active service as managing head of large theatres in key points and smaller towns as well as exchange manager, exploitation man and what-not.

### Confidence in Him

The original general manager of the organization had confidence in me, and so did the men then in charge of the film buying. As a result, I was given carte blanche to operate my zone as though it were a separate unit apart from the entire body. Not because of my peculiar ability, but rather due to the wisdom of decentralized operation, our circuit in the first few months ranked close to the top. On the balance sheet, our houses stood out in bold relief in black, while "the de luxers" continued, consistently, to be reflected in glowing red.

One of the first constructive ideas we were successful in planting was to get the local papers in all our towns to publish a two-page series of announcements, welcoming our new organization, in which all the leading merchants and organizations joined. Included was a pledge, signed by all the theatre employes, to the patrons, assuring them of improved entertainment and physical service. I planned this with the thought of disabusing the local public of entertaining any thoughts about the usual changes in management brought about by chain operation. Our managers were permitted to continue as members of luncheon clubs and were otherwise encouraged to do everything possible to retain the good will of the local community.

### Was Hindered, He Says

Soon, though, I found the accounting department in the home office was placing all kinds of obstacles in the way of retaining the good will of the local people. For example, an insurance agent, who had been helpful in reducing our tax assessments, had his policies cancelled without any reasonable notice. In another town, the banker who had been most influential in getting our Sunday shows to go unmolested, lost our accounts in favor of another bank, which had been definitely lined up with the anti-Sunday element. If a manager bought 50 cents' worth of hardware from a local dealer, we were severely criticized for not getting it through a wholesale firm down East. The saving would be about seven cents, several times consumed by the necessary carrying charges.

### Then One Day—

Even with all this interference from the accounting department, we were operating somewhat successfully until suddenly a man, never before connected with active theatre operation, was named general manager. Instead of trying to gain the confidence and friendship of his subordinates, he immediately set about to present the accepted picture of a hard-boiled executive—a frozen countenance, an austere manner and every word of speech displaying ego and an utter lack of understanding of the problems of the men in the field.

Gaining an audience with him to discuss an important matter of operation was just impossible. The only time the writer did speak directly with him was when I was called on the carpet because I had ignored the orders of a certain young relative of the company heads (one of the many relatives) who had bawled me out unmercifully because I had passed for payment a newspaper bill aggregating a few dollars when the compositor had spelled O'Brien as O'Bryan. (Just imagine, with our newspaper rate so ridiculously low—15 cents per inch). I tried to show this inexperienced theatre official where the same paper had given us immeasurable space of reading notices, free of charge, and, therefore, it did not become us to penalize them for this slight typographical error. In vain, I related facts to prove that these small-town newspaper publishers were not a bunch of illiterates, as he intimated, and that even great papers, like *The New York Times*, with their splendid facilities, occasionally permitted errors to creep in. However, he remained so domineering and adamant and, while I risked losing my job rather than penalize the papers, I had to find some other means of appeasing his wrath. From that point on, though, I realized I was marked as a "no man."

### Made Things Tough

Shortly after, this official issued orders forbidding the approval of payments for managers' memberships to luncheon clubs, amounting from $10 to $25; eliminating small pledges to local charities and setting up rules making it well nigh impossible to tie in with local organizations on benefit performances, which, heretofore, had proved profitable and helpful. An advertizing budget of just $50 per week was arbitrarily set up for each house. Out of this allowance had to come expenditures for items contracted for through the home office. With four to five changes of program a week and in towns where out-of-town advertising was advisable the manager's lot was, indeed, most difficult. At the same time, he had to accept long and unnecessary telegrams—collect, of course—extolling the virtues of pictures he would not have booked for some time to come.

Any number of innumerable obstacles, placed in the paths of the local managers, could be cited. However, the most harmful handicap was the constant interference by a certain young man (a nephew of one of the company heads) who was suddenly given the lofty position of film buyer. Although he had never been in any of the towns in our group, this novice deemed it unnecessary for him to consult with the zone manager regarding the class of film or the manner of film purchases for our circuit. He also disregarded entirely the previous and proven policies of certain theatres. His initial move was to buy more service for one theatre than could possibly be consumed by two theatres for that period.

### Ignored Public Demand

The fact that western pictures were especially desirable for Saturday bookings in our towns was entirely ignored by this wiseacre. In fact, he obligated certain theatres to play the most pronounced sort of sex pictures on the day that the theatre heretofore had been catering to children. In one important town we almost suffered from a picture famine because this smart executive had agreed to give 42 days' protection to another chain-owned theatre in a town near by, which had previously enjoyed no protection. The film booked for our zone, not being apprised of the agreed protection until the eleventh hour, had a merry time keeping open two theatres using eight new features each week. In another instance, he agreed to give protection over another of our towns which was finally overcome when it was found the protection to other chain had in mind was for a town of the same name in a different state.

During the early part of this season, most of our theatres could not be definitely booked within two weeks of play dates simply because this film buyer was so busy jumping about the country attending football games that he did not have time to complete film deals. To such a person was entrusted the rather large order of completing the film buying for about 200 widely scattered theatres in the Middle West. On one occasion, the general manager wired me to meet this film buyer in Chicago so that I could sit in on a deal with a district manager, whose confidence I enjoyed. After waiting anxiously from early in the morning until late that afternoon, I was casually informed by our man that the district manager was out of town. Aside from spending two nights on the Pullmans on this wild goose chase, I enjoyed (?) a similar experience at St. Louis also in this same season.

During this period when salary-cutting was in order, some of our theatre employes earning salaries of less than $10 per week were included in the cuts. Imagine the good time the opposition had of making capital of the fact and, especially, when they worked one week without pay. Just about this time I was successful in getting one of our landlords to give us a cut of about 15 per cent in rent after various home office representatives had been turned down. This saving was more than wiped out when the aforementioned film buyer succeeded in inducing the general manager, in spite of my fervent protests, to replace a competent booker with an inexperienced one and at an increase of double the other booker's salary.

### Theatres Never Visited

In almost three years, no one of practical theatre experience or authority (not counting traveling auditors) ever visited our theatres. Naturally, then our home office executives could not be expected to begin to understand our particular or peculiar problems. In one case I shall never forget, we lost about $30,000 in extra revenue simply because the proposition got lost in the home office. Not infrequently, too, the payment of local taxes and licenses was overlooked and yet, if our contact man dared to send in an advance reminder, he was rebuked.

Dave Chatkin, in his article, stated: "Decisions of major importance are made in New York, and, conservatively speaking, 70 per cent of these decisions are incorrect."

To which I would add:

"Dave, you are entirely too conservative—about 99 per cent would be a truer estimate."

It would really be a splendid and liberal education for these so-called "swivel-chair" New York theatre executives if they would be forced to be on the scene and actually operate the theatres whose policies they have been so unsuccessfully trying to dictate from their palatial offices in New York. The experience would probably be fraught with many casualties.

## *Who Goldberg Is*

***LEE L. GOLDBERG, author of this latest blast on long-distance theatre operation from New York, was one of the first men to write picture publicity, starting as press agent at the Hopkins, Louisville, in 1906. At the same time, he was press agent for the Fontaine Ferry Park which played big-time Keith vaudeville. He continued both posts until 1913 when he became manager of the National, also in Louisville. This was one of the first of the big houses to play combination of vaudeville and pictures. When the house was merged with the Mary Anderson and Strand by Keith, he took on the added duties of handling all of these theatres.***

***In 1916, Goldberg resigned to become a First National (original) franchise-holder for Kentucky and Tennessee with Colonel Fred Levy, a life-long friend. This association continued in the operation of theatres and exchanges in Indiana, Kentucky and Tennessee. Upon sale of the chief theatre interests to Warners in March, 1931, he was appointed Kentucky zone manager by Dan Michalove, remaining until November, 1933. Now reunited with Colonel Levy in operation of theatres and exchanges.***

# N. Y. Control Seen As Harm To Industry

## *Globe to Drop Duals*

With opening of "The Unknown Blonde" April 16, the Globe will drop its present policy of twin features and go first run at increased admissions. The Majestic picture goes in for an indefinite run and three exploitation men will be put on to handle it.

# Profits More Than Doubled—Johnston

(Continued from page 1)

with the company's fourth annual sales convention in session here.

Johnston, in making his annual report to the stockholders, said that he would recommend placing the stock on a dividend basis at one of the later sessions of the convention. He also stated that Monogram's gross billings for the year just closed exceeded those of the previous 12 months by $577,021.

Since the company's last convention, Johnston's report disclosed, foreign offices handling Monogram product exclusively have been opened in London, Paris, Prague, Buenos Aires and in Australia. His report cited as an example of the increasing prestige of the company throughout this country, the fact that 15 Monogram managers and district managers have been appointed to local code boards by Code Authority.

Trem Carr, vice-president in charge of production, reported to the stockholders that Monogram's current program would be completed by June 1, slightly ahead of schedule. Of the 20 dramas on the current program, 15 have been completed, he reported, and six of eight scheduled westerns have been finished.

The stockholders' meeting was preceded by the opening session of the convention, at which brief addresses were made by company executives and franchise holders. Carr diverted from a general talk on production to compliment Edward Golden, sales manager, and Ed Finney, advertising and publicity manager, on their activities of the past year, paying tribute to Golden, in particular, for his work in connection with the drafting of the industry's NRA code at Washington last summer and fall. Golden followed with an address in which he cited numerous examples of the growth and increasing prestige of the company.

Other speakers included Harry Thomas, president of First Division and distributor for Monogram in eastern cities; Irving Mandel, Jack Berkowitz, Arthur Bromberg, Nat Lefton, Floyd St. John, Harry Bergson, J. S. Jossey, Howard Stubbins, Herman Rifkin, William G. Underwood, J. P. Sheffield, Sam Flax and Barney Rosenthal. Daniel Brier, assistant general counsel of Atlantic City, represented Mayor Harry Bachrach, who was unable to attend, and welcomed the delegates. Johnston presided at the opening session.

Others here for the convention are: Lou Ostrow, executive producer; Madeleine S. White, secretary to Johnston; John S. Harrington, manager of print and accessory department, and Mrs. Harrington; Winifred Godde, secretary to Finney; J. P. Friedhoff, treasurer; Norton Ritchey, vice-president for foreign distribution; Mrs. Nellie Witting, secretary to Ritchey; Mr. and Mrs. Murray Rosenbluh, of New York; Al Blofson, Philadelphia; Mr. and Mrs. B. H. Mills, Albany; Jake Flax, Washington; James Alexander, Pittsburgh; Sam Seplowin and J. L. Saxe, Detroit; Nat Steinberg, St. Louis; Robert Withers, Kansas City; Sol. Davis, Oklahoma City; Claude Ezell, Dallas.

Officers were elected as follows: Johnston, president; Carr, vice-president; J. P. Friedhoff, treasurer; Madeleine S. White, secretary; executive committee, Johnston, Carr, Herman Rifkin, Irving Mandel, Norton Ritchey; directors, Johnston, Carr, Robert Withers, Mandel, Rifkin, J. S. Jossey, Floyd St. John, Sam Seplowin, Ritchey, A. C. Bromberg.

## *Boardwalk Notes*

Atlantic City, April 4.—Trem Carr, still plugging that old California sunshine, can't see going to summer resorts in the winter time.

•

"Double Feature Eddie" Golden is all primed for a real sales session on Friday.

•

Jack Jossey and Mr. and Mrs. Nat Lefton motored in from Cleveland.

•

Barney Rosenthal and Nat Steinberg of St. Louis missed the convention last year, but they're on deck this year.

•

Floyd St. John of Frisco and J. T. Sheffield of Seattle are the "longest distance" travelers here.

•

Among the boardwalk strollers are Mrs. W. Ray Johnston, Mrs. Harry Thomas and Mrs. Irving Mandel.

•

Ed Finney put a banner 20 feet wide and five feet high over the entrance to the Ambassador. Everyone knows Monogram's in town.

•

The new Compass Bar seems to be getting a good play.

•

Russ Bell is due here to cartoon the highlights of the convention.

# Majestic Policies To Be Decided Here

(Continued from page 1)

to start work at once on the program for the new season.

Attending the sessions will be Jack Berkowitz, franchise holder for Albany, Buffalo and Detroit; Thomas A. Branon, Atlanta, Charlotte and New Orleans; William D. Shapiro, Boston; Morris Segal, Cincinnati and Cleveland; Lee Goldberg, Louisville and Indianapolis; Robert Clemmons, Dallas; Sam Berkowitz, Los Angeles and San Francisco; Charles Trampe, Milwaukee; Joseph Silverman, Oklahoma City; Max Weintraub, Omaha; A. Burke, Kansas City; A. Lucchese, Philadelphia and Washington; Joseph S. Skirball, Pittsburgh; Gene Marcus, Salt Lake City and Denver; Maurice Cann, Seattle; A. Slater, Portland; Ben Judell, Chicago; A. Dietz, St. Louis; Harry Quinn, Minneapolis; Oscar Hanson, Canada.

E. H. Goldstein, executive vice-president, also will attend.

Hollywood, April 4.—When Herman Gluckman, president of Majestic, arrives here in two weeks the company will institute a unit production policy with two units to be going at all times. Current plans are to make between 12 and 16 pictures next season. Unit producers will be taken on a picture-to-picture basis.

## *Ross at Ampa Lunch*

Among the Ampa guests at the weekly luncheon in the M. P. Club today will be Lanny Ross, the Three Jesters, Irene Kuhn and Florence Lewis.

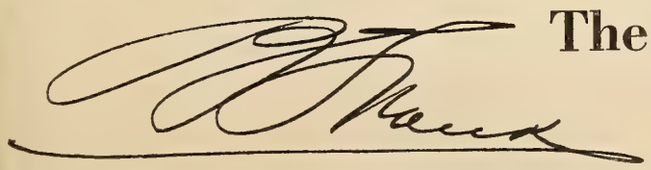
# NEWS FLASH to Every Delegate!

**"I sincerely hope that I may have the privilege of personally welcoming every delegate to the M. P. T. O. A. convention.**

**"We of the Hotel—myself and every member of my staff—are proud of the fact that the Los Angeles Ambassador was unanimously selected by your Association as convention headquarters.**

**"May we assure you that we shall do all in our power to merit the confidence which you have expressed in us."**

BEN L. FRANK,



## The LOS ANGELES AMBASSADOR

***A twenty-two acre playground in California's smartest center, midway between Hollywood and Los Angeles.***

Spot News from Columbia

Even though the continent was swept by an avalanche of critical raves, plus broken records and many holdovers—we can safely say that CLARK GABLE and CLAUDETTE COLBERT in Frank Capra's "It Happened One Night," is just a sample of what you can expect from Columbia!

It will soon be here! The screen's mightiest soul-stirring triumph—destined to take its place among the immortals in the screen Hall of Fame! Frank Borzage's "NO GREATER GLORY," based on Ferenc Molnar's famous novel!

The greatest comedy hit of the decade now brought to the screen with a million-dollar cast! JOHN BARRYMORE in "20th Century," with Carole Lombard, Walter Connolly, Roscoe Karns. Screen play by Ben Hecht and Charles MacArthur. A Howard Hawks production.


# MPTOA Group Off Tonight To the Coast

(*Continued from page 1*)

who will speak the following day on "What's the Matter with Production from the Point of View of an Exhibitor." Louis B. Mayer's name has been added to the Wednesday program. His subject will be: "What's the Matter with Exhibition from the Point of View of the Producer." At this same session Mrs. Thomas G. Winter, past president of the General Federation of Women's Clubs, will talk on "The Public's Attitude Toward Motion Pictures," and Joseph I. Breen, of the Producers' Ass'n. will discuss "Self Regulation in Advertising Motion Pictures."

On Wednesday afternoon the delegates will be taken in busses to the Warner studios and that same evening there will be a party at the Universal plant, with trips through the Fox and RKO studios set for Thursday afternoon. There may also be a studio party that night.

Two speakers added for the Thursday program are: W. L. Ainsworth of Fond du Lac, Wis., "What the Code Means to the Country Town Exhibitor" and Morgan A. Walsh of San Francisco, "What the Code Means to the Metropolitan Exhibitor."

### Three Pullmans Leave

Three Pullmans leave New York, two over the Pennsylvania, which leave at 10:30 o'clock tonight, and one over the New York Central from Grand Central station, leaving at 7:45 o'clock.

The New York Central car goes via Albany, Buffalo, Cleveland and Toledo and reaches Chicago at 3:15 o'clock tomorrow afternoon. Leaving New York on this car will be: R. Sobelson of Bangor, Pa.; Edward G. Levy and party of New Haven, and William G. Benton of Saratoga Springs. Between 15 and 20 more delegates will be picked up at Buffalo, Cleveland and Toledo.

On the Pennsylvania cars out of New York will be: Fred Baehler of MOTION PICTURE DAILY, J. J. Cohen of RKO, W. P. (Pat) Garyn of United Newsreel, Helen O'Toole of the New York M.P.T.O.A. office, and Mr. and Mrs. Harry Roth of Morristown, N. J. At Philadelphia the following will board these cars: George P. Aarons, Lou Berman, M. E. Comerford, Lewen Pizor and Ralph Wilkins. At Harrisburg, Pittsburgh and Fort Wayne more delegates will board these cars. Two cars with the Baltimore and Washington delegations are to be added at Pittsburgh.

### Cars Out of Chicago

Out of Chicago there will be 10 cars over the Rock Island. All the eastern and midwestern delegates converging on Chicago will be entertained by Jack Miller at the Chicago Exhibitors' Ass'n. offices during the stopover. The special out of Chicago will be known as the M.P.T.O.A. Golden State Ltd.—Hollywood Special. It is scheduled to leave Chicago at 8:45 P. M. The Memphis special car will be picked up at Tucumcari, New Mexico, at 1:15 A.M., Sunday. Two cars out of New Orleans will be added at El Paso at 8:30 A.M. Sunday and there will be a six-hour stopover there to permit the delegates to cross the border to Juarez and to attend a Wild West show to be put on by local exhibitors. The 17-car special out of El Paso will reach Los Angeles over the Southern Pacific at 7:40 A.M. Monday.

# Gulf States Votes For Clean Pictures

(*Continued from page 1*)

believed that both groups, working together, can kill any unfavorable legislation. The film fair, held in the afternoon under the joint sponsorship of exchanges and the association, proved one of the biggest attractions ever held here. Two hundred persons attended the banquet.

## *Mississippians Face Daily Report on Tax*

MEMPHIS, April 4.—Mississippi exhibitors here earlier in the week for the Tri-States convention, who complained bitterly over the state admission tax, are compelled to make daily reports to state officials. Violations or avoidance of the tax may be punishable up to $1,000 in cash, the full amount of the defaulted tax and 15 years in prison.

The law, first passed as a two-year temporary measure, is now permanent and is described as discriminatory by Mississippi showmen in that it is a straight two per cent sales tax on industries other than the theatre industry, which meets the impost by a tax on each ticket beginning at five cents and up thereafter. Many of these exhibitors declare the levy is driving them out of business.

The Mississippi legislature adjourned Wednesday not to meet again for the next two years.

## *Erpi Silent About Compromise in Suit*

Erpi and the company's legal representatives here declined to comment yesterday on reports from Wilmington, Del., that efforts would be made toward an amicable settlement of the anti-trust suit brought against the company and its affiliates, Western Electric and A. T. & T., by the Stanley Co. of America, Duovac Radio and General Talking Pictures over the alleged enforcement of restrictive clauses in connection with replacement of sound equipment parts.

Completely unconfirmed, the reports of an attempt at settlement of the suit persist, particularly in Wilmington, where trial of the action was to have started yesterday in U. S. District Court there. Counsel for both sides sought and were granted a postponement of trial to next October.

## *Morris to Baltimore*

WASHINGTON, April 4.—Walter M. Morris, manager of Warners' Metropolitan, has gone to Baltimore to take over management of the Stanley, which Warners reopen Friday. Nelson Smith is temporarily in charge of the Metropolitan.

## *Kan. Spots Open Sunday*

KANSAS CITY, April 4.—Emporia and Clay Center, Kan., voted for Sunday shows in yesterday's elections. The Emporia majority was heavy.

# *Purely Personal*

B. S. MOSS, LOUIS NIZER, HARRY D. BUCKLEY, DAVID LOEW, EUGENE PICKER, JOSEPH VERGESSLICH, JOE BRANDT, HAL HODE, LOUIS BLUMENTHAL, WILLIAM FRANKEL, HENRY CHIDNOFF, BEN SHERMAN, JACK STEINMAN and ARNOLD VAN LEER were M. P. Club lunchers yesterday.

KATHARINE BROWN, eastern story editor for Radio, leaves for the coast today to confer with B. B. KAHANE and PANDRO S. BERMAN at the studios.

P. F. MASUCCI, for the past eight years with Heywood-Wakefield, is now associated with International Seat Corp.

MORT BLUMENSTOCK arrives this morning from New Orleans by plane. He rushed home when he heard his mother was ill.

HERSCHEL STUART leaves next week for Dallas to be with his family on his daughter, Faith's, second birthday, April 22.

CHARLES BEAHAN, scenario writer, has arrived from the coast and is at the Warwick.

HARRY SAUBER's original, "Window Panes," has been purchased by Warners.

GLORIA SWANSON reaches town this morning. She will be here about two weeks.

SIDNEY SAMUELSON returned yesterday after a three-week southern cruise.

ROBERT SMELTZER, with Warners in Washington, was in New York yesterday on a short visit.

BEN ATWELL is back after several weeks in Washington exploiting Columbia pictures.

JOE LEE, local Fox exchange manager, will shortly undergo a throat operation.

DONALD NOVIS yesterday attended an RKO showing of his short "Everybody Likes Music."

ETHEL MERMAN is back in town from the coast.

HOWARD S. CULLMAN returns from Albany tomorrow.

## *Col. Releases Set in France and Belgium*

(*Continued from page 1*)

by the company will distribute Columbia product in France and Belgium for the next two years. He said the new company plans to spend 5,000,000 francs for dubbing Columbia product. Several other distribution deals were closed, he said.

Columbia will continue its sales office in Paris under E. Zama, he asserted. Seidelman declared business in England is exceptionally good. He revealed no changes in personnel have been made abroad and that his company does not plan to produce there, adding that no additional foreign branches are contemplated.

Henri Brunet, who is completing a survey, will return from Europe shortly.

the 10,000 persons in the motion picture world who *count* will appear in the great

# WHO'S WHO

section of

# MOTION PICTURE ALMANAC

out just when the new show year begins

*The book of facts about motion pictures . . . A summary of the "picture year" 1933-34 . . Full information about season 1934-35*

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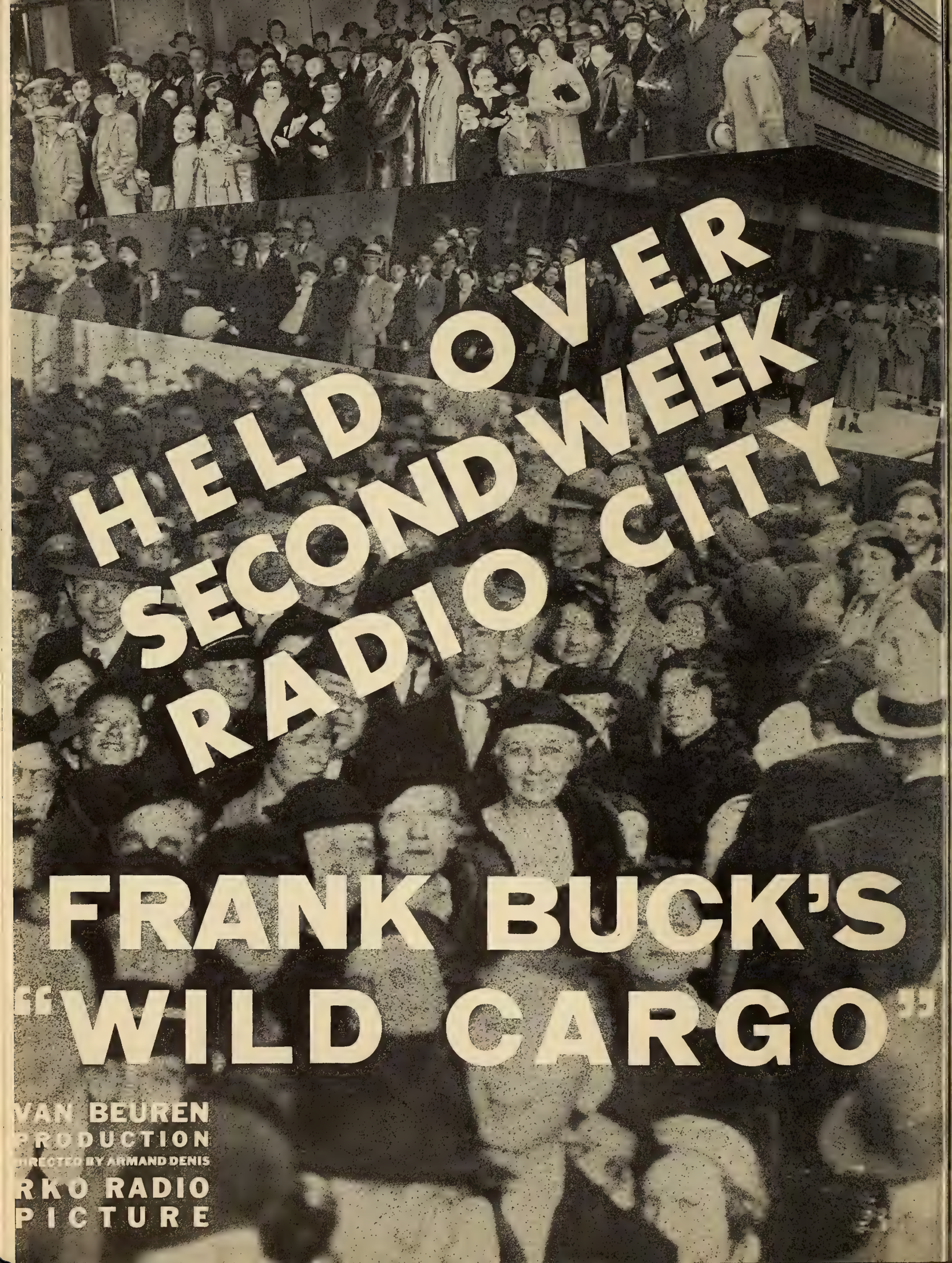
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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 80 NEW YORK, FRIDAY, APRIL 6, 1934 TEN CENTS

# Early End of National Review Board Foreseen

## Expect Action On Phila.-N.Y. Boards Today

### *Full Campi Membership To Settle Problem*

Showdown on setting up personnel of the New York and Philadelphia clearance and zoning and grievance boards is expected today when Campi meets with Harold S. Bareford as chairman. Several attempts by the committee on selections to name the boards have proven fruitless and the matter now goes to Code Authority for action.

During the last two days the committee on nominations has been wrangling over various names suggested by independents for boards in both the Quaker City and New York. In Philadelphia, Warners are understood to be the main objectors to certain of the personnel submitted. Locally,

(*Continued on page* 4)

## F-P Canadian Net Gains by $104,885

TORONTO, April 5.—Net profit gain of $104,885 over the previous year is shown in the annual report of Famous Players Canadian Corp. for the year ending Dec. 31, although net earnings from theatre operations were lower.

The increase was due largely to profits on marketable securities, discount on bonds redeemed, lower U. S. money exchange, reduced interest charges and profit from subsidiaries.

Net tangible assets are listed at

(*Continued on page* 4)

## *Ohio ITO Opposes Heavy Footage Tax*

COLUMBUS, April 5.—The I.T.O. of Ohio has gone on record as opposed to the new tax bill pending in the Senate, which is designed to repeal the present admission tax and put a five cents per foot tax on all film submitted by distributors for censorship.

## *St. Louis MPTO in Fight on Sale Tax*

ST. LOUIS, April 5.—The M.P.T.O. has declared itself as opposed to a city sales tax as a means of helping the city to raise additional revenue.

A nominal sales tax was suggested at a recent conference between Mayor Bernard F. Dickmann and various business interests. After the gather-

(*Continued on page* 4)

## Theatre Deal In St. Louis Up to Court

ST. LOUIS, April 5.—What the chances are for a reorganization of the St. Louis Amusement Co. and the transfer of the Ambassador, Grand Central and Missouri Theatres to F. & M. Operation will be known here tomorrow at a hearing to be given by U. S. District Judge Charles B. Davis.

Warners put up a vigorous fight at the first hearing on March 30, and after listening to the arguments for some time the court broadly hinted that unless the rival factions got together it would reject the reorganization plans and let the properties go through foreclosure.

The bondholders' protective committee favoring the F. & M. deal asked the court at the March 30 hearing to notify the owners of all bonds that unless they deposited them within 20 days they would not be allowed to participate in the reorganization plan. The request was taken under advisement by Judge Davis.

Warners joined with attorneys for holders of about $200,000 worth of bonds in opposing the plan.

## Name Schenck Head Of Poli-N. E. Today

Election of Nicholas M. Schenck as president of Poli-New England and of David Bernstein as vice-president and Leopold Friedman as secretary will take place this afternoon at Loew headquarters. In addition, Schenck, Bernstein, A. C. Blumenthal and N. L. Nathanson will be elected directors. Schenck succeeds Blumen-

(*Continued on page* 4)

## *Says Allied Ousted Heads of New Group*

CHICAGO, April 5.—That the leaders of the Independent Theatre Owners Ass'n formed here Monday did not withdraw from Allied of Illinois because they felt the organization was not standing up for the small exhibitor, as was asserted when the new

(*Continued on page* 4)

## Monogram to Make 20 for 1934-35 List

ATLANTIC CITY, April 5.—Monogram will make 20 features, four of which will be specials, and will release eight John Wayne westerns to be produced by Lone Star Productions during the new season, the company's franchise holders decided today at Monogram's fourth annual sales convention.

Coincident with the setting of the new schedule, the franchise holders voted a second 50 per cent increase in the production budget. The first 50 per cent increase was approved by the franchise holders during a meeting at Cleveland three months ago. The budget increases apply to 16 features. Separate budgets are to be set for the four specials.

Discussions of story material and players for next season's schedule occupied most of today's sessions, but agreements on the complete program

(*Continued on page* 5)

## *Eastern Poster Men Leave for St. Louis*

Poster service renters from the east left yesterday afternoon for St. Louis to attend the second annual convention of the National Protective Poster Ass'n, which gets under way at the Coronada hotel tomorrow. The meeting will last two days.

The renters are prepared to get out their own posters, stills and other advertising accessories, but the plan must be approved at the convention before production starts.

Officers for the new year will be elected and Simon Libros, president, is expected to continue in that post.

## *Cohn In, Holds Meet On Production Plans*

Upon his arrival from the coast yesterday Harry Cohn, president of Columbia, conferred with his brother Jack, Nate Spingold and Joseph Seidelman on production matters.

Seidelman returned late Wednesday night on the *Berengaria* from a three-month tour of Europe, while Jack Cohn flew in for a short stay.

## *Disagreements Indicated Among Members Upon Film Code Report*

WASHINGTON, April 5.—Dissolution of Clarence Darrow's National Recovery Review Board within a few weeks is confidently expected here.

Asked by the President to submit its film report by April 15 and torn from the very day of its establishment by dissension among its members, the board is seen as giving little or no promise of concrete benefit to the interests which have claimed they suffered oppression because of the provisions of various codes.

The report to be submitted next week on the film code will not be unanimous, it was indicated tonight. Indications are that Chairman Darrow, supported by W. O. Thompson

(*Continued on page* 4)

## Chicago Awaiting MPTOA Delegation

CHICAGO, April 5.—Chicago is all set to receive the advance guard of M.P.T.O.A delegates this afternoon. First of the New York, New England, Albany, Buffalo and northern Ohio contingent are due to arrive at 3:15 o'clock. The remainder of the New York group and the Baltimore and Washington delegations are due in before 7 o'clock.

Wisconsin and Illinois men and others from points farther west will filter in all day. Jack Miller is holding open house at the Chicago Exhibitors' Ass'n quarters. They will pull out for El Paso, where the New Orleans cars will be added, at 8:45 o'clock tonight.

## *Disney to Continue At U. A.—Lichtman*

"Walt Disney will continue to release his shorts with United Artists as long as he and we are in business," Al Lichtman stated yesterday, confirming MOTION PICTURE DAILY's exclusive story of March 24 that the producer and distributor had signed another contract.

Lichtman stated U. A. will release as many shorts as Disney makes, and while the producer's schedule for next season has not yet been set, it will probably call for 13 "Mickey Mouses" and 13 "Silly Symphonies."

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *Franklin to London*

Harold B. Franklin sails for London today with Arch Selwyn, to be gone about a month. Franklin will discuss arrangements for bringing "Nymph Errant," current London hit with Elizabeth Bergner, to Broadway. His plans call for a week in Paris following a stay of one week in London.

## *Majestic Sessions Set*

Present plans of Majestic are to hold the series of meetings with franchise holders next week at the company's headquarters in the RKO building. A late change may be effected, however, and the sessions moved to a nearby hotel. Herman Gluckman, president, will be in charge.

## *Korda in Sole Charge*

LONDON, April 5.—Toeplitz de Grand Ry has resigned from the board of London Film Productions, Ltd., and Alexander Korda is now in sole charge as managing director. The company is now fully financed by British money.

## *U. A. Meeting Not Set*

United Artists have not yet decided on dates for the annual regional sales meetings, Al Lichtman stated yesterday, but the probability is that they will be held some time in June. No sites have yet been chosen.

## *DuWorld Gets "Borneo"*

"Beast of Borneo," produced in Borneo and Hollywood for Far Eastern Productions, Inc., has been acquired for distribution by DuWorld Pictures, Inc.

# The Pay-Off

*Bowie, Ariz., April 5.*

UNFAIR is it for producers, getting wind of another producer's pet idea, to beat the originator to the market with the same idea, slightly altered. So thought Tri-State exhibitors in Memphis the other day.

The theory is correct, but where the Tri-State men failed to tread was on ground substantial enough to kill off the practice. Cycles, long a part of the business in the past and long to be in the future, it is to be feared, are apt to turn vicious. Every one knows it, recognizes the futility of it, but does nothing because there appears little that can be done.

▼

DISTURBING to that convention as well was the situation on shorts. Well might it be. The complaints on this score were their over-abundance and their quality, or rather, their lack of quality. Both counts carry plenty of weight.

The situation is deplorable and has been for many years. Even experienced film men express their amazement over the numbers to which annual output from all sources reaches. Roughly, the total is between 1,200 and 1,500 releases, not reels. Why that number has about as much sense to it as some other well-routined practices in the business.

Many never return their negative costs; most of them are made with what's left of the feature organization or what the feature organization refuses to use.

BECAUSE many producers view them as a necessary adjunct in rounding out the complete service plan on which their sales departments insist, the spectacle is one of shorts ground out, sans new ideas and care, to meet a consuming market.

We say consuming market since the majors will not sell their features unless the shorts go along. Exactly how much absorption there actually would be if exhibitors were not compelled to subscribe to a system which makes them take 'em, like it or not, would be a vastly different story.

▼

DEMONSTRATING that the will provides the way is the clean-up job in advertising which was started and virtually finished in a couple of months. April 1 was the final date set by Jeff McCarthy, properly empowered by the Hays organization, to handle this problem and this is the mark he struck. With the exception of some independent interests beyond the pale of Hays' authority, advertising has been fumigated with results that can bring only good to the business.

The same process applied to Hollywood, so that it will stick would seem to be the logical follow-up. Nobody can convince us it can be done in advertising and not in the product itself. There are elements peculiar to Hollywood and its far-removed seat of operation which admittedly make such a plan more difficult to execute, but not insurmountably so.

(*Continued on page 12*)

## *Eastman Pfd. Up 3¾ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30½ | 29⅝ | 30¼ | + ⅜ | 3,000 |
| Consolidated Film Industries | 4⅜ | 4¼ | 4¼ | ..... | 400 |
| Consolidated Film Industries, pfd | 16¼ | 16 | 16¼ | + ¼ | 400 |
| Eastman Kodak | 88 | 88 | 88 | —1 | 400 |
| Eastman Kodak, pfd | 135¾ | 135¾ | 135¾ | +3¾ | 10,000 |
| Fox Film "A" | 16 | 15⅝ | 16 | + ⅜ | 2,000 |
| Loew's, Inc. | 34 | 32¼ | 33¾ | +1 | 46,300 |
| Loew's, Inc., pfd | 93½ | 93½ | 93½ | +1 | 100 |
| Paramount, cts. | 5¾ | 5⅜ | 5¾ | ..... | 19,900 |
| Pathe Exchange | 3⅜ | 3¼ | 3⅜ | ..... | 900 |
| Pathe Exchange "A" | 20⅛ | 19¾ | 19¾ | — ¼ | 1,800 |
| RKO | 3½ | 3⅜ | 3½ | ..... | 2,000 |
| Warner Bros. | 7¾ | 7⅜ | 7¾ | + ¼ | 21,400 |
| Warner Bros., pfd | 23⅛ | 23⅛ | 23⅛ | + ⅝ | 100 |

## *Columbia Rises One on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 30 | 30 | 30 | +1 | 100 |
| Technicolor | 8 | 8 | 8 | ..... | 400 |
| Trans Lux | 2⅛ | 2⅛ | 2⅛ | + ⅛ | 300 |

## *Most Bond Issues Advance*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10¾ | 9⅜ | 10½ | +1 | 77 |
| General Theatre Equipment 6s '40, ctf | 10 | 8½ | 9¾ | + ¾ | 29 |
| Keith B. F. 6s '46 | 64¾ | 64¾ | 64¾ | + ⅜ | 1 |
| Loew's 6s '41, ww deb rights | 99 | 98¾ | 99 | ..... | 14 |
| Paramount Broadway 5½s '51 | 36¾ | 34¼ | 36¾ | + ⅞ | 11 |
| Paramount F. L. 6s '47 | 49¾ | 49⅛ | 49¾ | + ½ | 21 |
| Paramount Publix 5½s '50 | 51 | 50 | 50½ | — ¼ | 11 |
| Pathe 7s '37, ww | 92¼ | 92¼ | 92¼ | s7 | 1 |
| Warner Bros. 6s '39, wd | 61½ | 60½ | 61⅜ | + ⅝ | 228 |

# *Purely Personal*

HAROLD S. BAREFORD, PHIL REISMAN, CHARLES ROSENZWEIG, JACK G. LEO, WILLIAM GERMAN, GUS EDWARDS, MORTON VAN PRAAG, TOBY GREEN, GABRIEL HESS, EUGENE PICKER, MORT SPRING, DAVID LOEW, DAVID BLUM, MILTON C. WEISMAN, HARRY BRANDT, JOE BRANDT, CHARLES A. ROGERS, JOSEPH VERGESSLICH, CHARLES GOETZ, EDWARD SCHNITZER, LEE OCHS, HARRY SHIFFMAN, JACK STEINMAN, BEN SHERMAN, LOUIS PHILLIPS, LOUIS NIZER and Ampaites gathered at the M. P. Club yesterday for luncheon.

FRANK BUCK left for Chicago yesterday, where he will begin six weeks of bookings for personal appearances in connection with "Wild Cargo" openings. Cleveland, Dallas, San Antonio, Ft. Worth and Los Angeles follow in turn on his itinerary.

J. H. HOFFBERG is on his way to Europe on the *President Roosevelt* for an extended business trip. He will make his headquarters in Paris and Madrid.

A. WAXMAN will do special exploitation work on "The Unknown Blonde" when the Majestic feature opens at the Globe, April 16.

ALICE FAYE arrived from the coast by plane last night. After a vacation here she will return west to appear in "She Learned About Sailors" for Fox.

HARVEY DAY decided at 1 P. M. yesterday to catch the M.P.T.O.A. special bound for the coast convention.

HAROLD ROBB and EDWARD ROWLEY have returned to Texas after two weeks here conferring on product deals.

IRENE DUNNE and husband, DR. FRANCIS GRIFFIN, have left for Hot Springs, Va., for a 10-day vacation.

KATHARINE HEPBURN is spending a few days at her Hartford, Conn., home.

JAMES A. FITZPATRICK arrived yesterday from a two-month tour on the Continent.

LEW BROWN has opened an office in the Fox building to help him in his six-week talent search.

RALPH STAUB is on his way to the coast to direct two Technicolor shorts for Warners.

FREDERICK HAZLITT BRENNAN'S "Miss Pacific Fleet" has been bought by Warners.

## *Re-elect M-G-M Board*

The entire board of directors of M-G-M was re-elected yesterday at an annual meeting of stockholders of the corporation. Directors are: David Bernstein, Edward Bowes, William Braden, Felix F. Feist, Leopold Friedman, Messmore Kendall, Arthur M. Loew, David L. Loew, Jesse T. Mills, Charles C. Moskowitz, J. Robert Rubin, E. M. Saunders, Nicholas M. Schenck, Edward A. Schiller and David Warfield.

## *Signs Jones for Serial*

HOLLYWOOD, April 5.—Buck Jones has been signed by Universal to star in the company's first serial of the new season, "The Red Rider."

BRAVO!
As thousands cheer!
George Raft in "THE TRUMPET BLOWS" with Adolphe Menjou
Frances Drake . . . A Paramount Picture . . . Directed by Stephen Roberts
Paramount Pictures

# Early End of Review Board Is Foreseen

(Continued from page 1)

and Samuel P. Henry, will recommend broad changes in the code, in which event John F. Sinclair and W. W. Neal will refuse to sign and may submit a minority report. The sixth member of the board, Fred P. Mann, was not present during the hearings.

Members of the board who accepted their appointments in the belief that they had been offered an opportunity for constructive work for the betterment of conditions of small enterprises in codified industries are said to have been discouraged by the refusal of Chairman Darrow to consider the establishment of a technical staff which could advise upon the many involved trade practices which have been the subject of complaint.

These members realize that the hearings were productive only of charges of monopoly and unfair practices, supported by little or no proof and for the most part unanswered by those against whom the charges were directed. This was particularly true of the film case, where a brief statement of general character represented the only material offered by those who were the "defendants" in the unique proceedings of the board.

### See Need of Amendment

Expressing informally the opinion that undoubtedly there are provisions in many of the codes which should be amended, members of the board indicated their awareness of the fact that practically every point brought before them had been the subject of repeated discussion during negotiation of the codes. Because of this fact, they were represented as being unwilling to give their approval to any reports which would recommend wide revision unless some step were taken to provide impartial technical information on the matters involved.

In creating the Darrow board there was made available for expenses the sum of $50,000, which is sufficient to support the board for only a few weeks. The request of the President before leaving for his trip to Florida that the board make its report by April 15 is taken as an indication that it is considered but a temporary body and no additional funds will be provided.

It is expected that, as a result of the board's experience, recommendations will be made to the President for the establishment of a permanent appellate body to review codes upon complaint, which will operate independently of the National Recovery Administration, but not ignore that organization, as the Darrow board has done. Such a board would be supported by an adequate staff of men sufficiently acquainted with the various industries to pass intelligently upon the technical questions which would be raised.

## *Lease Theatre Site*

Brandt Theatres Corp. has leased a store at 1985 Broadway and two buildings at 123 and 125 West 67th St. for construction of a 600-seat theatre. The lease is for 15 years on a percentage rental basis.

# New Group to Open Two K.C. Theatres

Kansas City, April 5.—The Rewot Corp. has been formed here to operate the Pantages and the next-door 12th Street, a smaller house. M. W. Reinke is president and S. Bernard Joffee, recently resigned as manager of the Fox Uptown, vice-president. Other officers were not revealed.

Barring delays, the Pantages, dark for two years, will be relighted April 13 on a policy of first run pictures with stage presentations, while the 12th Street, formerly devoted to burlesque and now closed for changes, will open later in April as a subsequent run. Present plans are to maintain an all-time scale of 25 cents at the Pantages, with probably 15 cents at the smaller theatre.

The Pantages will be renamed the Tower, derived from the tower on the theatre building. The 12th Street will be known as the Downtown. The first run, with 2,200 seats, and the other, with a capacity of 1,040, will add a total of 3,240 seats to what is already considered an overseated condition downtown.

While deals are not fully consummated, it is understood the Rewot Corp. is taking a 10-year lease on a percentage arrangement, with the understanding the company will relinquish operation if it proves unsuccessful. The Pantages building and ground, and part of the other property, have been involved in complicated litigation since Alexander Pantages, for whom the house was built, let it go back when he withdrew from Kansas City about four years ago.

# Name Schenck Head Of Poli-N. E. Today

(Continued from page 1)

thal as head of the 18 New England theatres.

Tentative plans of Loew do not call for taking over operation of the houses until some time in November, but this can be changed at a moment's notice, since control of the circuit lies with Loew. Louis M. Sagal will continue to operate the houses until the fall and the policy under Loew management will be determined when the operation is taken over.

## *Clubs Approve "Earth"*

The Warner home office yesterday received letters of commendation for "As the Earth Turns" from three officers of the Indiana Indorsers of Photoplays, a state clubwomen's organization. Similar indorsements of the picture have been received from groups in other states, it was said. The communications received yesterday were signed by Mrs. W. F. Holmes, Mrs. T. W. Demmerly and Mrs. Carl R. Day of Indianapolis.

## *West Is Picking Up*

Salt Lake City, April 5.—John Rue, branch manager for Universal, has just returned from a tour of Idaho with reports of a business pick-up everywhere. Similar reports are coming in from the southern and western counties of Utah, where the total of business firms in operation has jumped from 1,081 to 1,242 in the past year.

# F-P Canadian Net Gains by $104,885

(Continued from page 1)

$11,333,976. After covering bond requirements, remaining assets of approximately $4,000,000 are equivalent to $10.50 for each of the 378,900 common shares outstanding. Paramount Publix holds 96 per cent of these shares, it was stated.

Net earnings from theatre operations for the past year were given as $1,179,043.

## *Says Allied Ousted Heads of New Group*

(Continued from page 1)

group was established, but were expelled for non-payment of dues was charged today by Aaron Saperstein, head of Allied.

"Up to the present," he said, "no Allied member has withdrawn or resigned. I challenge the statement 75 per cent of the new group are, or have been Allied members. Any Allied members found to be associated with this group will be immediately expelled as soon as their names are learned."

## *St. Louis MPTO in Fight on Sale Tax*

(Continued from page 1)

ing the Mayor said he regarded one-half a cent on each dollar of sales a nominal tax. He made clear it was merely a suggestion. But film men are taking no chances, so have gone on record as absolutely against the plan. The present state sales tax, plus the Federal tax on the higher admissions rates, is all of such tax impositions the industry hereabouts feels it can stand at this time.

## *Report Delaware Tax*

Wilmington, April 5.—A bill introduced recently to require theatres to pay a tax of 10 cents per 100 feet of film, or fraction thereof, has been reported favorably in the House at Dover. It was introduced by Representative George P. Elliott of this city.

## *Has 25th Anniversary*

Clarion, Ia., April 5.— W. F. Smith, owner of the Colonial, is celebrating his 25th anniversary at that spot. This is held to be something of a record in the film business. Allied has taken notice of the occasion by sending a letter of congratulation through Lester F. Martin, secretary-treasurer, and Smith has lined up a program for the month that includes a number of the current hits.

## *Don Conley in Hospital*

Salt Lake City, April 5.—Don Conley of the United Artists sales force, who was injured recently in an automobile accident, is still in the Park Hospital, Livingston, Mont., with the three top vertebrae of his spine in a cast. He may be confined several months.

## *Loew Dividend Declared*

Regular quarterly dividend of $1.62½ on the $6.50 preferred stock has been declared by Loew's, payable May 15 to stock of record April 28.

# Expect Action On Phila.-N.Y. Boards Today

(Continued from page 1)

Loew's has disapproved many of the names recommended for the clearance and zoning boards. It is said C. C. Moskowitz is the main dissenter.

The main local clearance and zoning board tentatively set up consists of Robert Wolff, RKO; Leo Abrams, Universal; David Loew, Loew's; Harry Shiffman, Edward Rugoff and Lee Ochs. The three advisory committees are still unsettled, although numerous suggestions are down for the Manhattan, Brooklyn and New Jersey setups.

The grievance board, tentatively figured, comprises Roy Haines, Milt Kusell, John O'Connor and William Landau.

Although free radio shows, vaudeville, budget and financing and the Hollywood extra situation are scheduled to be discussed today, Campi will first dispose of the Philadelphia and New York boards' situation. These are the last two boards and it is understood that definite setups will be agreed upon.

### Charge Control by Majors

Independents in refusing to make certain changes suggested to them declare the majors are trying to dominate the two boards in question. Another heated discussion is expected at today's meeting with the unaffiliates planning to stand pat and ready to call on Division Administrator Sol A. Rosenblatt to hand down an official ultimatum on the recommendations.

For the past several days the committee handling the local clearance and zoning has been discussing the following names for posts on advisory committees: William Scully, Herman Gluckman, George Skouras, Joseph Seider, Sam Rinzler, A. H. Schwartz, Joe Lee, Harry Buxbaum, Edward Schnitzer, Don Jacocks, Leon Rosenblatt, Harry Hecht, M. Sussman, Sam Runheimer, Moe Striemer, Jack Bellman, Nate Blumberg, Jack Steinman, William Yost and Lawrence Bolognino.

In several of the local exchanges branch managers have already been tipped off as to the men desired for posts by the committee. The managers also have been informed that some of the independents after the jobs will not be given them, but the majority of those named will be on the advisory committee.

## *NBC-RKO Feature*

Hollywood, April 5.—A hookup between NBC talent and RKO is being set for a feature tentatively titled "NBC Broadcast." Gloria Swanson may head the cast, with the support being made up almost entirely of NBC stars.

## *Negro War Film in Work*

Negro troops in the World War are to be featured in an assemblage of war film to be released as "The Unknown Soldier Speaks" by Lincoln Prod. Robert Rossen will do the off-screen narrative.

# Monogram to Make 20 for 1934-35 List

(Continued from page 1)

and prospective stars were not reached. Friday's session will resume discussion of the program with expectations that the complete story and player announcement will be ready by the end of the day.

Predicting a more impressive story and player lineup next season than in any of Monogram's previous years, Trem Carr, vice-president in charge of production, said: "The franchise holders have received such unusual support on our past production that we have again decided to take another step forward in negative cost and to reach out for bigger star name values, bigger writers and, all in all, bigger time production values. We will continue to use unit supervisors on production, but all production will be directly under our executive producer."

W. Ray Johnston, Monogram head, who presided at the day's sessions, stated that directors had voted a six per cent dividend on the company's stock, payable May 1.

A fourth anniversary dinner was staged by the conventioneers at the Ambassador Hotel tonight, with Johnston as the guest of honor. Johnston will outline executive policies tomorrow, while Carr and Lou Ostrow, executive producer, will make known production plans; Edward Golden, sales manager, will discuss sales policies, and Monogram's advertising and publicity plans will be outlined by Ed Finney.

## Wehrenberg Mops Up On Week of Revivals

St. Louis, April 5.—Fred Wehrenberg, owner of the Cinderella, Melba, Michigan and Virginia theatres, exploded the Holy Week bad business myth with a big bang and in a way that was surprising even to himself.

At all four of the houses on Tuesday, Wednesday and Thursday he ran Mae West in a revival of "Night After Night." At two of the houses the accompanying attraction was another revival, "The Big Broadcast," and in the other two houses, the Melba and Virginia, the second feature was still another revival, "Horse Feathers."

On Tuesday and Wednesday the four houses played to more business than on the same nights in the previous three weeks.

## Latimer Now Lorimer

Hollywood, April 5. — Universal has changed Louise Latimer's name to Louise Lorimer and has assigned her to "I Give My Love."

## M-G-M Signs Writers

Hollywood, April 5.—M-G-M has signed three writers, Joseph Manckewicz, Joel Sayre and Howard Emmett Rogers, to long-term contracts.

## "Villa" Print Coming

Hollywood, April 5. — Douglas Shearer in on his way east by plane with a print of M-G-M's "Viva Villa."

# Looking 'Em Over

## "A Modern Hero"

(*Warners*)

Richard Barthelmess in a human story which should appeal generally. Here he is seen as a peasant boy out of his class, as he is tersely described by Veree Teasdale, who goes through the gamut from small time circus horseback performer to a financially powerful automobile manufacturer only to lose his own son, money and friends and return to his mother, bereft of the power he so much craved.

As his mother's partner in a circus act, Barthelmess despises the sawdust trail and ultimately leaves Marjorie Rambeau to enter the bicycle business as a partner of Hobart Cavanaugh. He has an affair with Jean Muir, but she refuses to marry him despite a coming blessed event. She marries Theodore Newton, a local boy, because she knows she would never be happy with Barthelmess.

Having lost his first love, Barthelmess sets out to conquer the business world. He ties up with Arthur Hohl, marries his daughter and becomes extremely powerful in business. His married life is not so eventful. Barthelmess prefers to spend most of his time with his son, William Janney, now attending college, rather than with his wife. The hero meets Miss Teasdale at a party and she entices him until he is robbed of his entire fortune by the conniving Richard Tucker. On top of that he loses his son, who is killed in an accident, and when he returns home with the body Miss Muir further adds to his misery.

Disowned by his so-called friends, scorned by his first love, there is nothing left for him to do but confess to his mother and return to her side.

## "Broken Shoes"

(*Amkino*)

Unalloyed Soviet propaganda. Popular entertainment it can hardly be considered, chiefly because it is too depressing. It must not be denied that the film possesses power, simplicity of theme and treatment and a certain emotional quality, but the squalor of its tale, without the relieving touch of artistry and subtlety to make it palatable to the general run of filmgoers, offers an unsurmountable obstacle to the picture's success. The photography, furthermore, while tremendously graphic, is rather harsh.

The story is so simple that an American audience would have no difficulty following it, even without the English titles with which the film is generously provided. The picture is an attack on Fascism. Its locale is Nazi Germany, to judge by the swastika worn by some of the characters. To make their point, the producers, Majrabpomfilm, have gone into considerable detail to show the cruel treatment of striking dock workers by Fascist authorities.

Untouched by the frightful poverty of the dock workers, the officials do not hesitate in calling out the police with orders to shoot. In the hope of aiding their fathers' cause the children of the strikers organize and march with the men. In a clash with the police children and strikers are shot down without discrimination.

The cast plays with that extraordinary realism typical of Russian performers. Margarita Barskaya directed.

## "City Limits"

(*Monogram*)

The humorous vein in which "City Limits" is told sets it down as an entertaining film. To Ray Walker as a smart-alecky reporter and to Frank Craven as a railroad president on a diet of pills goes most of the credit for keeping the production going.

Walker is assigned to get the low-down on a railroad merger. To gain entry to the home of Craven, who refuses to make any public statement, he poses as the family doctor's assistant. The railroad prexy, who learns of Walker's identity through his daughter, never lets on that he knows the truth.

When Craven goes on a trip on his private car, Walker refuses to be shaken off. The railroad head falls from the train by accident and is taken care of by a couple of hoboes. His sudden disappearance gives a rival railroad an opportunity to beat down the stock of Craven's company and then seize control by having it sold out. Walker (by this time he has fallen hard for the prexy's daughter, Sally Blane) is put to a real test to locate Craven. He does so, and rushes him back just in time to save the situation. In the end Walker is in possession of the story—and the gal.

Among the other players are Claude Gillingwater, James Burke and James Conlin. William Nigh handled the direction.

(Additional review on page 12)

# Boston Holds "Christina;" Gets $17,500

Boston, April 5.—While total gross business kept above average during the week, it dropped well below the average of recent weeks in Boston during Holy Week.

Loew's State held over "Queen Christina" for a second week, an unusual procedure for the State, and maintained a $1,500 margin above par, which is $16,000.

Total first run business was $100,000. Average is $95,000.

Estimated takings for the week ending March 29:

**"MADAME SPY" (Univ.)**
BOSTON—(2,900), 25c-50c, 7 days. "Harlem on Parade." **Gross:** $18,000. (Average, $16,000.)

**"BEDSIDE" (F. N.)**
**"WHARF ANGEL" (Para.)**
FENWAY — (1,800), 30c-50c, 7 days. **Gross:** $8,000. (Average, $9,000.)

**"THIS MAN IS MINE" (Radio)**
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $17,500. (Average, $16,000.)

**"QUEEN CHRISTINA" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days, 2nd week. Vaude. **Gross:** $17,500. (Average, $16,000.)

**"JIMMY" THE GENT" (Warners)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Joe and Bateese. **Gross:** $30,000. (Average, $28,000.)

**"BEDSIDE" (F. N.)**
**"WHARF ANGEL" (Para.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,000. (Average, $9,000.)

## Studios to Give One Big MPTOA Party

Los Angeles, April 5.—Members of the M. P. Producers' Ass'n, after conferences with Ben Berinstein, in charge of arrangements for entertaining the M.P.T.O.A., have decided to unite in staging one big party at the M-G-M studio Wednesday night. All secondary artists are being called upon to participate in the program. Stars are being reserved for the Thursday night banquet at the Ambassador. Universal is the only studio putting on a party of its own for the visitors. Tuesday night is the time.

All studios are being thrown open to conventioneers. The Hays office is doing all in its power to give the fellows something to write home about, sparing neither time nor expense.

## Director Dillon Dead

Hollywood, April 5.—John Francis Dillon, film director, died of heart trouble at a hospital here last night in his 47th year. He was one of the original Keystone Kops.

His wife and two sons survive.

## Selwyn Advanced

Hollywood, April 5.—Edgar Selwyn has been elevated from director to executive assistant to Louis B. Mayer and Edward Mannix at M-G-M.

## Writers Vote

Hollywood, April 5.—Voting for officers of the Screen Writers' Guild was in progress tonight at the Writers' Club.

## Agents Go Under Control

Hollywood, April 5.—New rules and regulations governing state control of agents became effective today.

# NO GREAT

## HAVE EVER BEEN

# NO GREAT

**"ONE OF**
**DRAMATIC**
**FILMED."**

★ "ONE OF THE FINEST FILMS OF ITS KIND EVER SCREENED. HARDLY A DRY EYE IN THE THEATRE. THE CLIMAX OF NO GREATER GLORY IS ONE YOU WON'T FORGET FOR MANY A DAY."
*—Hartford Daily Courant*

●

★ "A MOTION PICTURE RARE AND PRECIOUS. IT HAS THE BEAUTY AND POWER OF HONESTY, HUMANITY AND HUMILITY." *—Akron Beacon Journal*

★ "SHOULD PROVIDE PLENTY OF ENTERTAINMENT FOR THE GROWNUPS." *—Hartford Daily Times*

●

★ "NO GREATER GLORY IS ALL THAT ITS MAKERS SAY IT IS. THERE ARE SCENES WHICH WILL LINGER LONG IN THE MEMORY. ENOUGH TO RECOMMEND THE PICTURE WITHOUT RESERVATION."
*—Akron Times Press*

●

★ "WORTH SEEING. NO GREATER GLORY INTRODUCES A LAD WHO IS DESTINED FOR ACCLAIM AND ADMIRATION." *—Washington, D. C., Times*

★ "A LOVELY AND MOVING PICTURE . . . AN EVENT SUFFICIENTLY RARE." *—Springfield Union*

*From the world-famous novel by* **FERENC MOLNAR** — *Screen play by* **JO SW**

# ER *Reviews*

## RITTEN THAN FOR

# ER GLORY'

## HE MOST
## OVIES EVER

*ington Daily News*

★ "AN ACHIEVEMENT WHICH DESERVES A PLACE IN CINEMATIC HISTORY WITH 'THE BIRTH OF A NATION,' 'ALL QUIET ON THE WESTERN FRONT' AND THOSE OTHER PRODUCTIONS WHICH HAVE ACHIEVED A LASTING PLACE." —*Washington Herald*

●

★ "AN UNUSUAL FILM VERY MUCH WORTH YOUR WHILE. IF WE HAD ON A HAT WE SHOULD TAKE IT OFF. WE TAKE IT OFF ANYWAY." —*Washington Star*

★ "EXTRAORDINARY DRAMA . . . NOVEL, INFINITELY APPEALING AND IMPORTANT!" —*Washington Post*

●

★ "YOU WILL THRILL AND LAUGH AND WEEP AS MUCH AS YOU DID AT 'WHAT PRICE GLORY' OR 'ALL QUIET ON THE WESTERN FRONT.' ONE OF THE MOST DRAMATIC MOVIES EVER FILMED." —*Washington Daily News*

●

★ "PUTS IT BEYOND THE USUAL TREND OF FILM ENTERTAINMENT. ONE OF THE IMPORTANT DRAMAS OF THE YEAR." —*Springfield Daily News*

★ "THE KIND OF A PICTURE THAT SHOULD BE ENCOURAGED IN HOLLYWOOD." —*Springfield Daily Republican*

COLUMBIA PICTURES

WING — A FRANK BORZAGE *Production* — *A Columbia Picture*

"HAILED AS THE LAST WORD IN MUSICAL SHOWS, AND PROBABLY THE BIGGEST AND STRONGEST MUSICAL PRODUCTION TO DATE"

Motion Picture Daily

STAND UP

# AND CHEER!"

with

**WARNER BAXTER**

**MADGE EVANS · SHIRLEY TEMPLE**

**JOHN BOLES · JAMES DUNN**

**"AUNT JEMIMA" · SYLVIA FROOS**

**ARTHUR BYRON · RALPH MORGAN**

**NICK FORAN · NIGEL BRUCE**

**MITCHELL & DURANT**

**"SKINS" MILLER**

**and STEPIN FETCHIT**

**Produced by WINFIELD SHEEHAN**
**Associate Producer and Collaborator on Story and Dialogue. LEW BROWN**

A FOX PICTURE

Director: **Hamilton MacFadden.** Lyrics: **Lew Brown.** Music: **Lew Brown and Jay Gorney.** Dances staged by **Sammy Lee.** Dialogue: **Ralph Spence.** Story idea suggested by **Will Rogers and Philip Klein.**

# PLAY IT AGAIN! . . . Thousands of 'Dancing Dollars' waiting to be taken in for a second sight of that tantalizing, mesmerizing music show that's turned dance mad America into a nation of Brazilian Nuts. THAT "CARIOCA" PICTURE

The Biggest Musical Hits in Years are the four big numbers from "Flying Down To Rio"

"The Carioca"
"Orchids in the Moonlight"
"Flying Down To Rio"
and "Music Makes Me"

**THEY MEAN BOX-OFFICE NOW!....**

**PLAY IT AGAIN!** ADVERTISE IT BIGGER THAN EVER. CASH IN ON AMERICA'S GREATEST MUSIC SENSATION!

rioca picture"

# "FLYING DOWN TO RIO"

***Everybody's saying "Let's Do The Carioca! It's not a fox trot or a polka . . ." — and the AIR is burning up each night with its inflammable rhythm as hundreds of Radio orchestras sweep down the skyways with "The Carioca"!***

**In the big hotels, the smart ball rooms, the night clubs and the cocktail rooms it's "The Carioca"! In homes the young ones are teaching the old ones to do "The Carioca" . . . dance schools are advertising that they teach "The Carioca"—it's the sensation of the year, this "Carioca"!**

## RKO RADIO PICTURE

*with*

## DOLORES DEL RIO

**GENE RAYMOND • RAUL ROULIEN**

**GINGER ROGERS • FRED ASTAIRE**

**MUSIC BY VINCENT YOUMANS**

**LYRICS BY EDWARD ELISCU AND GUS KAHN**

**DIRECTED BY THORNTON FREELAND**

**MERIAN C. COOPER, EXECUTIVE PRODUCER**

***"THE CARIOCA" WAS INTRODUCED TO AMERICA IN "FLYING DOWN TO RIO" THE GREATEST MUSICAL PRODUCTION THE SCREEN HAS EVER HAD!***

# Variety Club Chatter

## Cincinnati

CINCINNATI, April 5.—The biggest crowd to attend a Monday noonday luncheon to date was on hand. MARK (Big Bad) WOLF and HARRY (Gold Standard) SILVER were the Kings for a Day. Both of these barkers hail from Hamilton, a suburb, and put on what they termed "Hamilton Day." Several acts from radio station WCKY, Covington, Ky., including CHIEF NATCHEZ, a full-blooded Indian, playing the Palace Theatre, Hamilton, at the time, furnished the major portion of the entertainment. M. O. BURNS, a prominent Hamilton attorney, and national executive head of the Eagles Lodge, made an address. CALVIN FURMAN and DICK FARR, ping pong players of note, staged an exhibition.

Among last week's visitors to the local tent were: L. J. ENGLE, of the mother club; W. G. BISHOP, Detroit, Tent No. 5; CHARLES BARON, Buffalo, Tent No. 7; H. C. BISSELL, J. S. JOSEY, MR. and MRS. ALBERT LEFTON and others from Cleveland.

MANNY (Hi Toots) SHURE and JOE (Silent) GOETZ are the next Kings for a Day, and promise to have something well worth while on their program. Following these, the Kings for April are: ARTHUR FRUDENFELD and WILLIAM HILLIAR; MAURICE WHITE and MERRELL SCHWARZ; PAUL KRIEGER and JOHN HENNEGAN; NELSON TROWBRIDGE and HAROLD ECKARD; NAYLOR STONE and MAX KATZ.

The method of electing applicants to membership has been changed to conform to the practice of the national club, and will go into effect at once.

JOE KOLLING, secretary, is doing a publicity job for the local Union Gas and Electric Co.

A. J. ("Happy") MEININGER, in charge of the RKO Capitol for several months, moves over to the RKO Grand, where he exchanges posts with ERVIN BOCK.

## Kansas City

KANSAS CITY, April 5.—An elaborate session of the club was sponsored by L. J. MCCARTHY and his Fox theatres organization the night of April 2 at the Muehlebach. Since the quarters were not quite ready, the scheduled housewarming was postponed.

Headquarters committee completes its function with occupancy of the rooms. These men put in considerable time choosing and preparing the quarters: I. DUBINSKY, chairman; HARRY TAYLOR, L. E. POPE and BOB WITHERS.

In addition, the house committee furnished yeoman service. This group, which is a standing committee, consists of PECK BAKER, chairman; DICK BIECHELE, IRWIN DUBINSKY, JOE MANFRE, ED SHANBERG and BOB WITHERS.

HERBERT V. JONES had the honor of acting as guide to Citizen HERBERT HOOVER of Palo Alto, Cal., on his trip through the William Rockhill Nelson Gallery of Art, which he expressed a desire to see during his last week's visit. Barker JONES is a trustee of the gallery. Also trustee of the local Fox theatres division.

With GEORGE BAKER and ERWIN DODSON as "kings for the day," the club voted its last noon meeting the most enjoyable and elaborate to date. Everything was great, especially the entertainment. JACKIE MERKLE, a six-year-old, displayed amazing psychic powers in reading the minds of the barkers. The five Manila Boys from Station WHB demonstrated the art of band music as played in the South Seas.

The Public Service Co. furnished two buses to transport barkers to and from the hotel. AL WOOD, ad manager of the utility, in a short talk expressed his appreciation for the cooperation downtown theatres are giving his firm to exploit use of the weekly car pass.

Chief Barker FRANK HENSLER announced SAM ABEND was convalescing from an appendicitis operation at Menorah hospital. The club sent flowers.

ARTHUR COLE is mourning the loss of his nifty maroon Dodge sedan, thefted.

## St. Louis

ST. LOUIS, April 5.—HOMER HARMON has transferred his publicity activities from Loew's State to the Shubert Rialto where his old boss, DINTY MOORE, is now in charge.

JOE FELD'S son won the Navy heavyweight championship of the San Diego Post.

Mr. and Mrs. MILLER of the newly organized Indiana chapter were visitors over the week-end.

SILVERT SETRON'S wife has returned to Buffalo for a visit with her parents.

JOHNNY CAPORAL off to Springfield, Ill., for a short vacation.

## Cleveland

CLEVELAND, April 5.—About 150 Variety Club members and guests met at luncheon in the club rooms in the Statler Hotel. CHARLES DOTY and BILL WATSON were kings for the day. Entertainment was furnished by members of the RKO Palace vaudevillians.

SAM DEUTSCH, prominent local jeweler, entertained at the luncheon 60 guests in honor of his birthday. His guests included a long list of popular attorneys and city officials.

GEORGE ROBERTS, Fox district manager, and I. J. SCHMERTZ are in charge of next Monday's luncheon.

The following week there will be four kings instead of the customary two, when M. B. HORWITZ, JOHN KALAFAT, ED BANG (*News* sport editor) and BEN SCHWARTZ will have charge of the luncheon. Arrangements have been made to have the entire Cleveland baseball team as guests of honor. Also as honor guest, there will be FRANK BUCK, scheduled to appear in person at the RKO Palace with his picture, "Wild Cargo."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Stolen Sweets"

*(Chesterfield)*

HOLLYWOOD, April 5.—A fairly entertaining picture, but long and weak in plot material. It is the simple story of a rich girl, Sally Blane, who resents the motivations of her family in trying to marry her to Jameson Thomas after she has met and fallen in love with Charles Starrett.

She finds that with Starrett she is at ease and can enjoy life, but with Thomas she would have to dwell within her social strata and lose all sense of pleasure.

The difference between the two bidders for the heroine's hand is Starrett, an insurance peddler, cannot place her in luxurious settings, while Thomas can furnish the requisites demanded by Claude King, the girl's father. King tries and succeeds in killing off the romance with Starrett several times when it gets to the point of ending in marriage, but eventually he loses out.

Supporting the players listed are Ethel Griffes, Phillips Smalley, Johnny Harron and Polly Ann Young. Richard Thorpe directed.

*"You're Telling Me," last night's preview at the Paramount, was reviewed by wire from Hollywood on March 22.*

*"Constant Nymph," last night's preview at the Roxy, was reviewed by cable from London on Jan. 24.*

## "The Big Bad Wolf"

***(Disney-U.A.)***

**Walt Disney again rings the bell with his sequel to the "Three Little Pigs." It has infectious rhythm, pastel shadings done in Technicolor second to none, and cartoon work alone in its class.**

**Exhibitors who played the original porcine picture can bill the follow-up above the feature. Those who didn't exhibit "Three Little Pigs," and they are few in this category, have an opportunity of cashing in on another short which is heading straight for the Academy award next year.**

**In this number the big bad wolf comes back to annoy the pig trio, but his main quest is Little Red Riding Hood. Grandma is also in the story and for a time in danger of her life, but it takes the pig of the brick house to come to the rescue and send the wolf off into the woods again.. Running time, 9½ mins.**

**It's great, it's colossal, it's Disney's best.**

***ORNSTEIN***

# The Pay-Off

*(Continued from page 2)*

THIS junket, like anywhere the probing goes beneath surface markings, has demonstrated a point of view which New York first and Hollywood second might well listen to, for it represents a completely accurate and cross-sectional slant of the men who represent the major companies in wide stretches of the nation.

Branch managers, whose names remain secret because it is their jobs this writer must protect, told him the reaction to "smoker" jokes added to otherwise clean pictures is definite, clear-cut and emphatically resented.

These men do their talking to the customers, meaning the exhibitors, and the exhibitors get it from theirs, meaning the public. Their opinion, to this watchtower, is authoritative enough and impressive enough an indication of what the South, at least, thinks to persuade the top-rung occupants, East and West, to pause and listen.

KANN

## Mary Pickford Gets $30,000 in Detroit

DETROIT, April 5.—Mary Pickford, appearing at the Michigan this week, had the town by the ears, grossing better than $30,000, almost double the recent take at that theatre. To accommodate the crowds the theatre opened at 8:30 A. M., starting last Monday, with the star giving her first show two hours later. She gave five shows a day.

"The Mystery of Mr. X," personally selected by Miss Pickford, was the picture on the program. Despite exceptional business at this house, grosses at other theatres held up well, the Fox with "This Man Is Mine," the Downtown with the second week of "George White's Scandals" and the United Artists with "Riptide."

## Trop Acquires Feature

J. D. Trop has acquired distribution rights to "Mating Time," produced in Hollywood by Salient Pictures Corp.

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1934-35
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The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 81 | NEW YORK, SATURDAY, APRIL 7, 1934 | TEN CENTS

## Budget Is Set At $2,500,000 By Monogram

### *$250,000 Above Outlay for Past Season*

ATLANTIC CITY, April 6.—A 1934-35 production budget of $2,500,000 was set today by Monogram franchise holders at their fourth annual sales convention, which closes here tomorrow.

The new budget is an increase of $250,000 over that voted for last year's program, although it provides for the same number of pictures, and brings the cost per picture of the 20 scheduled for 1934-35 to an average of more than $100,000 each. The budget increase is the third successive one to be voted by the company's franchise holders in their four years of production and distribution activities. It

(*Continued on page 3*)

## Warners Set 45 of Next Year Program

ALBUQUERQUE, April 6.—Forty-five of next year's schedule of 60 features are definitely set, stated Jack L. Warner, production head of Warners, on his way west here tonight. Plans are also being lined up rapidly for the shorts schedule, which will comprise 300 reels, including some three-reelers, as currently, and 12 two-reel Technicolor subjects.

Warner refused to comment on the possibility of a royalty payment plan for talent, saying he knew nothing

(*Continued on page 4*)

## *Rowland to Line Up Stories and Talent*

Under the terms of Richard A. Rowland's agreement with Radio to become an associate producer he will spend several months in New York lining up plays and properties and looking for new talent. He is due in New York tomorrow.

## *S. Z. Poli Is Made Circuit Treasurer*

Sylvester Z. Poli yesterday was elected treasurer of Poli-New England, and Louis M. Sagal was named assistant treasurer for the circuit of 18 New England houses recently acquired by Loew's.

Nicholas M. Schenck was elected president, David Bernstein and A. C.

(*Continued on page 4*)

### *Something New*

**Hollywood, April 6.—Upon completion of "Merry Andrew" at Fox, Will Rogers will do a stage play for Henry Duffy, Eugene O'Neill's "Ah, Wilderness," which will open in Sacramento, with engagements in San Francisco and Los Angeles to follow. It will mark Rogers' first appearance in a straight dramatic role on the stage.**

## 400 Delegates Expected For MPTOA Meet

By RED KANN

LOS ANGELES, April 6.—As the special cars began to converge on Los Angeles a tally made late today by Ben Berinstein, president of the I. T. O. A. of Southern California, indicated 400 theatremen will foregather here beginning Monday for the 12th annual convention of the M. P. T. O. A. Admitting he was going slightly nuts trying to handle all details piling on and over his desk, Berinstein now has practically completed arrangements, which start with a directors' meeting Monday afternoon and terminate with a banquet at the Ambassador Thursday evening.

After much battling with Hays or-

(*Continued on page 4*)

## Coast ITOA Plans To Eliminate Triples

LOS ANGELES, April 6.—Southern California exhibitors today indicated their intention of eliminating triples and fake previews at a meeting of

(*Continued on page 4*)

## Boards Set For New York, Philadelphia

### *Impartial Members for Latter Still Unnamed*

Personnel of New York and Philadelphia clearance and zoning and grievance boards was completed and approved by Campi yesterday after a lengthy session which started at 10 A. M. and wound up at 6:45 P. M. Impartial members of the Philadelphia boards were not announced, but it is a known fact Col. Harry B. Salter will be on the grievance board.

After three days of heated conferences between members of the selection committee, the New York clearance and zoning board and its three advisory committees were set up. Slight changes were made on the

(*Continued on page 3*)

## *Indies Here Oppose Advisory Board Idea*

Local independent groups are not in favor of a main board and three advisory groups for setting up the clearance and zoning schedules for Greater New York. The unaffiliated men take the attitude that whatever work done by the groups supplementing the main board will not be final and subject to approval of the main board.

The contention of independents is that plans set up by advisory groups are subject to change by the main board and will cause a lot of confusion with exhibitors. The opinion prevails that three main boards, each to work out the zoning and clearance problems for the three sales territories, are satisfactory because whatever schedules are set up and unanimously agreed upon would be final and not subject to alteration.

## Irving Trust Receiver Bill Is $110,126

### *Ask Partial Payment on Para. Enterprises*

An application for $110,126 as partial allowances for receivership and bankruptcy administration expenses of Publix Enterprises, bankrupt holding company for 320 Paramount theatres in 28 states, was filed yesterday with Referee Henry K. Davis by Irving Trust Co. and its counsel, Winthrop, Stimson, Putnam & Roberts.

The allowances cover services and expenses for the period of the Publix Enterprises receivership, which ran from Jan. 26, 1933, to Feb. 20, and for the period of the company's bankruptcy, from Feb. 20 up to March 31, 1934. Publix Enterprises has not yet been discharged from bankruptcy, hence additional allowances may be applied for later by both the trustee and its counsel for the period from March 31 to the termination of the bankruptcy. Irving Trust was both receiver and trustee in bankruptcy for Publix Enterprises. It asks as its allowance now $35,000, and notes that

(*Continued on page 4*)

## Para. Palm Beach Rent Claim Shaved

A claim for $366,764 for past and future rent on the Beaux Arts Theatre, Palm Beach, Fla., filed against Paramount Publix by Stanley C. Warrick, who claimed an additional $32,000 for salary as operator of the theatre, will be settled by Paramount Publix trustees for $8,501, under an agreement with the claimant, it was disclosed yesterday at a hearing before Referee Henry K. Davis, who indicated he would approve the reduced claim on Monday.

A past and future rent claim for

(*Continued on page 4*)

## *Industry Salary Report Is Set Back for 90 Days*

WASHINGTON, April 6.—An additional 90-day period for completion of the investigation of film industry salaries was allowed today by Recovery Administrator Hugh S. Johnson, and it is not likely that any information regarding the results of the inquiry will be available before early in July.

Extension of time for the making of the report, it was said, was necessitated by the absence of Donald K. Wallace, of the Planning and Research Division, who is seriously ill with scarlet fever. Wallace prepared the voluminous questionnaires which were sent out several months ago, and, until his illness, was engaged in tabulating the returns. There is, apparently, no one else in the planning

(*Continued on page 3*)

## *Jersey Assembly to Act Upon Billboards*

TRENTON, April 6.—The billboard tax legislation, which interests exhibitors because of its effect on film advertising, probably will be reported from the miscellaneous business committee of the Assembly next week.

Lobbyists for the billboard group are reported to have assurances the committee chairman, Anthony J. Siracusa of Atlantic, will report the bill. A group of women's organizations that

(*Continued on page 4*)

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## *Allied May Curtail On Vice-Presidents*

Allied is considering dropping the plan to appoint two vice-presidents in the west to round out Sidney Samuelson's national advisory board. The organization wants to concentrate on the territories for which Walter Littlefield, Ray Branch, Aaron Saperstein and Col. Harry A. Cole were appointed in order to build them up.

## *Flash Review*

*No Ransom*— . . . clean, humorous bill of entertainment. . .

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.


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1934-35

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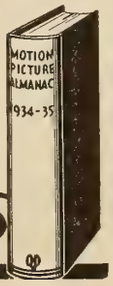



# Trendle and Para. Close Detroit Deal

An agreement by which George Trendle becomes a permanent operating partner for eight Paramount Detroit theatres has been completed between Trendle and the Paramount Publix trustees, it was learned yesterday.

Trendle is now operating the Paramount Detroit theatres under a 10-month, temporary contract with the Paramount trustees which expires on Aug. 4. Under the permanent agreement just completed a new corporation, to be known as Detroit Theatre Operating Corp., will be set up and Trendle will acquire one-half of its common stock for $50,000, to be paid to the Paramount Publix trustees. Trendle will receive 51 per cent of the class A stock and 49 per cent of the B stock. Control of the A stock carries with it the right to elect the president, general manager, assistant general manager, secretary and assistant secretary of the new corporation. The B stock is given the right to elect a vice-president, treasurer and assistant treasurer. The Paramount trustees reserve the right to assign all or part of the stock in the new corporation held by them to Balaban & Katz of Chicago, the former operators of the Publix Detroit houses.

The deal is for the Michigan, Fisher, Riviera, Annex, Birmingham, Ramona, East Town and State. Already approved by the Paramount Publix trustees, the deal awaits only the sanction of the U. S. District Court and this will be sought at a hearing before Referee Henry K. Davis April 16.

John Balaban, former Publix home office executive, now associated with B. & K., engaged in spirited competitive bidding with Trendle last summer for the operating management of the Paramount Detroit theatres with the result that, while a permanent deal was deferred by the Paramount Publix trustees,

## *Ralph Block Named Writers' Guild Head*

HOLLYWOOD, April 6.—Ralph Block was named president of the Screen Writers' Guild last night. Other officers elected were: Wells Root, vice-president; Tristram Tupper, secretary; Ernest Pascal, treasurer. Named to the directorate were: Block, Oliver H. P. Garrett, Rupert Hughes, Frances Marion, Wilfred McDonald, Brian Marlow, Seton I. Miller, Dudley Nichols, Pascal, Root, Arthur Ripley, Raymond Schrock, Courtenay Terrett, Tupper. Total receipts for the year of $28,317.70 were reported, with expenditures of $23,611.66. Among expenditures were listed $5,850 for code fighting, $3,050 for attorneys' fees and $4,400 for wages and office expenses.

## *"Bottoms Up" Stay Is Denied in Court*

Fox has won its fight in the New York Supreme Court against an injunction to prevent use of the title "Bottoms Up." John Hickey had applied for the stay on the ground that it infringed on the title of a tab show.

In denying the application the court said: "The undoubted and extreme hardship which would result to defendant were such an injunction granted is an argument which has not been overcome by proof of injury to plaintiff as a result of the defendant's acts, nor by other evidence sufficient to justify giving the relief here sought. The financial responsibility of the defendant is not disputed."

## *Court Is Considering St. Louis Petitions*

ST. LOUIS, April 6.—Federal Judge Charles B. Davis today took under advisement whether he will permit two intervening petitions in the original receivership involving the Ambassador, Grand Central and Missouri here. The bondholders' protective committee sponsoring the Snyder-Koplar reorganization plan will file briefs in support of its opposition to the petitions in the next few days.

Warners are backing the fight against the plan.

## *Warner Pfd. Up 7/8 on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 31 | 29¾ | 30⅝ | + ⅜ | 1,200 |
| Consolidated Film Industries | 4⅜ | 4¼ | 4⅜ | + ⅛ | 200 |
| Consolidated Film Industries, pfd | 16¼ | 16 | 16 | — ¼ | 400 |
| Eastman Kodak | 88½ | 87¼ | 88½ | + ½ | 900 |
| Eastman Kodak, pfd | 136 | 136 | 136 | + ¼ | 1,000 |
| Fox Film "A" | 15¾ | 15⅜ | 15⅜ | — ⅝ | 300 |
| Loew's, Inc. | 34⅛ | 33⅜ | 33⅜ | — ⅜ | 37,700 |
| Paramount, cts. | 5¾ | 5½ | 5½ | — ¼ | 9,400 |
| Pathe Exchange | 3¼ | 3¼ | 3¼ | — ¼ | 500 |
| Pathe Exchange "A" | 19½ | 19 | 19½ | — ¼ | 800 |
| RKO | 3½ | 3¼ | 3⅜ | — ⅛ | 1,700 |
| Warner Bros. | 7⅝ | 7⅜ | 7½ | — ¼ | 6,200 |
| Warner Bros., pfd | 24 | 24 | 24 | + ⅞ | 100 |

## *Trans Lux Gains Eighth on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8 | 8 | 8 | ..... | 100 |
| Trans Lux | 2¼ | 2⅛ | 2¼ | + ⅛ | 300 |

## *Keith Bonds Rise 2¼ Points*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10¾ | 9⅞ | 10¼ | — ¼ | 55 |
| General Theatre Equipment 6s '40, ctf | 9½ | 9½ | 9½ | — ¼ | 3 |
| Keith B. F. 6s '46 | 67 | 67 | 67 | +2¼ | 2 |
| Loew's 6s '41, ww deb rights | 99 | 99 | 99 | ..... | 3 |
| Paramount Broadway 5½s '51 | 36¾ | 36¾ | 36¾ | ..... | 25 |
| Paramount F. L. 6s '47 | 50 | 49¼ | 49¼ | — ½ | 21 |
| Paramount Publix 5½s '50 | 50 | 50 | 50 | ..... | 4 |
| Pathe 7s '37, ww | 93 | 93 | 93 | ..... | 3 |
| Warner Bros. 6s '39, wd | 62⅜ | 60¾ | 62¼ | + ⅞ | 128 |

# *Purely Personal*

DAVID LOEW, LEE OCHS, LOUIS PHILLIPS, LOUIS NIZER, CHARLES GOETZ, E. I. BERNAT, HARRY D. BUCKLEY, HARRY FISHER, DR. HARRY BROWN, HARRY SHIFFMAN, SIGMUND DORNBUSCH, EDWARD SCHNITZER, EDWARD DAVIDALL, JAMES ROYAL, THOMAS WILEY, JOE BRANDT, MORTON SPRING, DAVID BLUM, LEO KLEBANOW, LOUIS BLUMENTHAL, HERBERT EBENSTEIN and JACK SHAPIRO were M. P. Club lunchers yesterday.

CELIA VILLA, daughter of Pancho Villa, is scheduled to reach New York Monday morning to appear at the opening of "Viva Villa" at the Criterion the following night.

VICTOR YOUNG, who recently completed the musical arrangement and score for "Frankie and Johnnie," starts a series of radio broadcasts April 8 for Chevrolet.

AL CHRISTIE will start another Educational comedy at the Eastern Service Studio with TOM HOWARD on Tuesday.

ROBERT GILLHAM now expects to start for the coast tomorrow. He expects to be in Hollywood only a week.

A. J. MOELLER left by plane yesterday for the coast to attend the M.P.T.O.A. convention.

ERICH POMMER, Fox associate producer abroad, will arrive in New York April 10 on the *Ile de France*.

GLORIA SWANSON started her New York vacation with an attack of the flu.

## *Blumberg Tours Canada*

TORONTO, April 6.—Nate Blumberg is here from New York on a tour of RKO theatres in Canada. Today he attended a directors meeting of RKO Canada Ltd. at the Royal Bank building. He expects to return to his headquarters next Tuesday.

The meeting of directors was routine and had to do with theatre operation. J. J. Fitzgibbons, director of theatre operations for Famous Players, also attended the meeting.

## *Biggest in Can. to Films*

TORONTO, April 6.—The Imperial here, Canada's largest theatre, becomes a picture house April 13, with "Wonder Bar" the first attraction. Famous Players are transferring Canadian first runs from the Uptown to the Imperial and are taking out stage units and concert orchestra at the former. Vaudeville continues at the Shea here and Loew's in Montreal.

## *Hold "Men in White"*

Although "Men in White" is being released throughout the country this month, M-G-M will hold up New York dates until June 1 by agreement with Group Theatre. The play is now current at the Broadhurst and the picture cannot be shown locally at the same time.

## *Wampas to Caliente*

HOLLYWOOD, April 6.—Members of the Wampas are heading for Agua Caliente for the annual installation of officers there tomorrow night.

# Boards Set For New York, Philadelphia

(Continued from page 1)

boards since the meeting of the committee Thursday. On the grievance board Harry Thomas replaced Roy Haines and J. Louis Geller of the T. O. C. C. replaced William Landau. On the main clearance and zoning board Lee Ochs was taken off for Lawrence Bolognino of Consolidated Amusements. Ochs was strenuously objected to by Loew's. C. C. Moskowitz also was replaced on this board by David Loew. This was not unexpected, MOTION PICTURE DAILY having previously reported Moskowitz would not be on the board.

With the exception of Adolph J. Rettig, all members of the three advisory committees were named yesterday in these columns as being up for the posts.

The Philadelphia clearance and zoning board underwent many changes since the first tentative setup. Percy Block replaces Robert Lynch, Lou Linker is on instead of Floyd Hopkins, Charles Segal displaces Herbert J. Elliott and Milton Rogasner was decided upon instead of David Barrist or Frank Hervey.

### Replacements Made

Due to Charles W. Koener being transferred from Albany to Boston by RKO, Joseph Shure of RKO replaces him as first run affiliated exhibitor on the Albany clearance and zoning board.

T. B. Noble of Westland Theatres has been appointed to replace H. E. Huffman on the Denver clearance and zoning board as first run unaffiliated exhibitor. Huffman did not qualify because he did not sign the code.

Major Leslie E. Thompson was named permanent alternate for M. H. Aylesworth, and the next Campi session will be held next Friday with Charles L. O'Reilly as chairman.

Division Administrator Sol A. Rosenblatt stated last night that he will take no action on the vaudeville actor labor report at this time.

Also taken up and passed on was the budget on financing, the Hollywood extra situation, secretaries for clearance and zoning and grievance boards and free radio shows. Results of Campi's discussions on these subjects will be announced next week.

Attending yesterday's session were Harold S. Bareford, alternate for H. M. Warner; Rosenblatt, S. R. Kent, George J. Schaefer, O'Reilly, Nathan Yamins, J. Robert Rubin, alternate for N. M. Schenck; Thompson, alternate for Aylesworth; Abe Montague, alternate for R. H. Cochrane; Jay Emanuel, alternate for Ed Kuykendall, and Edward Golden, alternate for W. Ray Johnston.

The New York and Philadelphia boards follow:

## Philadelphia

**Grievance Board**

1. F. L. McNamee, RKO.
2. M. S. Landow, Universal.
3. M. E. Comerford.
4. Lewen Pizor.

**Clearance and Zoning Board**

1. Percy Bloch, Paramount.
2. Harry Weiner, Columbia.
3. Leonard Schlesinger, Warner Theatres.
4. Lou Linker, Bridgeton, N. J.
5. Charles Segal.
6. Milton Rogasner.

## New York

***Main Board***

**Grievance Board**

1. Milt Kusell, Paramount.
2. Harry Thomas, First Division.
3. John O'Connor, RKO.
4. J. Louis Geller.

Impartial member, George F. Thompson, attorney, 52 Vanderbilt Ave.

**Clearance and Zoning Board**

1. Robert Wolff, RKO.
2. Leo Abrams, Universal.
3. David Loew, Loew's.
4. Harry Shiffman
5. Edward Rugoff.
6. Lawrence Bolognino.

Impartial member, Judge Alfred E. Steers, 1669 Glenwood Road, Brooklyn, New York.

The following committees of the Code Authority were appointed as advisory committees to the New York main zoning board:

***New Jersey Advisory Committee***

**Clearance and Zoning Board**

1. Joe Lee, Fox.
2. Eddie Schnitzer, Columbia.
3. Don Jaycocks, Warner
4. Harry Hecht, Passaic.
5. Adolph J. Rettig, East Orange.
6. Leon Rosenblatt, Bayonne.

***Manhattan, Bronx, Staten Island, Westchester Advisory Committee***

**Clearance and Zoning Board**

1. Moe Streimer, United Artists.
2. Jack Bellman, Hollywood.
3. Nate Blumberg, RKO.
4. H. Sussman, Pleasantville.
5. Jack Steinman, Bronx.
6. William Yoost.

***Brooklyn, Queens and Long Island Advisory Committee***

**Clearance and Zoning Board**

1. William Scully, Metro-Goldwyn-Mayer.
2. Herman Gluckman, Capital Film Exchange.
3. George Skouras.
4. Joe Seider, Patchogue.
5. A. H. Schwartz.
6. Sam Rinzler.

## *The Key to the Boards*

**How the code boards are broken down as to affiliation on the first, tentative list:**

### *Clearance, Zoning Boards*

1. **Distributor representative with theatre affiliation.**
2. **Distributor without theatre affiliation.**
3. **Affiliated theatres.**
4. **Independent first runs.**
5. **and 6. Independent subsequent runs.**

### *Grievance Boards*

1. **Distributor with theatre affiliation.**
2. **Distributor without theatre affiliation.**
3. **Affiliated theatres.**
4. **Independent exhibitors.**

# *Industry Salary Report Is Set Back for 90 Days*

(Continued from page 1)

and research division sufficiently familiar with the matter to take up the work.

Postponement of the report will result in the salary figures becoming available at a time when Congress is not in session. Publication at this time would have made the material available to the Darrow review board, which has just concluded hearings on complaints against the film code. Members of the board have expressed interest in the salary angle, but have made no investigation of the matter in view of the expected release of the Recovery Administration figures.

# Boards Will Get K. C. Price Battle

KANSAS CITY, April 6.—The local price war will be laid in the laps of code boards, it has been decided by circuits and independents. At the station tonight Sam Dembow, Jr., on the westbound Santa Fe Chief, discussed the situation with Leland Hazard, counsel for the I. T. O.; Arthur Cole of Paramount, George Baker, manager of the Publix Newman, which Dembow put on a double bill, two-bit policy several weeks ago, in an attempt to force the issue.

It is understood that the circuits and independents agreed not to renew efforts at voluntary agreement, but to seek a solution through the code, since several previous attempts at conciliation and agreement have failed. It has been pointed out that a decision by code boards would have a greater chance for success, since it would be enforceable.

In the meantime double bills and price cutting are spreading, independents say, and the situation is serious. Circuits describe it as highly destructive.

## *Lafayette Gets Censors*

NEW ORLEANS, April 6.—Under the rules of a new censorship board set up at Lafayette, La., it is obligatory for exhibitors to submit films to the board before offering them to the public. Penalties for non-submission run from $25 to $200, or imprisonment not exceeding 30 days.

# Budget Is Set At $2,500,000 By Monogram

(Continued from page 1)

results in a budget two and one-half times greater than that approved for the first year of Monogram's existence.

Trem Carr, vice-president in charge of production, who advocated the $2,500,000 budget for next season, said today it would enable the studio to employ an additional 200 people in various technical capacities, fulfilling a primary objective of the NRA and the code.

### 18 of Total Set

Eighteen of Monogram's feature schedule of 20 for next season were set today. They are: "Redhead," a novel by Vera Brown; "Girl of My Dreams," a college story; "The Big Top," a circus story; "We're in the Army Now," from the play, "Ten Minute Eggs," by Tay Garnett and N. Brewster Morse; "The Fashion Parade," which will feature a tie-up with 200 newspapers nationally; "Sinners in Sing Sing," from Harry Stephen Keeler's Crime Club prize novel, "Sing Sing Nights"; "Plunder," an original by Albert J. Meserow and Elynore Dalkhart; "The Healer," a novel by Robert Herrick; "Million Dollar Baby," by Joseph Santley; "Dancing Feet," an original by Tristram Tupper, who will also do "Country Club"; "Honeymoon Limited," by Vida Hurst; "Ice Carnival," by George Waggner, who wrote "Sweetheart of Sigma Chi"; "Hotel Register," by Tristram Tupper; "Tomorrow's Youth," by Harry Sauber; "Woman Against Woman," by Frederick and Fanny Hatton; "The Mystery Man," by Albert Payson Terhune, for which Bela Lugosi is being sought for the starring role, and "A Successful Failure," based on Michael Kane's story, "Your Uncle William," due to appear soon in the *Saturday Evening Post.*

### Two Others Planned

In addition to these 18, Monogram will produce two outstanding pictures, the stories for which are under option. W. Ray Johnston, president, said that the type of material and directorial talent for these will convince exhibitors that Monogram is headed "toward the big time."

Monogram will also release eight John Wayne westerns, to be produced by All Star Productions. Lionel Atwill has been signed for three pictures and negotiations are under way for other star names for the new season's line-up, Johnston said. No outside producers will contribute to the schedule, it was stated. Monogram's own unit producers will continue working directly under the supervision of Carr, as formerly.

Johnston, Carr, Lou Ostrow, executive producer; Edward Golden, sales manager, and Ed Finney, advertising and publicity manager, will address Saturday morning's session. In the afternoon an open forum on the code, presided over by John C. Flinn, executive secretary of Code Authority, will be held, and the convention will wind up at night with the annual banquet, at which Louis Nizer will be toastmaster.

# Irving Trust Receiver Bill Is $110,126

(Continued from page 1)

it has received $827 as a previous allowance. The law firm asks an allowance of $75,000 for professional services, plus $125 for expenses.

Equity receivers for Paramount Publix recently filed an application for allowances aggregating $291,000, which subsequently was reduced to approximately $220,000 by Referee Davis. This allowance was opposed by several groups of Paramount creditors and a ruling on their objections by Judge John Woolsey of the U. S. District Court here is now being awaited. The Paramount application was for the three months' period of the company's equity receivership, from January to March of 1933, and embraced none of the bankruptcy costs.

### Sets April 17 Hearing

Referee Davis yesterday set April 17 for a hearing on the Publix Enterprises application for allowances.

The intermediate report of Irving Trust Co. as trustee in bankruptcy for Publix Enterprises was filed in conjunction with the applications for allowances, and detailed the work and accomplishments of the trustee to date. Its services were described as entirely "related to the preservation of the bankrupt's assets by corporate reorganization and rehabilitation; the disposition of claims against the bankrupt estate and the sale, as trustee, of the rights, title and interest of Publix Enterprises' assets and properties."

The assets consisted of stock in 76 subsidiary companies and accounts receivable from them, the report states. "The only value of the estate," the report says, "was as a going concern, and our efforts were directed toward maintaining it as such."

The report ascribes the financial difficulties of Publix Enterprises to the "excessive rentals" paid on theatre leases, and declares that the most difficult task of the reorganization process was the readjustment of theatre leases. "The result," it states, "is that the deadwood has been eliminated and the theatres which have been retained have been placed on a basis where expectation of earnings now is reasonable and possible."

### Circuits Reorganized

Among the principal Publix Enterprises' circuits singled out by the report as having been reorganized and rehabilitated are Southern Enterprises of Texas, operating 20 houses in Texas, Arkansas and Oklahoma, now under the management of Karl Hoblitzelle; the A. H. Blank Circuit, operating 75 houses in Iowa, Nebraska and Illinois, now under the management of A. H. Blank; the Virginia-Tennessee Theatres, Publix Virginia and Publix Newport News, operating eight houses in Virginia and Tennessee; Associated Amusements of Florida, a realty holding company; Augusta Enterprises, operating three houses in Georgia; Publix Salt Lake, operating seven houses in Utah and Idaho, and Tennessee Enterprises, operating seven in Tennessee.

The report reveals that 54 claims, aggregating $16,555,283, were filed against Publix Enterprises, and that this amount was ultimately reduced to a total of $5,133,214, which were "presumably provable," according to the report. The reductions were obtained through compromises, amendments, releases, agreements and the expunging of claims by the referee in bankruptcy after hearings.

Irving Trust reports that several claims and minor negotiations are still pending and, until they have been disposed of, the Publix Enterprises estate cannot be closed or the final discharge from bankruptcy achieved.

# Para. Palm Beach Rent Claim Shaved

(Continued from page 1)

$85,249 filed by Anderson Theatrical Enterprises for the Rivera, Anderson, Ind., will also undergo an appreciable reduction, it was indicated. Counsel for the claimant admitted that the claim for future rent was "not provable." The past rent represented in the claim amounts to only $9,500. Hearings on this portion of the claim were postponed to May 11.

# *Jersey Assembly to Act Upon Billboards*

(Continued from page 1)

had the present law enacted in 1930 is fighting the new measures, Assembly 316 and Senate 98.

The billboard interests declare they have the support of Loew's and RKO for the measure, but Warners are reported opposed. The basis of the opposition is said to be that Warners would have to pay a higher rate under the bill for a special form of advertising on rubbish cans in Camden, N. J.

Despite contentions that the measure would result in a higher tax, and, presumably, in higher advertising rates, the billboard interests contend the opposite is true. The tax on three-sheet boards under the bill would be 50 cents, while under the present three-cent per square foot tax it aggregates 84 cents. A lower scale of fees is required also for the advertising concerns, based on number or signs in operation.

# *Federal Labor Board Hears Elkhart Case*

WASHINGTON, April 6.—The discharge of nine ushers by the Elkhart (Ind.) Amusement Co. because they organized a union today received the attention of the National Labor Board, to which the company appealed a decision of the Indianapolis regional board ordering reinstatement of the ushers, cessation of picketing by Theatre Service Employes' Union, Local 19110, and application of wages of 25 cents an hour, as prescribed in the code, instead of the former rate of 35 cents.

# *Question Patrons on Ticket Speculators*

WASHINGTON, April 6.—Theatre goers in New York tonight were handed questionnaires as they entered the houses. These were designed by the Consumers' Advisory Board of the National Recovery Administration to secure the reaction of the public on the question of ticket speculators.

# MPTOA Men Weigh Likely Meet Topics

By FRED BAEHLER

CHICAGO, April 6.—On board the M.P.T.O.A. special enroute to Chicago the opportunity to discuss their problems with producers themselves, score charges, percentages and what steps are to be taken by the M.P.T.O.A. against stars who receive unfavorable publicity or who participate in radio broadcasts were the principal pre-convention topics of discussion among delegates today, and are what they feel will probably be among the main issues of debate in Los Angeles next week.

There is the feeling, however, that there is too much stress on the fact Hollywood is to be the scene of action, that the delegates must guard against being awed by the "big show" that will be put on for their benefit and that the Hollywood atmosphere should not be allowed to influence to such an extent that the main purpose of the confab will be lost. Then again there is the fear that a snag will be hit by the delegates when and if the subject of dealing with those stars who broadcast comes up at the open forum Wednesday morning. The exhibitors will be checkmated by their own arguments, it is felt.

### Call Publicity Vital

As one delegate, name withheld by request, argued: "Picture stars thrive on publicity. They need publicity to keep their names before the public, and where can you find a better medium than radio these days to publicize these stars? It is true that many people may stay away from a theatre to attend a free radio broadcast or may stay home to listen to one when they might otherwise attend a theatre, but the number of these is infinitesimal in comparison to those who do attend the theatres. Then there is the monetary question that must be considered, because after all how are you going to ask a star to forego earning an extra thousand or so by making an appearance before a mike? If you do this, who is going to make up to them for the money lost? The exhibitor? I don't think so."

The Golden State Limited, the M.P.T.O.A. special bound for the coast, pulled out of here tonight with the Chicago delegation headed by Jack Miller and including Walter Immerman, Tippy Harrison, Harry Nelson, Grant Schaefer and Sidney and Phil Tague. Other Chicagoans who have left for the convention are George Gollos and Ann and Emily Remijas, daughters of the owner of the Galic. Another on his way is Sidney Lust, Washington exhibitor.

Word was received as the train pulled out that Ludwig Sussman, Abe Tague and Lester Retchin, neighborhood exhibitors who left yesterday by auto, were stranded in the Missouri flood waters and were making preparations to pick up the special at Kansas City.

# *Thanks Voted to Kann*

MEMPHIS, April 6.—A vote of thanks to Red Kann, editor of MOTION PICTURE DAILY, for his address to the Tri-States M.P.T.O., which convened here early this week, was drawn up and forwarded today by the resolutions committee of the convention, after being approved earlier by the entire meeting.

# 400 Delegates Expected For MPTOA Meet

(Continued from page 1)

ganization officials in the east and west over the charge made by Berinstein that cooperation was very notable by its absence, day-by-day sessions now include talks to include "Meeting Exhibitors Half Way," by Carl Laemmle; "A Talk on Production," by Louis B. Mayer; "How Pictures Are Put Together," by Cecil DeMille, and "Self-Regulation in Advertising Motion Pictures," by Joseph Breen. Looming as one highlight from the exhibitor if not production angle is the planned discussion on labor provisions of the code by Jack Miller, Chicago fire-eater.

# Coast ITOA Plans To Eliminate Triples

(Continued from page 1)

the I. T. O. A. of Southern California. The fly in the onitment is, of course, Fox West Coast. While Charles Skouras stated in New York recently he had ordered his managers to cut triples, local exhibitor opinion merely smiles and says the story is vastly different. Ben Berinstein, president, told MOTION PICTURE DAILY today he could clean out triples in one week if F. W. C. played along. On doubles and their possible elimination he declared: "This will come up later from a different angle."

Code enforcement was also discussed by the I. T. O. A. and members were asked to conform. About 15 complaints already are awaiting board action. The toss-up on the secretaryship is between Lola Gentry, Film Board secretary, and Minnie Kopple, I. T. O. A. secretary. Both were unanimously recommended to Code Authority, which in turn asked the boards to determine their choice. With Howard Stubbins attending the Monogram convention in Atlantic City and J. J. Milstein, M-G-M, in Good Samaritan Hospital with bad tonsils selections are compelled to wait.

# Warners Set 45 of Next Year Program

(Continued from page 1)

about it. H. M. Warner recently opposed the idea on the ground that it would be difficult to administer.

A. W. Smith, on the same train, said no date had been set for the sales convention, but that selling would start late, as it did last year.

Gradwell Sears, Herman Robbins and George Dembow were also on the same train.

# *S. Z. Poli Is Made Circuit Treasurer*

(Continued from page 1)

Blumenthal, vice-presidents, and Leopold Friedman secretary. The board of directors consists of Schenck, Bernstein, Friedman, Poli and Blumenthal.

No change in management for the present is contemplated, it was stated.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 82 NEW YORK, MONDAY, APRIL 9, 1934 TEN CENTS

# Fox Midland Court Fight May End Soon

### *Reorganization Nearer For Two Companies*

KANSAS CITY, April 8.—Late developments point to an early start toward reorganization of Fox Midland Theatre Co., which has been held up more than a year by Federal court actions brought by Herbert M. Woolf and M. B. Shanberg, former owners of the properties.

It is said that a settlement of their suit seeking to recover almost $500,000 is about due and that plans are being

(*Continued on page 2*)

## Banquet Winds Up Monogram Session

ATLANTIC CITY, April 8.—Monogram's fourth annual sales convention was concluded here last night with a banquet at the Ambassador Hotel addressed by Nathan Yamins, unaffiliated exhibitor representative on Code Authority; John C. Flinn, executive secretary of Code Authority Jacob Schechter, counsel for the Federation of the M. P. Industry; Ben Goetz, vice-president of Consolidated Film Industries; W. Ray Johnston, president of Monogram; Trem Carr, vice-president, and Pete Harrison. Edward Golden, Monogram sales manager, acted as toastmaster due to the

(*Continued on page 2*)

## First Division May Drop Monogram Tie

Projected expansion of First Division Pictures, involving addition of exchanges in situations where Monogram exchanges are established, is expected to lead to ending of the distribution arrangements under which First Division now handles Monogram

(*Continued on page 2*)

### *Majestic Sessions Get Started Today*

The convention of Majestic franchise holders, which opens today at the company's home office, is expected to last three days. All meetings will have to do with setting the production budget for next season, the number of pictures, types of stories and sales policies. No elections will be held.

Herman Gluckman, president, leaves for the coast the end of the week to set up a unit production system.

# Kuykendall's Reelection Is Now Expected

### *No Opposition Apparent And None Looked For*

By RED KANN

LOS ANGELES, April 8.—Ed Kuykendall is expected to be reelected president of the M.P.T.O.A. when opposition candidate was in sight over the week-end and none is expected.

Only recently in New York Kuykendall told the MOTION PICTURE DAILY he planned to step down to pay more attention to the operation of his southern theatres. If any change of mind were necessary, it is now a fact that Kuykendall is agreeable to continuance in office.

David Palfreyman, theatre contact for the Hays organization, arrived

(*Continued on page 8*)

### *TOCC-ITOA Sharing Local Board Honors*

With the appointment of J. Louis Geller on the grievance board and Harry Shiffman, Edward Rugoff and Lawrence Bolognino on the clearance and zoning board, the T.O.C.C. and I.T.O.A. have equal representation on the local setups.

Shiffman and Bolognino are regarded as I.T.O.A. members, while Geller and Rugoff represent the T.O.C.C.

No date has been set for the joint informal meeting of the local boards.

(*Continued on page 8*)

### *Moss to Build New "Intimate" Theatre*

B. S. Moss intends to start construction immediately on a new theatre at 207th St. and Broadway, and he says this will be the first of a series of new houses to be built in the metropolitan area.

The first new house will be of the "intimate" type in the form of a ball cut in half and some new ideas in sound reproduction and lighting are to be installed, he says. It will seat 1,500.

### *Pathe to Act Upon Stock Sale to Webb*

In addition to the election of a board of 15 directors for the coming year, Pathe stockholders will be asked to consider and take action on a proposal of the board of directors whereby Stuart W. Webb, president, can

(*Continued on page 2*)

# CAMPI'S BUDGET SET AT $360,000

## Advisory Code Boards Under Campi Control

Declaring that members of the three advisory committees on the clearance and zoning board for New York are Campi appointees and that these men in formulating the local schedules are not responsible to the main board but to Code Authority, members of Campi put little stock in objections of local independents to the three advisory groups. Unaffiliated exhibitors are not in favor of the subordinate committees on the ground that whatever plans are drafted are only recommendations to the main board which must pass on them.

The exhibitors contend further that the main board can make wholesale

(*Continued on page 8*)

## ITO Against Parts Of Patman Measure

KANSAS CITY, April 8.—Approval of the spirit of the Patman bill to abolish block booking has been given by the I.T.O. of Greater Kansas City, but outright endorsement has been refused, since it is tied in with another measure by Congressman Patman to

(*Continued on page 8*)

### *Zirn Appeal Denied In Para. Bond Case*

The appellate division of the N. Y. Supreme Court on Saturday denied Samuel Zirn's motion for leave to appeal to the Court of Appeals at Albany in an action brought against Paramount Publix by Robert Levy, a bondholder, for whom Zirn is counsel.

The original Levy action involves, among numerous other matters, an effort to have set aside Paramount's

(*Continued on page 2*)

### *Lawyers File Para. Bills for $18,266*

A petition for payment of $18,266 has been filed with Referee Henry K. Davis by Root, Clark, Buckner & Ballantine, counsel for the Paramount

(*Continued on page 2*)

### *Studios' and Distributors' Share to Be Half; No Details Yet*

Exactly $360,000 is the figure officially set for financing the code for the film industry the first year, MOTION PICTURE DAILY learned from an authoritative source Saturday. Of this figure, $180,000 will be derived from distribution and production, while the other half will come from a tax on exhibition. Definite plans for securing the necessary money from both sources have not yet been completed.

Now that the machinery for clearance and zoning and grievance boards has been completed, Campi committees will devote the entire week to promulgating a fair plan to tax theatres, exchanges and studios for raising the $360,000. Quick action on the budget and all other problems is now assured, it was stated Saturday.

Secretaries for the Buffalo, Atlanta, Chicago, Omaha, San Francisco, Los Angeles, New Orleans, Pittsburgh, Kansas City and Detroit boards will be named today and they will immediately assume duties.

The method for taxing exhibitors will be that first runs will pay the highest tax and the subsequent runs

(*Continued on page 8*)

## Industry Relations Board to Be Named

Campi this week will set up an Industrial Relations Board on the coast to act on all problems arising in connection with the code. An office will be established with a paid secretary in Hollywood as the west coast branch of Code Authority.

Code Authority, at its session last Friday, took up a number of the problems dealing with the extras standing committee and this week will further discuss the matter. Personnel for the Industrial Relations Board will be appointed by Campi on Friday when Charles L. O'Reilly will be chairman.

### *Report Rosenblatt On Two More Codes*

Reports were current over the week-end that Division Administrator Sol A. Rosenblatt had been appointed to take over the work of the banking and textile industries' codes.

Rosenblatt is understood to have held important conferences here over the week-end in connection with his

(*Continued on page 8*)

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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# Purely Personal

RAMON NOVARRO sailed Saturday aboard the *Northern Prince* for Buenos Aires on the first leg of his concert tour, at the end of which, three months hence, he will go to England to pass the summer.

JOHN MITCHELL, western editor of *New Movie*, a Tower publication, gets in today by plane from the coast offices of the company for editorial conferences.

ORRY-KELLY, stylist for First National, is expected east in May for the opening of "20 Million Sweethearts," for which he designed the costumes.

TREM CARR leaves for the coast tomorrow after 10 days in the east to attend Monogram's annual sales meeting.

ED FINNEY returns Wednesday from Atlantic City, where he remained to wind up Monogram convention affairs.

## No Sign Writers' Pact

New York Sign Writers, Local 230, is continuing negotiations with contractors for theatre sign work on a new agreement calling for an increase of $1.50 per day, a seven-hour day and four-day week. Negotiations may be concluded within the next few days. The old contract expired April 1.

# Banquet Winds Up Monogram Session

(*Continued from page* 1)

inability of Louis Nizer, New York Film Board secretary, to be present.

Johnston was presented with a Plymouth car as a surprise gift from franchise holders. The conventioneers left for New York and their home cities today.

Closing sessions of the convention yesterday were devoted to discussions of titles for new season pictures and the possibility of production of a serial release for addition to the new program. Company executives will decide the latter question during the week. Johnston, Carr, Golden, Ed Finney, advertising and publicity manager, and Lou Ostrow, executive producer, addressed the final session in the afternoon. Johnston said the company's policy would call for concentration on distribution of Monogram product only, revealing that offers to distribute outside product had been rejected.

An open forum on film code questions was conducted by Flinn yesterday, which offered an opportunity for the 15 Monogram franchise holders who have been named to local code boards to school themselves in their duties in those posts.

# First Division May Drop Monogram Tie

(*Continued from page* 1)

product in a number of eastern cities, it was learned yesterday.

First Division has already established a number of exchanges which bring the company in direct competition with Monogram branches in the same territories and plans to add others in the near future. Production of its own product next season is also being discussed by First Division, and a complete breakaway from Monogram is regarded by observers as inevitable and in line with competitive efforts of the two companies.

First indications of the probable split came last week with the failure of Monogram franchise holders to return Harry Thomas, president of First Division, to the Monogram directorate for the coming year, a post he has occupied in Monogram for some time.

## Pathe to Act Upon Stock Sale to Webb

(*Continued from page* 1)

purchase common shares not exceeding 12,500 at $2 a share each year over a period of four years and not exceeding 3,000 class A preference stock at $12 a share in each year over a period of three years.

The annual election of officers and board of directors takes place April 24 at 2:30 P.M. at the company's home office.

## E. S. Reid New Head Of Virginia Censors

RICHMOND, April 8.—Edwin S. Reid, former president of the Chatham bank and former senator, has been chosen as head of the State censor board for two years. He succeeds R. C. L. Moncure.

Moncure retains his membership on the reorganized board and the other member is Mrs. Elizabeth Churchill Chalkley.

## Austrian Censor Law Set

VIENNA, April 8.—With the object of establishing governmental censorship of films, a decree was issued by the Ministry of Education here yesterday requiring exhibitors to obtain a permit from the Ministry before exhibiting any sound film.

## John H. Harris Returns

PITTSBURGH, April 8.—John H. Harris, president of the National Variety Clubs, has returned to Pittsburgh after a five-week vacation on the coast. His wife remained in Los Angeles where she will spend another month with her parents.

## Films for the Selwyn

Max Cohen has taken over the Selwyn, former legitimate house, on a long term lease and will open it in two or three weeks with pictures. Erpi Wide Range equipment is being installed. Policy of the house has not been set yet, Cohen said.

## Radio Gets Comedy Team

HOLLYWOOD, April 8.—Radio will co-star Zasu Pitts and Slim Summerville in a feature called "Afterward," an original comedy idea, with Mark Sandrich directing.

# Fox Midland Court Fight May End Soon

(*Continued from page* 1)

consummated to resume bankruptcy proceedings where they were suddenly dropped when the litigation began. Anticipation of a settlement and the subsequent election of a trustee is heightened by the recent visit here of William Gossett, attorney representing large New York creditors. Los Angeles counsel for Fox West Coast also has been in conference here.

The start of Fox Midland reorganization will find Fox Rocky Mountain Theatre Co., not hampered by court actions, well on its way toward a new deal. The latest report of the Rocky Mountain trustee indicates that on Jan. 1 reorganization had advanced to a point where of 60 houses originally listed in that company's division, only 12 remain subject to new rental deals or other disposition, the others being transferred to new subsidiaries. A few properties under lease have been turned back.

Since the first of the year, it is understood similar handling of seven more theatres has been completed.

## Lawyers File Para. Bills for $18,266

(*Continued from page* 1)

Publix trustees, for expenses and disbursements incurred from April 19, 1933, to March 31, 1934, in connection with their work on the Paramount Publix bankruptcy. Items for which payment is sought are comprised largely of fees and expenses incurred by attorneys assigned to Paramount work.

Root, Clark, Buckner & Ballantine filed a request some time ago for $125,000 for services rendered in connection with the Paramount Publix equity receivership, which preceded the bankruptcy by about three months. The petition was reduced to $100,000 by Referee Henry K. Davis, and objected to by creditors of the company, went to Judge John Woolsey of the U. S. District Court here for determination. Judge Woolsey's opinion has not been submitted yet.

## Zirn Appeal Denied In Para. Bond Case

(*Continued from page* 1)

$13,200,000 bank transaction of 1932. The original action was sidetracked when attorneys for Paramount contested Levy's right to sue in the matter. The state supreme court ruled that Levy could not bring suit and the ruling was upheld by the appellate division on Zirn's appeal.

Zirn said Saturday the appellate division's denial of his latest motion was "a formality" and declared he would take the case to the Court of Appeals some time this month.

## Mrs. Sabin on Council

Mrs. Charles H. Sabin has become a member of the board of directors of the M. P. Research Council. Mrs. Sabin was chairman of the Women's Organization for National Prohibition Reform and is a past president of the Women's National Republican Club.

## Stocks on Big Board Uneven

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures vtc | 30⅝ | 30 | 30 | — ⅝ | 200 |
| Consolidated Film Industries, pfd | 16 | 16 | 16 | ..... | 400 |
| Fox Film "A" | 15½ | 15⅜ | 15½ | + ⅛ | 500 |
| Loew's, Inc | 33½ | 32⅝ | 33⅛ | — ¼ | 27,100 |
| Paramount, cts | 5⅝ | 5½ | 5½ | ..... | 8,100 |
| Pathe Exchange | 3⅜ | 3¼ | 3⅜ | + ⅛ | 1,500 |
| Pathe Exchange "A" | 19¾ | 19 | 19⅛ | — ⅜ | 500 |
| RKO | 3½ | 3¼ | 3¼ | — ⅛ | 700 |
| Warner Bros | 7⅝ | 7⅜ | 7½ | ..... | 3,300 |
| Warner Bros., pfd | 24¼ | 24¼ | 24¼ | + ¼ | 100 |

## Trans Lux Advances ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8 | 8 | 8 | ..... | 100 |
| Trans Lux | 2⅜ | 2¼ | 2⅜ | + ⅛ | 200 |

## Most Bonds Take a Spurt

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅝ | 10 | 10 | — ¼ | 18 |
| General Theatre Equipment 6s '40, ctf | 9½ | 9¼ | 9½ | + ¾ | 8 |
| Loew's 6s '41, ww deb rights | 99⅛ | 99 | 99⅛ | + ⅛ | 3 |
| Paramount Broadway 5½s '51 | 38 | 36¾ | 38 | +1¼ | 43 |
| Paramount F. L. 6s '47 | 51 | 50¼ | 51 | + ½ | 11 |
| Paramount Publix 5½s '50 | 51½ | 50½ | 51½ | +1⅜ | 26 |
| Warner Bros. 6s '39, wd | 62¼ | 61½ | 62 | — ¼ | 69 |

# "Scandals" Is Detroit Wow; Gets $22,500

DETROIT, April 8.—"George White's Scandals," going $7,500 over average with a nice $22,500 at the Fox, and "Palooka," netting $1,200 more than average with $11,200 in its second week at the United Artists, were the best bets here last week. "Spitfire," moved from the Fox to the Downtown, gave that house $8,300, slightly under par, but the best gross scored there in weeks.

Total for the week, which was started off with a blizzard, was $70,100, against $79,600 the previous seven days and an average of $75,000.

Estimated takings for the week ending March 29:

**"SPITFIRE" (Radio)**
DOWNTOWN—(2,750), 15c-40c, 7 days, 2nd week. **Gross:** $8,300. (Average, $10,000)

**"JOURNAL OF A CRIME" (F. N.)**
FISHER—(2,975), 15c-40c, 7 days. **Gross:** $5,600. (Average, $10,000)

**"GEORGE WHITE'S SCANDALS" (Fox)**
FOX—(5,100), 15c-50c, 7 days, stage: Ross MacLean, Karre LeBaron, Ruth Pryor. **Gross:** $22,500. (Average, $15,000)

**"DARK HAZARD" (Warners)**
MICHIGAN—(4,100), 15c-50c, 7 days. Stage: Don Zelaya, Chic Kennedy, Darling Twins, Jack Kay, Gilda Gray. **Gross:** $16,400. (Average, $20,000)

**"PALOOKA" (U. A.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days, 2nd week. **Gross:** $11,200. (Average, $10,000)

**"WINE, WOMEN & SONG" (Chadwick)**
**"COUNTESS OF MONTE CRISTO" (Univ.)**
STATE—(3,000), 15c-40c, 7 days. **Gross:** $6,100. (Average, $10,000.)

## *Seattle Paramount Boosts Its Scales*

SEATTLE, April 8.—Prices at the Paramount will be boosted five cents next week. For the last eight weeks the house has been operating on a combined first run and vaudeville policy at 20 and 30 cents.

Manager Harry Woodin has prepared trailers and newspaper announcements explaining that the increased tariff is a result of orders from producing companies which insist upon a minimum first run division of 25 cents. It is understood that suburban and neighborhood houses here are complaining about the present 20-cent admission for the elaborate shows that the Paramount has been presenting.

## *Slash St. Louis Prices*

ST. LOUIS, April 8. — The St. Louis Theatre, having eleminated its stage shows, has also slashed its admission scale. Under the new schedule the rate to 6 P. M. will be 25 cents and 40 cents at night. This restores the rates that prevailed for several weeks after F. & M. took over this house last fall.

## *Neth Houses Cut Scales*

COLUMBUS, O., April 8. — Prices at the Neth neighborhood houses, including the State, Cameo, Clinton and Eastern, have been reduced from 28 to 20 cents, including 10 per cent state tax. No change in policy is contemplated.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"No Ransom"*

(*Liberty*)

HOLLYWOOD, April 8.—Based on Damon Runyon's story, "The Big Mitten," played by a well balanced cast, "No Ransom" is a clean, humorous bill of entertainment with a novel, harmless gangster twist.

A millionaire neglected by his family becomes morose and wants to commit suicide but can't pick up the courage. He hires a gangster to do the job for $30,000. The gangster, after meeting other members of the family, becomes deeply infatuated with the daughter and immediately grows soft on the job for which he was employed. He tries to induce a philosopher who has caused all the family unrest to leave, but, failing, devises means of kidnaping the old man, secluding him in a health building environment to give him time to think it all over. This does the trick with happy results. Unique situations and clever dialogue sustain interest throughout. Robert McWade as the old man, Jack La Rue as the gangster and Leila Hyams as the daughter capture top acting honors with able assistance from Phillips Holmes, Hedda Hopper, Vince Barnett, Eddie Nugent, Carl Miller, Irving Bacon, Christian Rub, Garry Owen, Fritzi Ridgeway and Mary Foy. Fred Newmeyer directed from story, continuity and dialog by Al De Mond.

# *Looking 'Em Over*

## *"Wheels of Destiny"*

(*Universal*)

Thrills aplenty for the youngsters, who get all sorts of action from Ken Maynard in the leading role. There's plenty of gun play, romance, comedy and Indian warfare to keep the juveniles on edge.

With the gold rush of '49 as the setting, Maynard comes to the rescue of a friend of his and helps him ward off the culprits, led by Philo McCullough, who are after a map leading to a rich gold vein and which is in the possession of Dorothy Dix's brother.

The attempts of the outlaws to thwart the wagon drive from the midwest to the coast meet with no success when Maynard takes the unofficial part of the leader. As for McCullough, he meets the fate of all the bad men—death. The romance between Maynard and Miss Dix ends as you would have it, satisfying the story writers and moviegoers.

## *"The Crosby Case"*

(*Universal*)

An average mystery film. The formula commonly used in building up pictures that seek to solve the question of "Who killed Cock Robin?" is adhered to more closely than ordinarily. There is the usual parade of suspects and the usual barking up the wrong tree that marks these mystery films for most of their footage.

A doctor engaged in unlawful practice is killed. Every person who has had anything whatever to do with the fellow is dragged into the plot and practically everyone is made to look guilty, with the exception of the doorman of the building where the man had his office. Their questioning is done with some show of humor, for which Warren Hymer, as a taxi driver, and William Collier, Sr., as a numbskull detective, are chiefly responsible. The guilty one is J. Farrell MacDonald. His motive had been to keep the doctor from exposing him when the medico discovered the former was blackmailing some of the wealthy patients.

Among the players are also Wynne Gibson, "Skeets" Gallagher, Edward Van Sloan, John Wray, Onslow Stevens, Barbara Weeks and Alan Dinehart. Edwin L. Marin directed.

## *Ask Missouri Censorship*

ST. LOUIS, April 8. — The Civic Union which has been stressing censorship plans to present a state censorship measure at the next session of the Missouri General Assembly. The leaders of this movement have also been endeavoring to interest members of the St. Louis Board of Aldermen in their restriction plans.

## *Disagree on Labor Order*

PORTLAND, April 8.—Officials of the M. P. Operators' Union declare they have received an order from the Regional Labor Board at Seattle advising that nine operators discharged by Pantages Theatre be returned to work. John Stille and H. Martin, Pantages manager, says they have received no copy of the order.

# "Spitfire" Is Fair in Dull Frisco Week

SAN FRANCISCO, April 8. — Holy Week put a big dent in box office grosses last week, but none of the houses were too far down. Most of them expected lower figures, and were prepared for the dip.

"Spitfire" at the Golden Gate held up nicely in its second week, grabbing $10,500. Another good one was the Orpheum, with "Two Alone" and Mills Brothers for a gross of $9,000

Total first run business was $65,000. Average is $72,000.

Estimated takings:

***Week Ending March 27:***
**"SPITFIRE" (Radio)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, vaudeville, band. **Gross:** $10,500. (Average, $11,000)

***Week Ending March 28:***
**"TWO ALONE" (Radio)**
ORPHEUM—(3,000), 15c-35c-50c, 7 days. Mills Brothers in person. **Gross:** $9,000. (Average, $9,000)

**"COME ON, MARINES" (Para.)**
**"SLEEPERS EAST" (Fox)**
ST. FRANCIS—(1,400), 15c-25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $6,000)

**"PALOOKA" (U.A.)**
UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

**"GAMBLING LADY" (Warners)**
WARFIELD—(2,700), 25c-35c-55c-60c-90c, 7 days. Stage, band. **Gross:** $15,500. (Average, $19,000)

***Week Ending March 29:***
**"ONE IS GUILTY" (Col.)**
**"VOICE IN THE NIGHT" (Ind.)**
FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage, vaudeville. **Gross:** $9,000. (Average, $9,000)

**"CAT AND THE FIDDLE" M-G-M)**
**"BEDSIDE" (Warners)**
PARAMOUNT—(2,670), 15c-35c-40c-65c, 7 days. **Gross:** $11,000. (Average, $12,000)

## *West Philadelphia To Get Stage Shows*

PHILADELPHIA, April 8.—The State Stanley-Warner key neighborhood theatres in West Philadelphia are taking a flier in stage entertainment, opening on Saturday with the first of a series of tab musical comedies and revues. Opening attraction is "Sweet and Low Down" with Arthur and Morton Havel, the Honey Boys, Audrey Gibson and a Chester Hale ballet. John McConnell, former director of the Mastbaum orchestra, will direct the State orchestra.

Scheduled to follow are tab versions of the "Scandals," "Vanities," etc. The house has been featuring only one day of vaudeville—Saturday—each week.

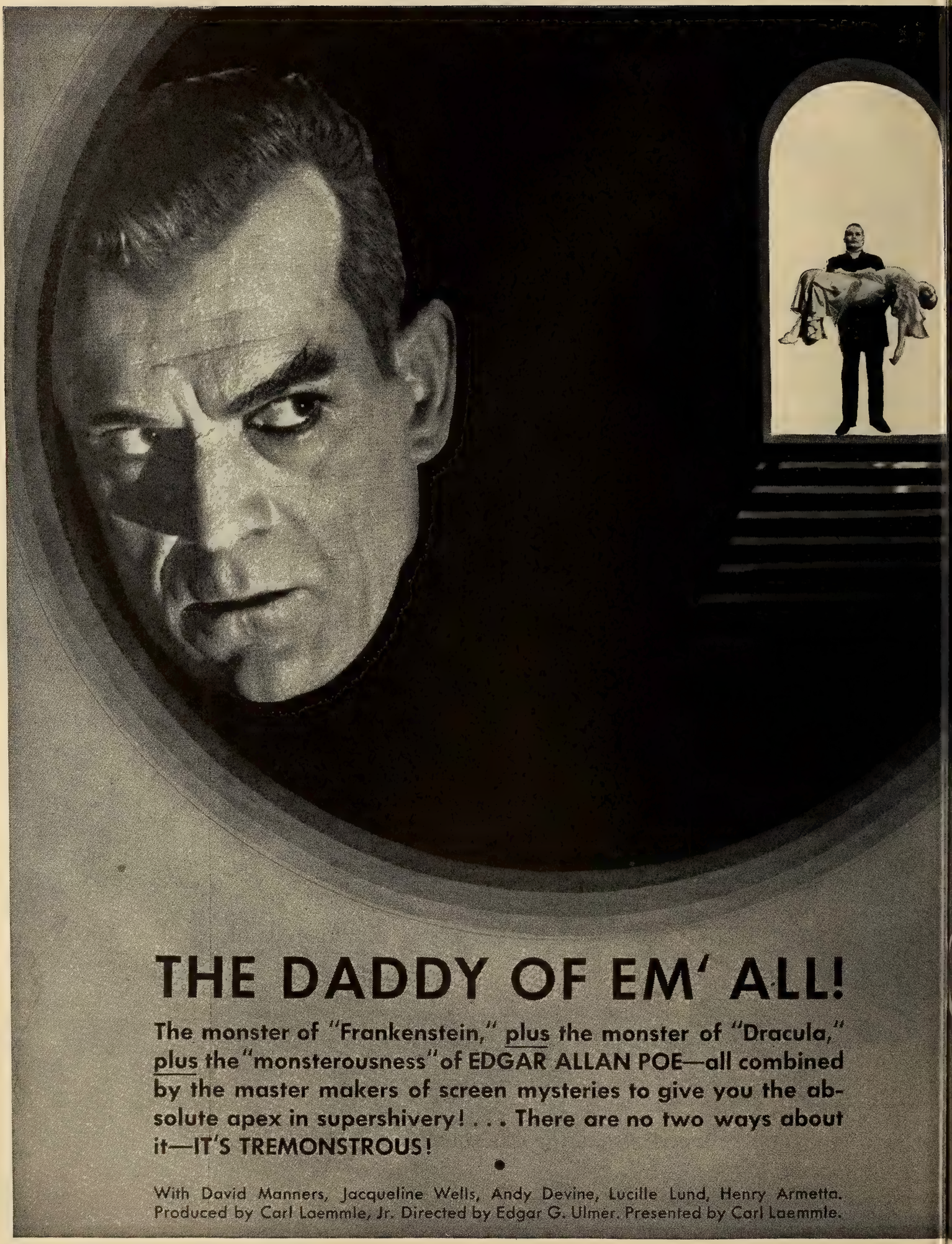
## *"Wonder Bar" Gets Big Portland Start*

PORTLAND, April 8.—"Wonder Bar" got off to one of the heaviest starts registered here in a long time. The opening day take at the Broadway was $2,500, with extra shows.

"Riptide" out-grossed every M-G-M picture so far this year with $1,500 on the first day at United Artists.

## *Kinsky to Davenport*

DES MOINES, April 8.—Joseph Kinsky has been transferred to Davenport, Iowa, to become city manager for Tri-State Theatres Corp., which operates the Capitol and Garden.

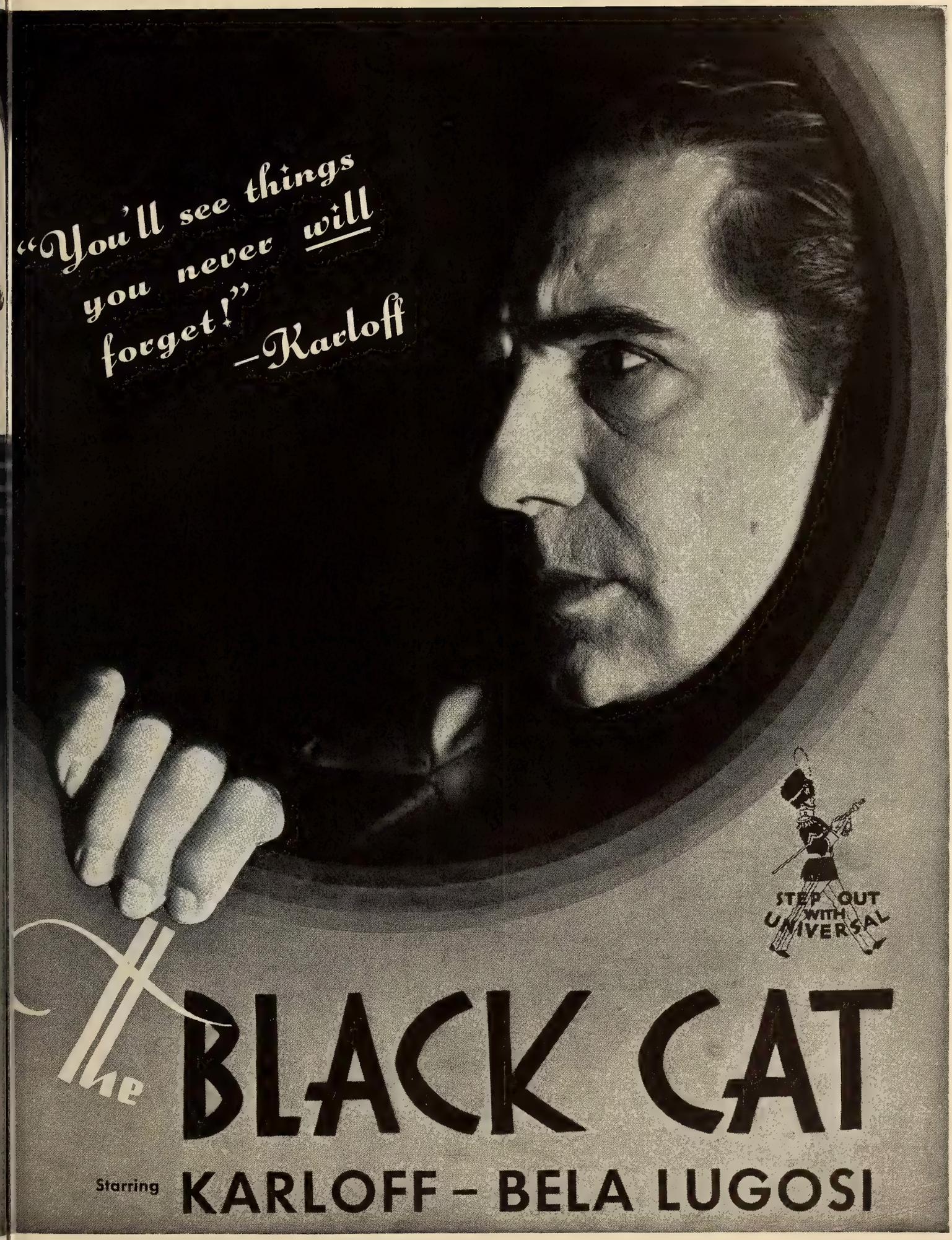


# THE DADDY OF EM' ALL!

**The monster of "Frankenstein," plus the monster of "Dracula," plus the "monsterousness" of EDGAR ALLAN POE—all combined by the master makers of screen mysteries to give you the absolute apex in supershivery! . . . There are no two ways about it—IT'S TREMONSTROUS!**

•

With David Manners, Jacqueline Wells, Andy Devine, Lucille Lund, Henry Armetta.
Produced by Carl Laemmle, Jr. Directed by Edgar G. Ulmer. Presented by Carl Laemmle.


"You'll see things you never will forget!"
—Karloff
STEP OUT WITH UNIVERSAL
The BLACK CAT
Starring KARLOFF – BELA LUGOSI

# "Riptide" Off To Big Start On the Coast

Los Angeles, April 8.—"Riptide" started off sensationally at Loew's State. The $28,500 gross was more than double the normal takings for the house.

"House of Rothschild" got off to a flying start at Grauman's Chinese with $8,500 on two days.

In spite of this rush the Paramount had a big week with "Melody in Spring" on the screen and Duke Ellington and his band on the stage. The gross was $22,115, above par by $4,115.

"Catherine the Great" fell off to $7,500 in its second week at the United Artists.

Total first run business was $90,815. Average is $95,450.

Estimated takings for the week ending April 4:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 2 days. Sid Grauman prologue. **Gross:** $8,500. (Average, $14,000.)

**"THE GHOST TRAIN" (Gaumont-British)**
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $2,100. (Average, $2,650.)

**"RIPTIDE" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $28,500. (Average, $14,000.)

**"MELODY IN SPRING" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Duke Ellington and his orchestra, F. & M. revue. **Gross:** $22,115. (Average, $18,000.)

**"LITTLE WOMEN" (Radio)**
RKO—(2,700), 25c-40c, 2nd week, 7 days. **Gross:** $6,100. (Average, $8,000.)

**"CATHERINE THE GREAT" (U. A.)**
UNITED ARTISTS—(2,100), 30c-55c, 7 days, 2nd week. **Gross:** $7,500. (Average, $12,800.)

**"WONDER BAR" (F. N.)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-55c, 7 days, 3rd week. **Gross:** $8,000. (Average, $14,000.)

**"WONDER BAR" (F. N.)**
WARNER BROS. (DOWNTOWN—(3,400), 25c-55c, 7 days, 3rd week. **Gross:** $8,000. (Average, $12,000.)

# "Were Free" Only Draw in Oklahoma

Oklahoma City, April 8.—There was a general slump in first run business here last week. "If I Were Free" was the only feature to stand up to average. It brought the Capitol $2,500.

"The Cat and the Fiddle" grossed only $3,500 for the Criterion, that figure being $1,500 below average. This town seems to be "fed up" on musicals. "Gambling Lady" was $500 below, grossing $3,500 for the Midwest. "Hold That Girl" and "Three on a Honeymoon" brought average business to the Liberty.

Total first run business was $11,600. Average is $13,500.

Estimated takings for the week ending March 31:

**"IF I WERE FREE" (Radio)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"CAT AND THE FIDDLE" (M-G-M)**
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $3,500. (Average, $5,000)

**"GAMBLING LADY" (Warners)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,500. (Average, $4,000)

**"HOLD THAT GIRL" (Fox)**
LIBERTY — (1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,200. (Average week, $2,000)

**"THREE ON A HONEYMOON" (Fox)**
LIBERTY — (1,500), 10c-15c-26c-36c, 3 days. **Gross:** $900. (Average week, $2,000)

# "One Night" Gets a Sixth Seattle Week

Seattle, April 8.—Holy Week and the lack of any outstanding attractions resulted in poor business generally among all the first runs. The only exception was "It Happened One Night," which had a good fifth week at the Liberty, and was being held over for another seven days. The take was about $1,000 over the normal $4,000.

"Jimmy, the Gent" lasted only five days of the second week's run, and "Nana" in its second week at the Music Box was below par.

Total first run business was $26,250. Average is $31,500.

Estimated takings for the week ending March 30:

**"JIMMY THE GENT" (Warners)**
BLUE MOUSE—(950), 25c-35c-50c, 5 days. 2nd week. **Gross:** $2,750. (Average, 1st week, $4,000)

**"BOLERO" (Para.)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. **Gross:** $5,000. (Average, $7,000)

**"IT HAPPENED ONE NIGHT" (Col.)**
LIBERTY—(1,800), 15c-25c-35c, 7 days, 5th week. **Gross:** $5,000. (Average, 1st week, $4,000)

**"NANA" (U.A.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days, 2nd week. **Gross:** $3,000. (Avrage, $4,000).

**"FOUR FRIGHTENED PEOPLE" (Para.)**
**"I LIKE IT THAT WAY" (Univ.)**
ORPHEUM—(2,500), 25c-35c-50c, 8 days. **Gross:** $5,500. (Average, 7 days, $6,000)

**"GOOD DAME" (Para.)**
PARAMOUNT—(3,050), 20c-30c, 7 days. Vaudeville headed by Jean & Fritz Hubert, Julius Buano's band. **Gross:** $5,000. (Average, $6,000)

# "Holiday," "Hold Girl" Omaha Lead

Omaha, April 8.—Despite the Holy Week threat, excellent spring weather aided in keeping grosses at a fairly normal level with two houses hitting par for the week. At the Paramount, "Death Takes a Holiday," plus "Hold That Girl" brought a nice $7,500. Another twin bill at the Orpheum, "Love Birds" and "I Was A Spy," was good for $7,250.

"Sweetheart of Sigma Chi" and "Massacre," at the Brandeis, were weak at $4,250. Another dual, at the World, was in the red at $3,750.

Total first run business was $22,750. Average is $24,500.

Estimated takings:

***Week Ending March 28:***

**"DEATH TAKES A HOLIDAY" (Para.)**
**"HOLD THAT GIRL" (Fox)**
PARAMOUNT—(2,900), 25c-35c-40c, 7 days. **Gross:** $7,500. (Average, $7,500)

***Week Ending March 29:***

**"LOVE BIRDS" (Univ.)**
**"I WAS A SPY" (Fox)**
ORPHEUM—(3,000), 25c-35c, 7 days. **Gross:** $7,250. (Average, $7,250)

**"SWEETHEART OF SIGMA CHI" (Monogram)**
**"MASSACRE" (F. N.)**
BRANDEIS—(1,500), 25c-35c, 7 days. **Gross:** $4,250. (Average, $4,750)

**"IN THE MONEY" (Chesterfield)**
**"THE SIN OF NORA MORAN" (Majestic)**
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $3,750. (Average, $5,000.).

## *Harris to Cleveland*

St. Louis, April 8.—Milton Harris, formerly with Fox here, has gone to Cleveland to take over publicity for Loew's in that city.

# "Riptide" $17,000 Wow in Providence

Providence, April 8. — "Riptide" stirred up plenty of excitement over the Easter week-end and it has been keeping it up since at Loew's State with the California Ramblers on the stage. The $17,000 gross was $5,000 over average.

"Spitfire" and "Keep 'Em Rolling" were also a wow at the RKO Albee, where the gross reached $10,000, up by $3,000. "Jimmy, the Gent" fared well at Fay's with $7,300.

Total first run business was $46,500. Average business, $40,500.

Estimated takings for the week ending April 5:

**"RIPTIDE" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. California Ramblers on stage. **Gross:** $17,000. (Average, $12,000.)

**"ADVICE TO THE LOVELORN" (U.A.)**
**"THE LAST ROUND UP" (Para.)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $5,500. (Average, $6,500.)

**"GEORGE WHITE'S SCANDALS" (Fox)**
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $5,500. (Average, $7,000.)

**"JIMMY, THE GENT" (Warners)**
FAYS—(1,600), 15c-40c, 7 days. **Gross:** $7,300. (Average, $7,000.)

**"SPITFIRE" (Radio)**
**"KEEP 'EM ROLLING" (Radio)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $10,000. (Average, $7,000.)

**"HORSE PLAY" (Univ.)**
**"JAWS OF DEATH" (Sol Lesser)**
RKO VICTORY—(1,600), 10c-25c, 4 days **Gross:** $1,200. (Average, $1,000.)

# "Riptide" $18,000 Smash in Buffalo

Buffalo, April 8.—"Riptide" ran away with top honors here last week, helped by a vaudeville bill. The gross at the Buffalo was $18,000, over normal by $3,000.

"Wonder Bar" was also a hit. It reached $9,200 at the Hippodrome. This is over normal by $1,200. The weather was fine throughout the week, only one day of rain marring business.

Total first run business was $46,600. Normal is $43,500.

Estimated takings for the week ending April 6:

**"RIPTIDE" (M-G-M)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Gypsy Nina, William & Joe Mandel, Paul Gerrits, Eight Commodores, Rosemary Deering. **Gross:** $18,000. (Average, $15,000.)

**"JIMMY, THE GENT" (Warners)**
**"LONE COWBOY" (Paramount)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,400. (Average, $6,000.)

**"LOOKING FOR TROUBLE" (U. A.)**
**"HI, NELLIE" (Warners)**
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,000. (Average, $8,000.)

**"WONDER BAR" (Warners)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $9,200. (Average, $8,000.)

**"LOVE BIRDS" (Univ.)**
**"MADAME SPY" (Univ.)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,000. (Average, $6,500.)

## *Jersey Town Has Film*

Fairlawn, N. J., April 8.—"The Story of Fairlawn," a community film, is being shown at school houses in the city and surrounding villages. The film has been a month in the making. Leading citizens take the major roles. The picture, in addition to its historical worth, has a plot.

A feature and a comedy are being shown along with the film. No competition for local theatres, because there are none. The local children's Christmas fund will get the proceeds.

# "Lost Patrol" Strong Draw, Philadelphia

Philadelphia, April 8. — Though the expected Holy Week slump was felt by several theatres, business as a whole held up very well.

Outstanding entry of the week was "The Lost Patrol," which grossed $9,000 at the Stanton. The film drew rave notices and topped average by a nice amount. "George White's Scandals" got a good 8,500 for a first week at the Locust. "Palooka" started with $7,500 at the Aldine, while "Long Lost Father" and "Three on a Honeymoon" beat the average at the Earle and Fox, respectively.

The Walnut, losing ground in its box-office struggle with its independent film and stage shows, got $4,000 with "Social Register" and is expected to close this week.

Total first run business was $82,700. Average is $80,900.

Estimated takings for the week ending March 29:

**"PALOOKA" (U. A.)**
ALDINE—(1,300), 40c-55c-65c, 6 days. **Gross:** $7,500. (Average, $7,000)

**"THE CAT AND THE FIDDLE" (M-G-M)**
ARCADIA—(600), 25c-40c-50c, 6 days, 2nd run. **Gross:** $2,200. (Average, $2,400)

**"AS THE EARTH TURNS" (Warners)**
BOYD—(2,400), 40c-55c-65c, 3 days, 2nd week. **Gross:** $4,000. (Average, 6 days, $12,000)

**"LONG LOST FATHER" (Radio)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Count Berni Vici's "Spices of 1934." **Gross:** $14,000. (Average, $12,000)

**"THREE ON A HONEYMOON" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage: Lew Parker & Co.; Ernest McChesney and Margaret Ware, Harold Clyde Wright Ensemble. **Gross:** $14,500. (Average, $12,000)

**"HEAT LIGHTNING" (Warners)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,000. (Average, $3,500)

**"COMING OUT PARTY" (Fox)**
KEITH'S—(2,000), 25c-35c-40c, 6 days. 2nd run. Stage show. **Gross:** $6,000. (Average, $7,000)

**"GEORGE WHITE'S SCANDALS" (Fox)**
LOCUST—(1,200), 30c-40c-60c, 6 days. **Gross:** $8,500. (Average, $7,000)

**"MYSTERY OF MR. X" (M-G-M)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $12,000)

**"LOST PATROL" (Radio)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $9,000. (Average, $7,000)

**"SOCIAL REGISTER" (Col.)**
WALNUT—(1,500), 25c-50c, 6 days. Stage: "Parisian Fantasies." **Gross:** $4,000. (Average, $5,000)

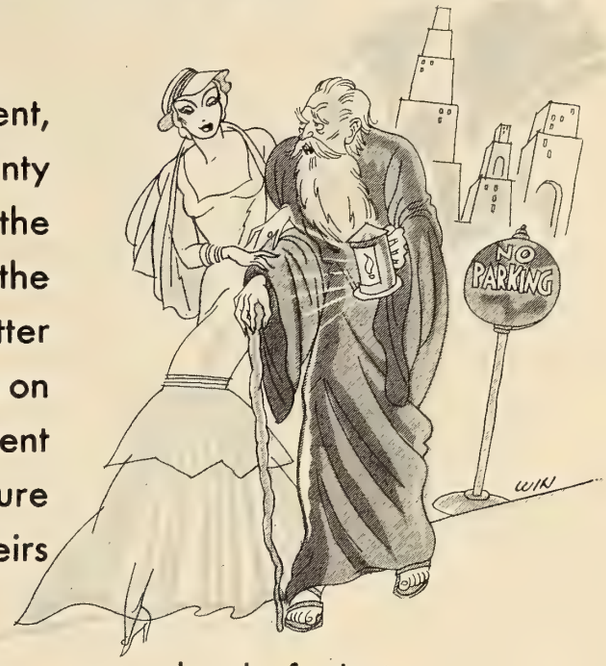
## *Shows Back in Buffalo*

Buffalo, April 8.—Stage shows returned to the Great Lakes, at least temporarily, on April 6 with "A Century of Progress Revue," featuring Faith Bacon, fan dancer. "Greenwich Village Follies" is scheduled to follow. Double features will be dropped, the first picture under the new policy being Kay Francis in "The House on 56th St." The Great Lakes had vaudeville for several weeks last fall. The Lafayette and Shea's Century will continue the twin feature policy in the downtown area.

## *Iowa Allied Moves*

Des Moines, April 8.—Headquarters of the Allied Theatre Owners of Iowa and Nebraska have been established at Hotel Fort Des Moines with Lester F. Martin of Nevada, executive secretary, in charge.

# AMPA tells the TRUTH!




**Not** to be outdone by Gimbel's Basement, AMPA tells the truth, the whole truth, and plenty more besides. We warn you in advance...the cigarettes on the table probably won't be the kind you smoke . . . the dessert will look better than it tastes...the entertainers will be putting on their act for the motion picture producers present ...and the photographer will take your picture only in hopes he can stick you and your heirs

**But** . . . if you want to have a swell time . . . get a load of who's who in the motion picture business *and why* . . . dine and dance in a manner to which you are unaccustomed, join the roasting crew at the

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Grand Ballroom Saturday, April 21st
Tickets $5.00 per person
Entire proceeds, after expenses, to be divided equally between the Film Daily Relief Fund and the Motion Picture Charity Fund

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Typography by Supreme Ad Service Inc. Engravings by Powers Photo Engraving Co.

# Advisory Code Boards Under Campi Control

(Continued from page 1)

alterations in schedules promulgated by the committees for New York, Brooklyn and Jersey and this gives the groups little, if any power.

Admitting that the committees' drafts must be passed upon by the main board consisting of Robert Wolff, Leo Abrams, David Loew, Harry Shiffman, Edward Rugoff and Lawrence Bolognino, Campi states that exhibitors can always appeal to Code Authority and the government on decisions of the main board.

## *TOCC-ITOA Sharing Local Board Honors*

(Continued from page 1)

but it is expected a session will be held some time this week. When the boards meet recommendations will be made for secretaries.

The I.T.O.A. meets Wednesday at the Astor to discuss the local boards' personnel and the work of the National Recovery Review Board in Washington. Members of the unit here have been on the stand in Washington during the last two weeks at hearings.

## *Report Rosenblatt On Two More Codes*

(Continued from page 1)

reported new duties. He could not be reached for confirmation, but is said to have left for Washington late last night.

Official confirmation from Washington is expected today. He will continue as division administrator for the film code, it is said, the new post being an addition to his present duties.

## *Gangster Films Banned*

Brockton, April 8.—Mrs. Bernard S. Sabean, head of the M. P. Council of this city, has received approval of her plan to have all gangster films barred from local theatres. Calling all theatre managers into conference, it was agreed by all that no more gangster films would be booked.

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# $360,000 Is Set as Budget For Authority

(Continued from page 1)

the lowest, depending on size of town and number of seats in theatres.

S. R. Kent, Harold S. Bareford for H. M. Warner, Charles L. O'Reilly and Nathan Yamins, the committee on financing, are expected to meet today in the first of a series of conferences designed to set up the method of taxation.

## *B. & K. Gets Apollo In Fast Loop Moves*

Chicago, April 8.—The latest move in the Loop theatre checkerboard situation finds B. & K. putting a king on the Apollo theatre. B. & K., which is doing hops, skips and jumps with Jones, Linick & Schaefer in what is obviously a battle for Loop control, has acquired a five-year lease on the Apollo and will immediately transform the ancient spot in typical B. & K. style. B. & K. only recently took a lease on the Garrick, which J. L. & S. countered by acquiring the Majestic. Further moves from both sources are being watched with keen interest.

Officials of B. & K. are discreetly withholding announcement as to the policy planned for the Apollo, just as they are non-committal about plans for the Garrick.

## *Survey Is Started On Sound Recording*

Hollywood, April 8.—The Academy Research Council's subcommittee on economies in sound recording, consisting of E. H. Hansen, chairman; Lawrence Aicholtz, Gerald Best and Wesley C. Miller, has started a survey of studio sound department practice in slating and cuing scenes on the set, and the methods of marking sound film for subsequent sound recording and laboratory developing and printing processes.

This investigation is the first step in the study of economies in recording which was recently authorized by the Research Council.

## *Radio Puts Five in Work*

Hollywood, April 8.—Radio comes out of the several-week lull this week with five pictures going into production.

Pictures going into work are "Life of Virgie Winters," featuring Ann Harding and John Boles; "Sour Grapes," with Diana Wynyard and Clive Brook; "Family Man," starring Richard Dix; "Murder on the Blackboard," co-starring Edna May Oliver and Jimmy Gleason, and "Down To Their Last Yacht."

## *"Pigs" Back to the Roxy*

"Three Little Pigs" will be reissued by the Roxy starting Friday. This will mark the third time the theatre has booked the short.

## *Higbey Quits Warners*

Hollywood, April 8.—Philo Higbey has resigned as unit man in Warners publicity department and is slated to leave for New York Monday.

# Kuykendall's Reelection Is Now Expected

(Continued from page 1)

here Saturday and went into a huddle on convention detail with Ben Berinstein, who is handling the arrangements and occasionally wishes that he were not.

Palfreyman and M. E. Comerford, who is also here, represent the vanguard of the main body which piles in Monday morning. The day will be turned over to registration and the only business will be a private session of the directors where the elections will be held.

Kansas City, April 8.—A. F. Baker, Kansas City, Kan., placed on the credentials and rules committee for the M.P.T.O.A. convention, says he has no intention of attending. Baker is president of the Kansas-Missouri Theatre Ass'n, which has no national affiliation.

# ITO Against Parts Of Patman Measure

(Continued from page 1)

establish Federal censorship and regulation of the industry.

Exhibitors were divided when a vote was taken. Many agreed with the report of a committee which, advising with counsel, favored compulsory elimination of block booking, but found Federal supervision as provided in the Patman bill fraught with dangers. The committee also reported that under the measure the distributors would have the right to choose their accounts, which they have anyway.

When the Brookhart bill, along lines similar to the proposals now before Congress, was being debated, the local organization actively campaigned for its passage.

Another matter demanding the independents' attention was cut-rate Sunday matinees. As a result of the organization's protest, the Fox Gladstone has discontinued the practice, but the Fox Vista has refused to boost its 10-cent price until 5 P.M. to its normal 15-cent scale. Jay Means, I. T. O. president, is preparing to file a complaint with the grievance board, on the ground of unfair competition. One or two independents who had maintained a similar cut-rate schedule for their only matinee of the week recently discontinued it.

The resignation of W. D. Fulton, a leading independent, was accepted after a committee attempted to persuade him to reconsider. Fulton, formerly vice-president of the organization, has clashed with officers over matters of policy.

## *Swanson for "Barbary"*

Hollywood, April 8.—Gloria Swanson has closed a deal with Samuel Goldwyn to appear in "Barbary Coast," co-starring with Gary Cooper. This will be made before she does "Three Weeks" for M-G-M.

## *Friedlander Due Today*

Al Friedlander, who has been making a tour of First Division exchanges, arrives today after being away several weeks.

Spot News from Columbia

"Recommend the picture without reservation!"—Akron Times-Press. The screen's greatest emotional triumph, Frank Borzage's "NO GREATER GLORY", based on Ferenc Molnar's world famous novel.

Get your box-office ready for the Spring clean-up! JOHN BARRYMORE in "20th Century", with Carole Lombard, Walter Connolly, Roscoe Karns. A Howard Hawks production from the sensational stage smash by Ben Hecht, Charles MacArthur, and Charles B. Milholland.

The powerful story of a love too great for one woman! Presenting, in her greatest role, ELISSA LANDI in "Sisters Under The Skin", with Frank Morgan, Joseph Schildkraut. Directed by David Burton.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 83 | NEW YORK, TUESDAY, APRIL 10, 1934 | TEN CENTS

# MPTOA Clears Decks; Kuykendall Reelected

## Campi's Cost Plan Is Sent To Rosenblatt

### *Approval Is Looked for Before Next Friday*

Campi's plan of assessing exhibitors $180,000 of the $360,000 set as the required figure for Code Authority's expense during the first year of operation was sent to Division Administrator Sol A. Rosenblatt yesterday for approval. The budget and the plan are expected to be approved before Friday when Rosenblatt returns to

(*Continued on page* 14)

## Labor Problems Go To Industry Boards

All labor problems arising within the industry and to which the public is a part will be turned over to industrial relations boards in New York and regional branches in Hollywood and other cities. The complaints which will come before this board will be confined to labor only. Previously, the NRA has had regional labor compliance boards handling these problems, which now are turned over to

(*Continued on page* 18)

## *Non-Signers Barred From Board Actions*

Exhibitors not signing the code will not be permitted to file protests before local clearance and zoning boards. Theatre owners already have been advised that unless they sign the code no grievance board will recognize complaints filed by them.

Members of Allied and other independent organizations who have not signed the code, in order to file objections to clearance and zoning boards, will have to interest exhibitors who are signers to take up their issue with local boards.

## *Loew's Complain on K. C. Subsequent Ads*

KANSAS CITY, April 9.—Local first runs are complaining that subsequents are advertising attractions prior to or currently with their first run, in violation of the code. One of the chief objectors is Loew's Midland, which has sent evidence to its home office to form a basis of complaint with Code Authority.

A question to be decided in this con-

(*Continued on page* 18)

## *Daily, Flown to Coast, Meets MPTOA Men on Date of Issue*

**Los Angeles, April 9.—Today's *Motion Picture Daily*, published in New York and flown west, greeted M.P.T.O.A. conventioneers as they swarmed off the special train and piled into eight buses chartered by Ben Berinstein, chairman of convention arrangements, to transport them to the Ambassador. On every seat a copy of the *Daily* reposed. This service elicited widespread comment and commendation. Other copies were rushed by fast messenger to film row and every important Hollywood studio.**

**This service supplemented efforts by the Quigley Publications to keep the traveling showmen informed on what was transpiring in national film affairs. The Quigley Publications was the only trade paper group to have a reporter on the special train all the way from New York to Los Angeles. Daily wire news service out of New York kept the delegates up to the minute, and special copies of *Motion Picture Daily* and *Motion Picture Herald* were distributed while the journey was underway.**

## Elliott Fails To Appear for Review Board

WASHINGTON, April 9.—Explaining that he was detained in Canada on important matters, William Elliott, head of the I.A.T.S.E., today informed the National Recovery Review Board of his inability to appear.

Present in the board room for the purpose of offering additional testimony was Murray Harston of New York, representing the Independent M. P. Operators' union, whose charges on April 3 influenced the board to ask Elliott to appear.

Asking the board for permission to continue his testimony in order that he might return home, Harston was told

(*Continued on page* 14)

## Federal Probe Is Begun in Chicago

CHICAGO, April 9.—That the cause of the newly formed Independent Theatre Owners' Ass'n. is reaching government ears was revealed today when two operatives of the Federal Trade Commission listened to more than a score of complaints at a meeting called by leaders of the exhibitor group at the Stevens Hotel. Some 100

(*Continued on page* 14)

## "U" Sales Up $1,800,000, Says Laemmle

An advance in Universal's domestic sales contracts of $1,800,000 for the 1933-34 selling season over those for the preceding season was reported by Carl Laemmle, Universal president, in a current letter to stockholders of the company, made public yesterday.

Billings to both domestic and foreign exhibitors for pictures completed since Sept. 1, 1933, increased $2,000,000 over those for the corresponding period of the year preceding, the report said.

## Report H. S. Brown Aims at "U" Board

Hiram S. Brown, former RKO president, is understood to be angling for a post on the Universal directorate through preferred stock controlled by a downtown financial group rumored to be Fuller & Co.

Under the Universal setup preferred stockholders get the right to elect two directors if the company passes six consecutive dividends on the preferred. This has happened, thereby leading to the Brown situation, with

(*Continued on page* 14)

## *Primed for Fight Upon Labor Provisions In the Code*

By RED KANN

LOS ANGELES, April 9.—Priming itself for a fight on labor provisions of the code and clearing the decks by a quick election of officers this afternoon, the executive committee of the M.P.T.O.A. returned Ed Kuydendall to the presidency, as predicted in the MOTION PICTURE DAILY this morning.

Planned, as well, is a quite orderly convention with little or none of the verbal explosions identified with conventions of yesteryear. This is the strategy behind the naming of seven convention committees which will meet from 5:30 to 7:30 every evening and listen to complaints from any and all M.P.T.O.A. sources, and, by attempting to settle them in caucus, keep fireworks from the convention floor.

Jules H. Michael of Buffalo has been named chairman of the grievance

(*Continued on page* 7)

## Blumenthal Loses Suit in Stock Deal

WASHINGTON, April 9.—Efforts of A. C. Blumenthal of New York to secure a share of a $300,000 profit which Albert M. Greenfield obtained from the sale of Fox film and theatre stock came to an unsuccessful conclusion today when the U. S. Supreme Court refused to review a decision of the

(*Continued on page* 10)

## *Gains Reported for Fox Rocky Mountain*

KANSAS CITY, April 9.—Report of cash transactions for the fall and early winter filed by the Fox Rocky Mountain Theatre Co. trustee, indicates a substantial business improvement over the previous spring and summer.

Receipts for the period beginning Aug. 20 and ending Dec. 30, 1933, the

(*Continued on page* 14)

## *Johnston Declares First Div. to Stay*

Denial that the expanding distribution activities of First Division Pictures, bringing it into competition with Monogram in a number of situations, and the failure of Monogram

(*Continued on page* 14)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Rowland Starts at RKO

Richard A. Rowland, recently signed as an associate producer for Radio, is here for two months on story material and talent scouting, following which he will return to the studio for his first production assignment. Rowland arrived from the coast Sunday and established his new, temporary headquarters in the RKO building yesterday. His initial production assignment is not yet set, he said.

## Embassy Scale Reduced

New price at the Embassy-Pathe newsreel theatre is now 15 cents from opening to 6 P. M., after which a 25-cent admission goes into effect.


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1934-35

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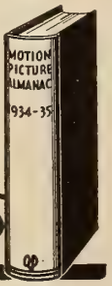




## Quittner Is Given Appeal Privileges

The U. S. Circuit Court of Appeals yesterday granted the motion of Joseph Quittner, former Middletown, N. Y., exhibitor, to appeal his anti-trust suit against Paramount, the M. P. P. D. A. and member companies as a pauper. The court, however, denied the same motion by the Middletown Combined Building Corp., a Quittner-owned realty company, on the ground that a corporation was not a citizen.

The Federal court's decision overrules an earlier one by the U. S. District Court here and gives the complainant the right to appeal the case without printing the voluminous record of testimony taken in the trial of the case in District Court last year, where the suit was dismissed. Hearing of the appeal probably will not take place until next fall, according to Graham & Reynolds, Quittner's attorneys.

## Monarch Heads West For Theatre Deals

Executives of Monarch Theatres left for the middle west last night on a number of deals which would increase the circuit by five or six houses. Negotiations for a group of mid-west theatres have been under way for the past month and are expected to be closed on this trip.

## Arliss Arrives in Town

George Arliss got into town yesterday on his way to England for his annual vacation. Today the star observes his 66th birthday. He will spend a week in New York. On Saturday at 7 P. M. he will participate in a broadcast over the WEAF network in observance of 20th Century's first anniversary by giving a scene from "The House of Rothschild." Before leaving for the east Arliss completed his second for the company, "The Last Gentleman."

## Chaplin's Plans Definite

HOLLYWOOD, April 9.—Charles Chaplin today told MOTION PICTURE DAILY he has definite intentions of having a new feature, first since "City Lights," ready by fall. Chaplin will write and adapt himself.

## Turnbull Funeral to Be Held Tomorrow

NEW HOPE, Pa., April 9.—Hector Turnbull, scenario writer and former supervisor of production for Jesse L. Lasky, will be buried here Wednesday following funeral services in the Thompson Memorial Presbyterian Church. The former dramatic critic of the *New York Tribune* died Sunday in his 46th year at his home near here after an illness of several years. Turnbull's wife, a sister of Lasky, died in 1932. Surviving are a daughter, five sisters and a brother.

Turnbull gave up dramatic criticism in 1915 to do scenarios for Lasky Productions. He is best known as the author of "The Cheat." When Lasky left Paramount to produce for Fox, Turnbull went along as his production head.

## Seeks Advice on Camera

HOLLYWOOD, April 9.—Questionnaires drawn up by the silent camera sub-committee of the Academy Research Council were circulated among cameramen, sound engineers and other studio technicians today to obtain information on "a silent camera which will meet the requirements of the industry."

The subcommittee consists of Virgil Miller, chairman; John Arnold, John Boyle, John L. Cass, William Eglinton, Bert Glennon, Lorin D. Grignon, Ray June, Kenneth Lambert, Grover Laube, Lewis L. Mellor, K. F. Morgan, Emil Oster, William Rudolph, Theodore Soderberg, Al Tondreau, A. G. Wise, R. C. Willman, and Gordon S. Mitchell, manager of the research group.

## Germans Hit "Captured"

BERLIN, April 9.—Germany has asked the British government to stop showing First National's "Captured" on the screens of the country on the ground it is a "hate film" defamatory to the army of imperial Germany. The British authorities have replied they have no power to act.

## See Big "Nymph" Week

With "The Constant Nymph" grossing $16,000 over the week-end, the Roxy looks for a $27,000 week on the Fox importation. It's the first four-star picture to play the house since the receivership.

## Stocks on Big Board Spotty

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 29¾ | 29¼ | 29½ | — ½ | 600 |
| Consolidated Film Industries | 4¼ | 4¼ | 4¼ | — ⅛ | 100 |
| Consolidated Film Industries, pfd | 15⅞ | 15⅞ | 15⅞ | — ⅛ | 100 |
| Eastman Kodak | 89½ | 88¾ | 89½ | +1 | 300 |
| Fox Film "A" | 15½ | 15 | 15½ | ..... | 2,600 |
| Loew's, Inc. | 33¼ | 32¾ | 33 | — ⅛ | 8,200 |
| Loew's, Inc., pfd | 95 | 94⅝ | 95 | +1½ | 300 |
| Paramount, cts. | 5½ | 5⅜ | 5½ | ..... | 4,600 |
| Pathe Exchange | 3⅜ | 3⅛ | 3 | — ⅛ | 1,400 |
| RKO | 3¼ | 3¼ | 3¼ | ..... | 900 |
| Warner Bros. | 7⅜ | 7¼ | 7¼ | — ¼ | 2,700 |

## Universal Up ¾ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8¼ | 8¼ | 8¼ | + ¼ | 100 |
| Trans Lux | 2⅜ | 2⅜ | 2⅜ | ..... | 200 |
| Universal Pictures | 5 | 4½ | 4½ | + ¾ | 400 |

## Paramount Publix Bonds Gain ½

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10½ | 10 | 10 | + ¼ | 37 |
| General Theatre Equipment 6s '40, ctf | 9¼ | 9 | 9 | — ½ | 14 |
| Loew's 6s '41, deb rights | 99½ | 99⅜ | 99½ | + ⅜ | 16 |
| Paramount Broadway 5½s '51 | 38 | 37 | 38 | ..... | 4 |
| Paramount F. L. 6s '47 | 51 | 51 | 51 | ..... | 2 |
| Paramount Publix 5½s '50 | 52 | 51 | 52 | + ½ | 21 |
| Pathe 7s '37, ww | 93 | 92½ | 92½ | — ½ | 6 |
| Warner Bros. 6s '39, wd | 62 | 61⅛ | 61½ | — ½ | 30 |

# Purely Personal

HARRY and JACK COHN, Col. JOHN A. COOPER, MAURICE MACKENZIE, HAROLD S. BAREFORD, ROY NORR, LEOPOLD FRIEDMAN, DAVE BECKER, HARRY THOMAS, GEORGE BATCHELLER, JAMES RYAN, JOE HORNSTEIN, PHIL REISMAN, MORTON SPRING, SAM RINZLER and LOUIS FRISCH lunched at the M. P. Club yesterday.

CHICO MARX, NICK KENNY and OZZIE NELSON are among the Broadway folk seen almost any afternoon keeping in trim in the daily swim and gym class at the Park Central under the supervision of JOE LAURIE, metropolitan diving champ, who manages the athletic department of the hotel.

ARMAND DENIS, explorer responsible for the direction of FRANK BUCK'S "Wild Cargo," speaks before the Cheese Club at its luncheon today at Leone's Restaurant. His subject will be "Untold Tales of the Far East." HARRY HERSHFIELD will preside.

M. DAVID STRONG, general manager of the Inter-Americas Film Corp., is aboard the *Morro Castle* on his way to Havana to arrange for the distribution there of the Spanish-language films the company is releasing.

HELEN VINSON has returned to Hollywood. She was forced to cut short her vacation here to take a role in Radio's "The Life of Vergie Winters."

ROBERT MONTGOMERY expects to stay here another month. He's resting at his estate at Brewster, N. Y., coming to town to catch a play now and then.

JOHN MITCHELL, western editor for Tower Magazines, will be guest of honor at a press get-together at the M. P. Club at 5 P. M. today.

JO SWERLING gets into town today from the coast accompanied by his family. After a brief visit he will return to Hollywood.

PHILIP MACDONALD'S "Deep Night" has been bought by Paramount for CAROLE LOMBARD.

HELEN CHANDLER will be interviewed by RADIE HARRIS over WOR at 9 P. M. Friday.

DOUGLAS SHEARER is in town for the opening of "Viva Villa" at the Criterion tonight.

MOE STREIMER is in Atlantic City on a short vacation.

## Siegel Quits Warners

Arthur Siegel, who has been booking all Warner Newark theatres, has resigned to devote all his time to operation of the Ramsey, Ramsey, N. J. He is a stepson of Albert L. Warner.

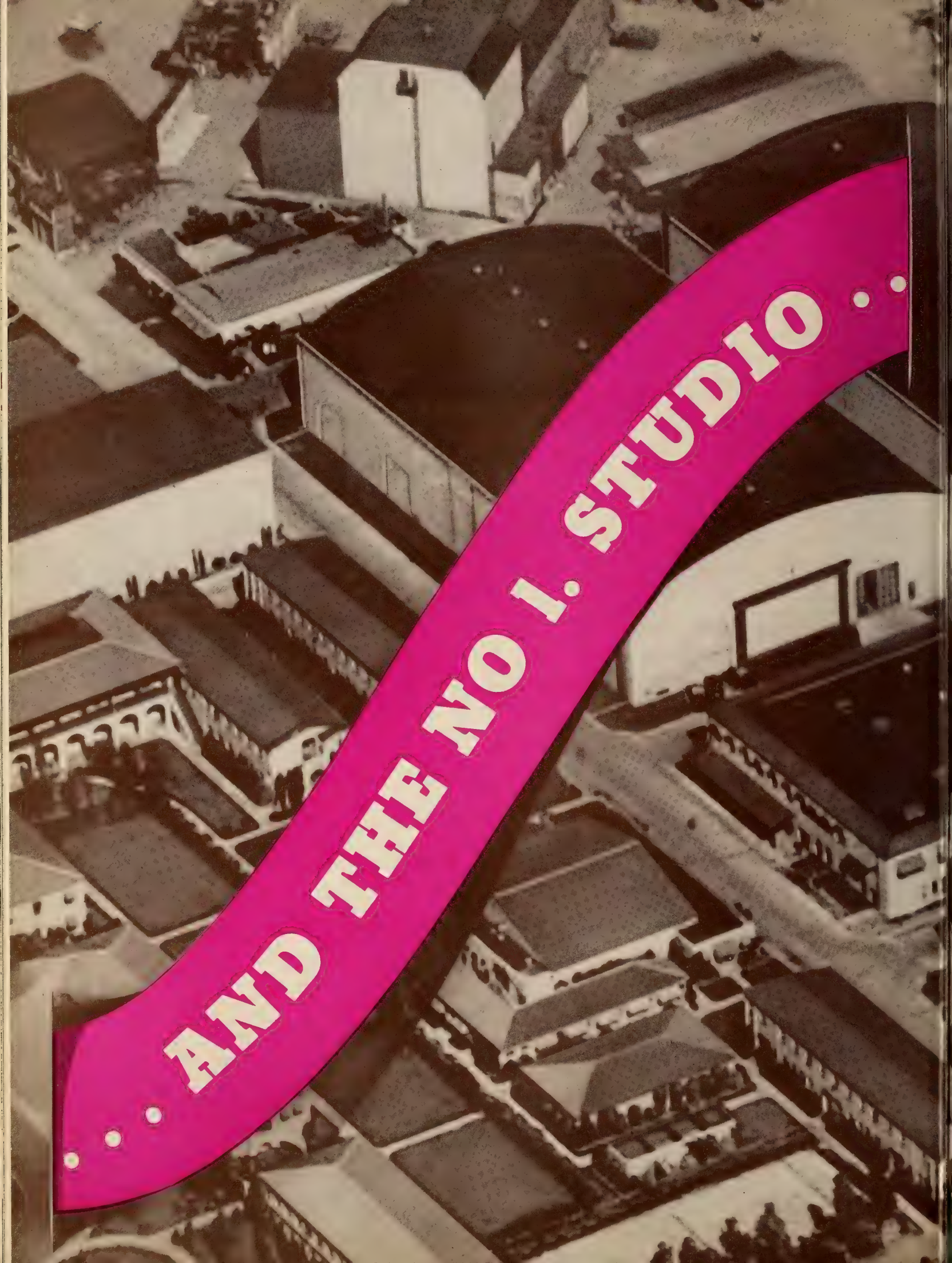
## Gillham to Hollywood

HOLLYWOOD, April 9.—Robert Gillham, director of advertising and publicity for Paramount, is due here Wednesday from New York for a 10-day visit at the studio to look over new product.

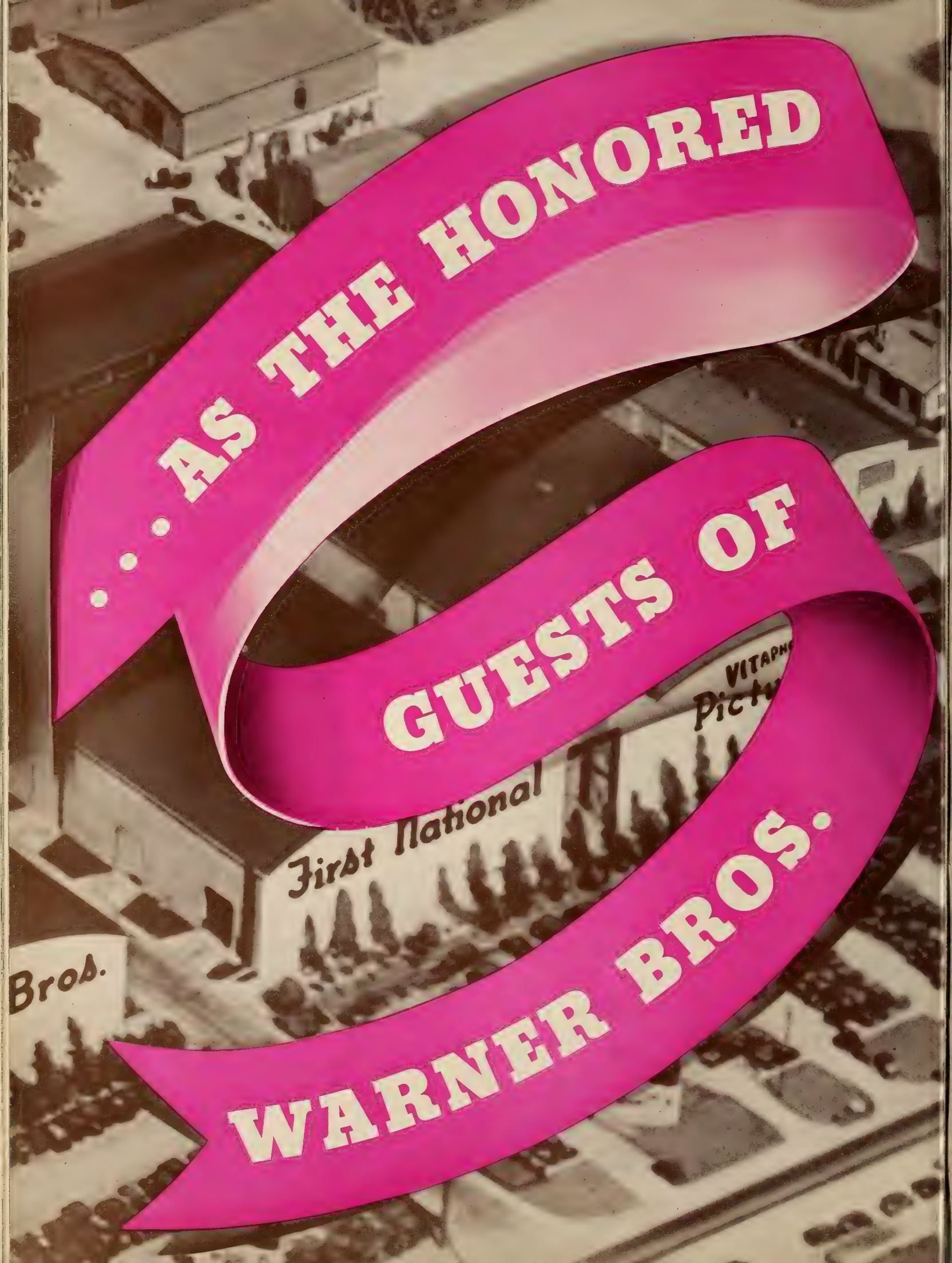
## To Film Dowling Play

Picture rights to "Big Hearted Herbert," current at the Biltmore, have been sold by Eddie Dowling, its producer, to Warners.

WELCOME, M.P.T.O.A.,
TO HOLLYWOOD . . . .


. . AND THE NO 1. STUDIO . .

. . . . . TODAY,
APRIL TENTH . . .
HOME OF
Warner


...AS THE HONORED
GUESTS OF
WARNER BROS.
First National
Bros.

# MPTOA Ready For Its Work; Election Held

(Continued from page 1)

committee, replacing Lewen Pizor of Pennsylvania, who is seriously ill in Philadelphia. Other changes in committees are possible, although chairmen, aside from Michael, probably will remain unchanged.

M. E. Comerford of Pennsylvania was reelected first vice-president; W. S. Butterfield of Michigan was made second vice-president, replacing Joseph Denniston of that state; M. A. Lightman was made third vice-president, replacing Walter Vincent of New York, who was reelected treasurer; Ben Berinstein of California got the fourth vice-presidency, succeeding Love B. Harrell of Georgia, and A. Julian Brylawski of Washington, D. C., was reelected fifth vice-president.

Fred S. Meyer of Wisconsin was reelected secretary, Edward G. Levey of Connecticut was reelected general counsel, and Fred Wehrenberg of Missouri was renamed chairman of the board.

### Berinstein Unit Will Join

The fact that Berinstein is now a vice-president leads to reports that his unit, the I.T.O. of Southern California, will join the M.P.T.O.A., but Meyer says Berinstein is merely an individual member of the national organization. It would prove no surprise if Berinstein's unit should become affiliated. Personnel of the executive committee will be named Thursday. According to the M.P.T.O.A. constitution, the country is divided into six zones with each electing one representative to the committee. They must be unaffiliated exhibitors. Affiliated circuits get one, making seven. The president and secretary make the total of nine.

New York and New England, constituting one zone, already have named Michael.

The board of directors will be named Thursday. Each unit, of which the M.P.T.O.A. asserts it has 27, is entitled to one director. Many of them have already been selected.

Answering charges that the fact that

(Continued on column 4)

# The M.P.T.O.A. Drops In

Los Angeles, April 9.—Sol Gordon of East Texas Theatres is here with Mrs. Gordon from Beaumont. There's a story in it all. Dave Palfreyman, who made the trip via Memphis and New Orleans where he looked in on both the Tri-States and Gulf States conventions, stayed over one extra day in the latter town, circumstances being what they were, and boarded the Sunset Limited on Wednesday night when his original schedule was Tuesday night.

At the station in San Antone, Dave rubbed his eyes, shook his head and thought he was seeing things, those circumstances back in N'Orleans again being what they were. He thought he saw Gordon and actually did. The Texas circuit operator had been visiting his son at Austin and caught the Sunset at San Antonio when Palfreyman, who was aboard, knew he had passed through the city the day before.

•

Charlie Einfeld is mixed on his knowledge of railroading in the West. He stuck up Warner banners and cards in Sante Fe stations from San Berdoo into L.A., also in Pasadena and other spots a couple of hours out. All O.K., except the specials came in over the Southern Pacific which doesn't touch San Berdoo. Charlie, however, insists all trains did.

•

That was quite a party which headed west from New York on Wednesday and pulled in here on The Chief Saturday night. In it were Jack Warner, flanked by his two sales chiefs, Grad Sears and Andy Smith; Sam Dembow of Paramount, George Dembow, a brother and an executive of National Screen, and Herman Robbins, prexy of N.S.S.

•

The two Dembows and Robbins are comfortably ensconced in one of those Ambassador bungalows, out on the grounds and surrounded by birds, those persistent California flowers, et al.

•

Morgan Walsh, who is president of Independent Theatre Owners of Northern California as well as general manager of Midland Theatres, Inc., is here with a case of Irish whiskey. With him is George Mann, president of Midland, and Walsh's business associate. All they had to do was hop down from San Francisco. No distance at all in this land of motor highways.

•

Grad Sears, true to that tradition that he answers all telephone calls, did just that at 3:15 A.M. Saturday and created near havoc in a certain editor's orderly existence thereby. That not being enough, he repeated the same stunt at 7:15 Sunday morning.

•

The Ambassador Hotel sent a man into Arizona to meet the specials. He checked in all those who are now stopping at the hostelry and eliminated all concerns over baggage.

•

The front of the Southern Pacific Station was the busiest place in town about 7:40 A.M. Monday morning when the Pullman cavalcade rolled in. Berinstein had busses meet the gang. Lola Gentry was there to meet Alma Walton, old-time associates in the Film Board secretariat. A Motion Picture Daily staff photographer was busy directing this and that one into groups in the hunt for the little birdie.

•

Lots of the usual East vs. West misunderstanding over the convention program. General accusations have been flying in all directions at once. It's all pretty well straightened out now and the blood pressure is gradually subsiding.

•

Mike Comerford stands in danger of being charged with exclusiveness. The mob is at the Ambassador. He's at the Beverly-Wilshire.

•

Mrs. Meyer and Daughter Delphine, who with Stan, manager of the Alhambra in Milwaukee, constitute the family of Wisconsin M.P.T.O. President Fred S. Meyer, arrived from Phoenix late Thursday. Delphine's been there for her health. Stan stayed at home.

•

Ben Berinstein, chairman of the convention arrangements, is plotting a vacation after all this M.P.T.O.A. business is over. He's on the ragged edge of something or other.

# Coast Confab May Result in Better Films

(Continued from column 1)

the organization had determined on Hollywood for the convention was another indication that producers are a dominant factor, Meyer, who did the talking to newspaper men, said: "If coming to Hollywood to mingle with producers and players in an effort to impress them and bring about better pictures with less dirt is to be characterized as mingling with producers, then we are doing exactly that."

### S. P. Station Busy Spot

The Southern Pacific station was the busiest place in town this morning as the 10-car M.P.T.O.A. special unloaded its human freight. Practically every exchangeman here and earlier arrivals over the week-end were on deck to visit the delegates to the clicking of cameras and the fast-moving Universal Newsreel cameraman, who, of all the newsreels, was the only one on the job. Eight special buses conveyed a group of 150 to the Ambassador, where considerable activity resulted until all the visitors had been assigned to rooms and baggage delivered.

No scheduled events were on tap, the afternoon being devoted to registration and granting an opportunity to those never here before to see what southern California looked like. For a convention so far removed from New York this 14th annual M.P.T.O.A. conclave has an unusual representation from ranking executives in New York. Here, among others, are Gradwell Sears, A. W. Smith, Warners; James R. Grainger, Universal, and Sam Dembow, Paramount.

The meeting actually gets going Tuesday, with Ed Kuykendall presiding. It will be called to order by Ben Berinstein, chairman of the convention committee, who will deliver the opening address. Addresses of welcome by Frank L. Shaw, mayor of Los Angeles, and Col. Carlos Huntington, representing Governor Rolph, will be responded to by M. A. Lightman on behalf of the M.P.T.O.A. Then will follow the presentation of reports by the president, secretary and convention committee.

# New MPTOA Leaders Are Named

**M. E. Comerford**
1st Vice-President

**W. S. Butterfield**
2nd Vice-President

**M. A. Lightman**
3rd Vice-President

**Ed Kuykendall**
Reelected President

**A. Julian Brylawski**
Reelected 5th V.-P.

**Fred Wehrenberg**
Chairman of Board

**Fred S. Meyer**
Reelected Secretary

*One love—one man—*
*women Sisters Under*

*Elissa*
# LANDI

*in a glamorous romance*
*of love and luxury!*

# "SISTERS UNDE

*with*

## FRANK MORGAN
## JOSEPH SCHILDKRAUT

*Story by S. K. LAUREN*

*Adaptation and screen play by*

**JO SWERLING**

*Directed by* **DAVID BURTON**

Columbia

COLUMBIA PICTURES

made two
the Skin!
R THE SKIN"

# Blumenthal Loses Suit in Stock Deal

(*Continued from page 1*)

Philadelphia Circuit Court of Appeals. Without comment, the court affirmed the decision of the lower tribunal, which reversed a finding of the Federal District Court of Eastern Pennsylvania that Blumenthal was entitled to $151,575.

In carrying the case to the highest court, Blumenthal explained today the action arose from an agreement with Greenfield to divide funds received by them for services in disposing of the Fox stock to General Theatres, Blumenthal contending he was entitled to more than half of the $500,000 received as commission on the deal, which, he asserted, was for "$15,000,000 and other considerations." It was also maintained Greenfield received another $250,000 from General Theatres and was believed to "have received still other sums" which had never been admitted.

The trial court interpreted the agreement as not requiring the division of the $250,000, but held that a lump sum of $300,000 received from Fox should have been split.

The decision was reversed by the circuit court upon Greenfield's representations that it was indirectly a gift from Fox when the latter was worried about his option to participate in the underwriting of his stocks by General Theatres and Greenfield purchased his interest to reduce Fox's commitment.

## *New Orleans Censor Board to Be Set Up*

New Orleans, April 9.—As a result of the campaign against objectionable films, suggestive billboards and immoral literature launched several weeks ago by Bishop Jeanmard at Lafayette, La., the City Council has adopted an ordinance setting up a board of censors for all amusements, billboards, books, magazines and other publications.

Very Rev. A. F. Canon Isenberg, rector of St. John's Cathedral of Lafayette, led the movement to purify the city. Protestant churches cooperated as did the Parent-Teachers' Ass'n., Knights of Columbus, Catholic Daughters, St. Vincent de Paul Society, the Cathedral Ladies' organization, and the sodalities.

## *Again Seek Transfer Of Canada Censoring*

Toronto, April 9.—Once more a plea has been raised for the placing of censorship under the control of educational authorities so that screen entertainment for youthful minds will be guided by those who have contact with minors.

During the convention of the Ontario Educational Ass'n., the provincial government was asked to transfer the censor board from the jurisdiction of the provincial treasurer to the Department of Education.

## *Fox to Team 3 Stars*

Hollywood, April 9.—Fox plans to put Janet Gaynor, Will Rogers and Warner Baxter in one film, "One More Spring," which will be placed in production by Winfield Sheehan upon his return from abroad in July.

# M-G-M Policy Not Fixed on Combines

No policy has been set up for next season on selling or not selling booking combines, Felix Feist, general sales manager of M-G-M, stated yesterday. The sales policy of the company will be discussed at the annual sales meet, date of which has not yet been set.

Considerable secrecy shrouds the company's interest in a new three-color process for cartoons. Fred Quimby, short subject sales head, stated yesterday there is nothing to say at this time. M-G-M, however, will distribute next season eight Fitz-Patrick Traveltalks in three-color Technicolor process.

Hal Roach is due in New York in three weeks for conferences with Quimby and Feist on his 1934-35 lineup.

## *FitzPatrick Plans An Annual Feature*

James A. FitzPatrick, shorts subject producer, plans to supplement his annual featurettes by one feature a year, with production concentrated in the East. FitzPatrick is now mapping out his initial feature, but will not divulge the nature of the story until work is started around Sept. 1. He will direct as well as produce all features. Distribution will be handled by his own office in New York.

Having completed the first of a series of 10 Musical Romances, FitzPatrick shortly begins work on his second, which will be on the life of Ethelbert Nevin, American composer, whose compositions include "The Rosary," "Mighty Lak' a Rose," "Narcissus" and "A Day in Venice."

## *New House for Houston*

Houston, April 9.—A new suburban theatre seating 1,000 will be erected in one of the better residence sections of Houston at a cost of $100,000, by I. B. Adelman, of Ft. Worth. Work will begin immediately, and the opening has been set for August 1. The theatre, with an arcade entrance, will extend through a block. Subsequent run pictures and popular prices will be the policy.

## *Dewey Bloom to Marry*

Toronto, April 9.—Following his marriage in the near future, Dewey Bloom, manager of the British Division, Regal Films Limited, Toronto, will sail for England for a combination honeymoon and business trip.

## *"U" Picks Columbo Yarn*

Hollywood, April 9.—Russ Columbo, after months of idleness at Universal pending choice of a story deemed suitable for him, is at last to be starred in a film written by John Meehan, Jr., called "Tonight's the Night."

## *Blank in Hastings House*

Hastings, Neb., April 9.—A. H. Blank's Tri-State Theatre Co. has taken over the Rivoli, according to an announcement by Evert R. Cummings, district manager. Eddie Forrester, formerly with Publix at Grand Island, has been named manager.

## *Boosts Milwaukee*

**Los Angeles, April 9.—Fred S. Meyer, head of the Wisconsin delegation to the M.P.T.O.A. convention, pulled in here determined to get the next annual convention for Milwaukee. He and all his men were busy talking up the idea from the time they got on the special train at Chicago, and they intend to keep the subject warm while here.**

## *Eight British Films Approved in Canada*

Toronto, April 9.—Eight of the 41 features recommended currently by the Canadian Council on Child Welfare for juvenile and family patronage are the product of British studios. This list, the first to be published in 1934 by the Government-subsidized organization, contains more British releases than any previous compilation.

Next in order is Columbia with seven features, while Paramount and Fox have six each, with M-G-M down for five and Universal four.

The approved British productions include "Facing the Music," "Falling for You," "I Was a Spy," "Sorrell and Son," "Southern Maid," "You Made Me Love You," "Catherine the Great" and "The Life of H. R. H. Prince of Wales."

Among the recommended U. S. features are "Little Women," "Berkeley Square," "Christopher Bean," "Dancing Lady," "Doctor Bull," "Counsellor-at-Law," "Carolina," "Lady for a Day," "Mr. Skitch," "One Man's Journey," "Let's Fall in Love," "Master of Men," "His Double Life," "Six of a Kind," "S. O. S. Iceberg," "The Poor Rich," "Sons of the Desert," "Should Ladies Behave?," "Son of a Sailor," "Tillie and Gus" and "You Can't Buy Everything."

## *Seattle Burlesque Stays*

Seattle, April 9.—Burlesque shows, banned last week by the City Council under penalty of revocation of theatre licenses, have been given a new lease of life. A delegation of performers from the State, Rialto and Palm theatres, backed by James Bradford of thes local NRA office, appeared before the council license committee and obtained permission to continue. They showed that about 75 persons depend for employment on burlesque.

## *Fox Exchange Shifts*

J. E. Scott has been promoted from salesman in the Fox St. Louis branch to manager of the company's Omaha office, succeeding Tom Burke, resigned.

Harry J. Bailey, Montreal manager, has been shifted to charge of the Toronto exchange and Edward English is the new pilot at Quebec.

## *Poster Meeting Ends*

St. Louis, April 9.—Following a two-day session at the Coronado, members of the National Poster Service Ass'n. left for their respective territories. Individual members refused to discuss developments of the sessions. Simon Libros of Philadelphia presided.

# Coast Production Holds Normal Pace

Hollywood, April 9.—Production for the week ending April 7 continues to be normal with a total of 41 features and 14 shorts in work as compared to 42 and 12 for the preceding week. In addition, the studios report a total of 25 features and 10 shorts in final stages of preparation and 46 features and 19 shorts in the cutting rooms.

Paramount continues to lead the field with seven features working, four preparing and seven editing. Radio has seven, one and three; M-G-M, five, two and eight; Fox, five, four and four; Warners, three, two and nine; Columbia, three, three and four; Universal, two, four and five; United Artists, one, zero and two, while the independent studios report a total of eight, five and four.

In the short subject division M-G-M reports four working, two preparing and five editing; Roach, two, zero and two; Universal, one, one and one; Columbia, one, one and two; Radio, one, zero and two, with the independent studios registering five, six and seven.

## *Skouras Insists FWC Triple Bills Ending*

Maintaining he ordered elimination of triple features in FWC houses, Charles Skouras yesterday stated that the triple-bill policy is being done away with. Answering charges on the coast that he had not given orders to that effect, Skouras stated he was against the practice and that it will not be tolerated in FWC houses.

Skouras plans to leave for the coast in 10 days, but may be held up on reorganization plans for FWC.

## *Barthelmess Winds Up Warner Contract*

Hollywood, April 9.—Richard Barthelmess has completed a 13-year association with Warners. "The Old Doll's House" was the final picture on his contract.

The actor will leave immediately on a three months' vacation in Europe, having made an agreement to give the studio first consideration when he makes a new deal. Meanwhile, Warners are sitting tight and making no overtures until the results of his two last pictures are checked.

## *Sunday Films Win, Lose*

Omaha, April 9.—Sunday films won at the polls today in Fairbury, Neb., by 113 votes, and in West Lincoln, Neb., where there is no theatre, by 33 votes. The Sunday issue lost at Stromsburg, Neb., by 86 votes.

## *Columbia Ups Shorts List*

Hollywood, April 9.—Columbia enters into a schedule of producing a minimum of two shorts a week for the new season, raising the present quota from 60 to 104 yearly. Jules White is supervising.

## *Ben Rosenberg on Coast*

Hollywood, April 9.—Ben Rosenberg, who arrived on the M.P.T.O.A. special from New York, plans to remain for a few weeks after the convention.

# ★ MEMO... *for almost any* M·P·T·O·A *member*

1. Send out laundry.
2. Write to Ida.
3. Get bromo seltzer.
4. Phone Ida's sister.
5. Call Toots.
6. Rehearse speech.
7. Buy shirt studs.
8. Remember Donahue & Coe in my prayers—for their advertising campaigns* on "Catherine the Great", "Nana", "Riptide" and "The House of Rothschild."

## DONAHUE & COE, INC.

PARAMOUNT BUILDING, 1501 BROADWAY, NEW YORK, N. Y.

An Advertising Agency serving Metro-Goldwyn-Mayer, United Artists, Samuel Goldwyn Productions, 20th Century Pictures and an extensive list of Individual Theatres and Theatre Equipment Accounts.

*We're mighty proud of three forthcoming campaigns just completed on "Viva Villa", "Looking for Trouble" and "Hollywood Party." Want Proofs? We'll gladly send 'em if you say the word. No obligation, of course.

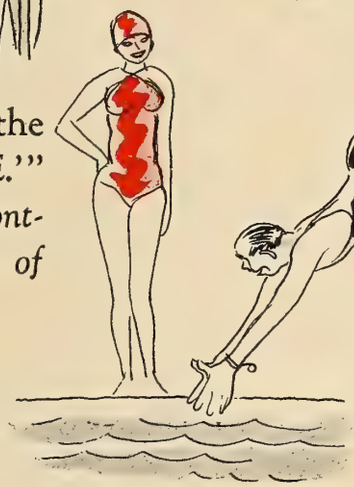
# WELCOME TO HOLLYWOOD!

There's a warm and merry greeting waiting for M.P.T.O.A.

# CONVENTION HIGHLIGHTS!

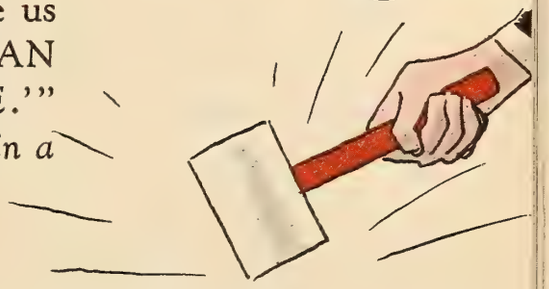
"Never mind the key to the City...give me 'RIPTIDE.'" (*Norma Shearer, Bob Montgomery in the sensation of 1934!*)

"Sure, I think your climate's great, but give me road-show hits like 'VIVA VILLA!'" (*Wallace Beery stars! It's another "Big Parade"!*)



"I like your swimming pools, Hollywood, but 'MEN IN WHITE' is so good for my Box-Office." (*Clark Gable, Myrna Loy in a honey!*)

"Never mind the speeches, Mister, give us pictures like 'TARZAN AND HIS MATE.'" (*Johnny Weissmuller in a Big Show!*)



"Okay, Hollywood, you throw some swell parties—but I'm looking forward to 'HOLLYWOOD PARTY' on my screen!" (*M-G-M-s rousing musical comedy hit!*)

"The meeting is adjourned so we can all go over and see Joan Crawford in 'Sadie McKee.'" (*Good-bye "Dancing Lady" records!*)

LEO MARCHES ON!

# Campi's Cost Plan Is Sent To Rosenblatt

(*Continued from page* 1)

New York for the next Campi session.

In authority quarters it is stated the plan of taxation is simple, theatres being assessed by type of run, seating capacity and population of towns.

From other sources it has been learned that producers and distributors have not yet completed details of raising $180,000, their share of the code expense. Whether the operation will cost the amount fixed was open to question yesterday when Campi quarters said the cost would not run as high as $360,000 and other sources maintained it would amount to much more.

Because all secretaries unanimously recommended by local boards and approved by Campi had not wired in acceptance yesterday, Code Authority held up announcement of the names. In one case a secretary was informed she would have to accept a smaller salary than she is now getting as a Film Board secretary. Her confirmation is still pending.

All secretaries have been informed they cannot hold two jobs.

### *Joe Brodie Is Injured*

BALTIMORE, April 9.—Joe Brodie, proprietor of the Brodie, was badly shaken up in an automobile accident recently when the car which he was driving and a taxi cab collided. Brodie was cut on the head.

# Erpi to Aid, But Not Make Pictures Here

Erpi will encourage and further production at Eastern Service Studios but will not undertake any production activity of its own, John E. Otterson, president, said yesterday on his return from a trip to the coast.

Financing of outside producers working at Eastern Service Studios, up to a reasonable portion of production costs, will be continued and new policies will be inaugurated to assist production at the Astoria studio, Otterson indicated. He said the purpose of his coast trip was to look over Hollywood studios and current production.

### *Joe Levy and Wife Hurt*

DES MOINES, April 9.—Joe Levy, Columbia exchange manager here, is recovering from chest and leg injuries, and his wife is suffering from a fractured arm and foot and face cuts as a result of an automobile collision at Ottumwa, Ia. T. C. Whitney, driver of the other car, was killed.

### *Louis Marcus Returns*

SALT LAKE CITY, April 9.—Fully recovered from a major operation, Mayor Louis Marcus is back on his dual jobs as head of his theatre circuit and of the city government.

### *Lanny Ross to Star*

HOLLYWOOD, April 9.—Paramount has elevated Lanny Ross to stardom. His next will be "Mississippi," an original by Henry Meyers.


NATIONAL LEADERS

13.6 mm x 22 inch High Intensity Carbons

9 mm x 20 inch High-Low Carbons

Copper Coated High Intensity A.C. Carbons

**These carbons provide a snow-white light and a brilliancy of screen illumination that satisfies the most critical patronage.**

**Their steady burning quality and economical operation are equally satisfying to the projectionist.**

HIGH INTENSITY PROJECTION for EVERY THEATRE
LARGE OR SMALL

NATIONAL CARBON COMPANY, INC.
Carbon Sales Division, Cleveland, Ohio
Unit of Union Carbide UCC and Carbon Corporation

Branch Sales Offices: New York Pittsburgh Chicago San Francisco


# Report H. S. Brown Aims at "U" Board

(*Continued from page* 1)

no dope available on who the second director representing the preferred will be. The situation is slated for action in Wilmington, Del., April 19, when the annual stockholders' meeting will be held.

HOLLYWOOD, April 9.—Carl Laemmle leaves for New York and Wilmington Wednesday to attend his company's stockholders' meeting.

### *"U" Convention Set For N. Y., June 5-7*

HOLLYWOOD, April 9.—Universal's sales convention has been set for New York, June 5-7, by James R. Grainger, now here discussing the new season's program with the Laemmles.

### *Johnston Declares First Div. to Stay*

(*Continued from page* 1)

franchise holders to re-elect Harry Thomas, First Division president, to the Monogram directorate this year, presaged a split in the distribution tie-up between the two companies, was made yesterday by W. Ray Johnston, Monogram president.

"The report is entirely erroneous and without foundation," Johnston's statement said. "First Division owns the New York City, eastern Pennsylvania, southern New Jersey and Delaware franchise on Monogram, and the franchise is a permanent franchise which cannot be broken except by mutual consent. These two territories involve the biggest territories and to indicate that the permanent affiliation is just about to be dissolved is unfair to both interests and creates confusion in the minds of exhibitors in those territories."

### *Gains Reported for Fox Rocky Mountain*

(*Continued from page* 1)

latest report filed, were $1,707,569.11, exclusive of cash on hand, while for the period from April 23 to August 19 the company's gross income was $1,214,274.09. Disbursements were $1,698,374.68 and $1,211,103.92 for the respective periods.

The totals are for Rocky Mountain and subsidiaries, including the large Midland chain, altogether comprising some 200 theatres. Office receipts are included. The trustee lists individual figures for only 12 theatres, which as yet remain to be transferred to new corporations under the reorganization of the parent company. For the four months ending Dec. 30, the 12 houses showed receipts of $179,090.54 and disbursements of $137,384.09, an excess of $41,706.45.

### *Moore to See "Cheer"*

Governor A. Harry Moore of New Jersey and his staff will be at the world premiere of "Stand Up and Cheer!" at the Music Hall on Thursday, April 19, as a tribute to Nick Foran, Jerseyite, who makes his debut in pictures in the Fox production. Arrangements have been made by the crooner's dad, Col. Arthur F. Foran, chairman of the New Jersey Highway Commission and former comptroller of the Port of New York.

# Elliott Fails To Appear for Review Board

(*Continued from page* 1)

by W. O. Thompson, presiding, that the board did not consider it proper to hear one side of the argument in the absence of representatives of the other side, and announced that Elliott would be given a period of 48 hours to appear, and failing his appearance the matter would be closed.

**Writing Film Report**

The writing of the board's report on the film code has already been started with the assistance of Charles Edward Russell, nationally known Socialist author, with a view to getting it to the President shortly after his return at the end of the week. The report will contain specific recommendations for revision, it was disclosed today by Chairman Clarence W. Darrow. These recommendations will center around the restrictions imposed upon independent exhibitors by the producer distributors, including such matters as protection, datings and percentages. What position the board will take with respect to block booking was not revealed. Members of the board today evinced their desire that a unanimous report be submitted and indicated that disagreements which have sprung up between the various members will be ironed out behind closed doors before the report is completed.

**May Not Be Made Public**

The report, it was said, will not be made public by the board unless the President indicating his desire that it be released by Darrow. While Chairman Darrow declared that the report will go deeply into the provisions of the code which have disturbed the industry, other members are less enthusiastic, having an eye to the possible reaction which might follow any radical recommendations not supported by proper factual material, and are understood to urge that any report made confine itself to pointing out the apparent need for thorough, impartial study of various provisions.

# Federal Probe Is Begun in Chicago

(*Continued from page* 1)

pages of testimony were taken under the direction of William F. Dinnen. Private hearings are being held at the hotel, with others at the commission's headquarters being arranged.

Representatives of the commission are known to have called on several exchanges and are reported to be inquiring particularly into the setup which brought elimination of double features here. The active interest being taken by the government in the matter is attributed to the recent appearance of Joe Pastor before the Darrow committee in Washington.

The new organization claims the present releasing system is fraught with discrimination and favoritism which will put its members out of business. It also wants dime admissions where conditions warrant. Its leaders are suspected of favoring double features, but refuse to comment on the subject.

Well, You could knock me cross-eyed with an Anchovy.

# Check in

..... AT HOTEL ANCHOVY FOR ONE OF THE BIGGEST LAUGH HITS IN YEARS!

. . . . . As a high spot in *Educational's* record-smashing season of BIG NAME comedies, *E. W. Hammons* now presents . . .

# *The* THREE RITZ BROTHERS in HOTEL ANCHOVY

"'S A Coronet Comedy

Produced by AL CHRISTIE

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A. by FOX Film Corporation

WILL SLAY 'EM ANYWHERE

What a Relief! ....A Mile away From the Frazzled Routine.....

THESE LADS ARE DIFFERENT!

## A WOW!

Can't Miss...

ONE CONTINUOUS SERIES OF HOWLS

Fast, Original and filled with uproarious situations..

THERE'S NOTHING LIKE 'E IN PIX... Three New Comics have hit the Screen .. All in One Pix ..

Epic of Hysteria

They are the Last Laugh in Looniness and the First Laugh .. and all the other Laughs in between . . .

A Goofy Riot of Laughs..

MPI

RKO-RADIO EXTENDS

*for* 1933-34

**PRODUC**

**..EXHIBITORS**

ITS GREETINGS! . . . .

*WE PROMISED YOU*

**TIONS . . . NOT PREDICTIONS**

**KNOW THAT RKO-RADIO HAS KEPT ITS WORD**

# Labor Problem Put Up to Coast Board

HOLLYWOOD, April 9.—Elimination of divergent viewpoints over adjudication of labor disputes under the code and the elimination of Judge Ben Lindsey, who has been the pivotal and sore point in negotiations, are seen in a wire received by George Creel, California NRA director, from Division Administrator Sol A. Rosenblatt, which gave information of a new setup here.

Pat Casey, labor contact for major producers, and Ed Smith, have been named as the new labor committee to be supplemented shortly by additional impartial members. Rosenblatt's wire, in part, said:

"The Code Authority is providing funds for permanent headquarters and also for pay of staff personnel and necessary expenses. Kindly turn over all labor complaints presently existing in respect to studio labor to the committee for their action and determination.

"This move is in keeping with the policy of the NRA for handling labor complaints within a codified industry under supervision of such industry."

Lindsey, as labor compliance authority for studios, has never been recognized by the industry here and has threatened to hold meetings to clear disputes despite producers' refusal of recognition.

Following receipt of this news Dick Lestrange, third member of the original studio labor board appointed by Rosenblatt, called a meeting today of all union leaders and other labor factions to present their complaints and decide on drastic action protesting Lindsey's removal. Because of the small turnout no definite resolution was adopted. It is Lestrange's opinion that as long as Casey is labor contact man for the producers no individual would dare present his complaints without jeopardizing his business. If necessary protests will be carried directly to President Roosevelt, it is said.

# Labor Problems Go To Industry Boards

(*Continued from page* 1)

members of the industry in keeping with the NRA's plan to make each industry self-controlled and self-contained.

All other work of the compliance boards is being shifted to grievance boards of Campi. Personnel of the labor or industrial relations boards will be set up by Campi, possibly Friday, when Code Authority meets again.

The main board of the industrial units will be in New York and all its work will be subject to review by Code Authority and the administrator. The grievance boards, in taking over the work of compliance boards, add duties of keeping in line exhibitors who put on lotteries, advance advertising in conflict with first runs and distribute two-for-one tickets.

## *Loew Shifts K. C. Start*

KANSAS CITY, April 9.—Beginning April 20, Loew's Midland will advance its weekly opening from Saturday to Friday, bringing it in line with the Newman and Mainstreet.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Tarzan and His Mate"*

(*M-G-M*)

HOLLYWOOD, April 9.—Seldom has such a combination of box-office values been blended into one film, achieving super entertainment for the masses which still like primary things done well.

The romance between Johnny Weismuller and Maureen O'Sullivan contrasts with jungle adventures, wild animal battles, melodrama in the quest for ivory and spectacular circus thrills.

Adventures and combats with elephants, monkeys, panthers, crocodiles, lions and a rhinoceros tumble over one another in rapid succession.

The kids will get a big sock from the ride of Tarzan on the tail of a crocodile under water, a bareback ride on a rhinoceros, a hand to hand combat with a lion, and his swinging from tree to tree like an acrobat. Monkeys furnish comedy and the feminine appeal includes Miss O'Sullivan in gorgeous gowns listening to civilized music drenched in perfume taken from London to the jungle.

A breath-taken sequence reveals Tarzan and Miss O'Sullivan, two primitive kids, swimming under water.

Cast and production values are excellent. Cedric Gibbons, former art director, has done a fine job in his first directorial effort.

Altogether "Tarzan" should do a smash business in any type houses here or abroad. For exploitation it is a press agent's paradise; for showmen it is a money certainty.

*"Viva Villa," which had its world premiere at the Criterion last night, was reviewed by wire from Hollywood on March 27.*

*"I Believed in You," last night's opener at the Mayfair, was reviewed by wire from Hollywood on Feb.* 10.

## *Loew's Complain on K. C. Subsequent Ads*

(*Continued from page* 1)

nection is whether first runs in Kansas City, Kan., separated by only a state line from Kansas City, Mo., may advertise future bookings ahead of their first run in the larger city.

It is claimed that the first runs in Kansas City., Kan., are in the clear, but Kansas City, Mo., theatres contend that since the Kansas theatres are subsequent to those in Missouri, any prior advertising across the state line is a code violation.

## *Grievance Board in Washington Gathers*

WASHINGTON, April 9.—The local grievance board held its first regular meeting today, with Herman Blum presiding. Headquarters were discussed. A meeting of the clearance board which was to have been held tomorrow has been cancelled, with no date having been set for the next sitting.

## *Ohio ITO Meets in Cincy*

CINCINNATI, April 9.—The problem of percentage and preferred playing time was discussed today at a regional meeting of the I. T. O. of Ohio at the Netherland Plaza under the leadership of P. J. Wood, business manager. It was pointed out that under the proposed three per cent general sales tax exhibitors would not only be compelled to pay on gross admissions but also on film rentals, sound equipment and advertising, thereby increasing the tax to approximately four per cent. The exhibitors were told that under the present government setup they more than ever needed organization to obtain recognition.

## *Sherman Denies Any Local 306 Payment*

Harry Sherman, president of Local 306, yesterday denied testimony given last week before the Senate Labor Committee in Washington that he had "paid a fee" of $7,500 to Salvatore Spitale, an intermediary in the Lindbergh kidnapping case.

The testimony was given by Nathaniel Doragoff, member of Local 306, who said that Sherman "inadvertently admitted" making the payments in conversations with union members. He also charged that Sherman refused to explain disbursements of $900,000 in union funds. Replying to the charges, Sherman said that Doragoff's testimony was given "at the instigation of Sam Kaplan," deposed head of Local 306.

"Kaplan has associated himself through his company, the Sam Kaplan Mfg. & Supply Co., with the exhibitors whom Local 306 has been fighting since I became president," Sherman's statement declares. "These exhibitors feel that with Kaplan again in control of Local 306, they will be able to accomplish their purposes and they are working hand in hand with Sam Kaplan to embarrass me in my fight against them.

"No dollar has ever been spent by the officers of Local 306 during my administration for any dishonest purpose," the statement continued. "Every dollar received or spent by the officers has duly and properly been accounted for before the local."

## *Resolutions Approved*

Division Administrator Sol A. Rosenblatt yesterday approved two resolutions adopted recently by Code Authority. One has to do with his interpretation of the 10 per cent cancellation clause, retroactive to Dec. 7, and the other concerns "race nights," "bank nights," reduced admissions and other devices reducing admissions.

# Distributors Find K. C. Duals a Help

KANSAS CITY, April 9.—Distributors are finding a boon in the dual bill policy at the Publix Newman and the reopening of two first runs. Formerly with four first runs using the pick of the product, the companies had found an excess on their hands which they released to subsequents without the customary first run.

Columbia and Universal, with no affiliated outlets, are the chief beneficiaries among the majors, while Monogram, Majestic and other independents are getting a real break. The Newman, which normally played only Paramount and Warners, is giving considerable time to other product. Fox, which heretofore has been limited to its affiliated Uptown, is now finding a place on the Newman's double bills.

M-G-M is breaking a long established custom in selling some of its pictures away from Loew's Midland to the Newman, which is currently showing "Sons of the Desert" on a double bill. A few from M-G-M also are to be first run at the Tower, scheduled for reopening this week.

Independents are profiting by the reverting of the Publix Royal to a first run policy. This house is going in for "exploitation" pictures.

## *Tri-States Is Split In Three Divisions*

DES MOINES, April 9.—Division of the Tri-State Theatres Corp. into three districts has been announced here by G. Ralph Branton, general manager. Stanley Brown, who has been supervisor of the four Tri-State theatres here, has been named supervisor for the district to include Des Moines, Waterloo and Ottumwa. The other division managers previously announced are E. R. Cummings, for western Iowa and Nebraska, and Joe Kinsky for eastern Iowa and western Illinois.

## *Extra Change Confirmed*

HOLLYWOOD, April 9.—Confirming the action of Campi recently, Division Administrator Sol A. Rosenblatt has notified the extra standing committee of B. B. Kahane's resignation and appointment of Fred Schuessler, casting director, to the committee.

The regular meeting of the extras' code committee, scheduled for tonight, to consider nominees for 1,500 eligibles and reclassification has been carried over until tomorrow night.

## *ITOA Directors to Meet*

The board of directors of the I. T. O. A. meets today at President Harry Brandt's office to discuss appointments on the local clearance and zoning and grievance boards and also the hearings before the National Recovery Review Board in Washington. A general meeting of the members is slated for tomorrow at the Astor.

The unit is not being represented at the M. P. T. O. A. convention which opens today on the coast.

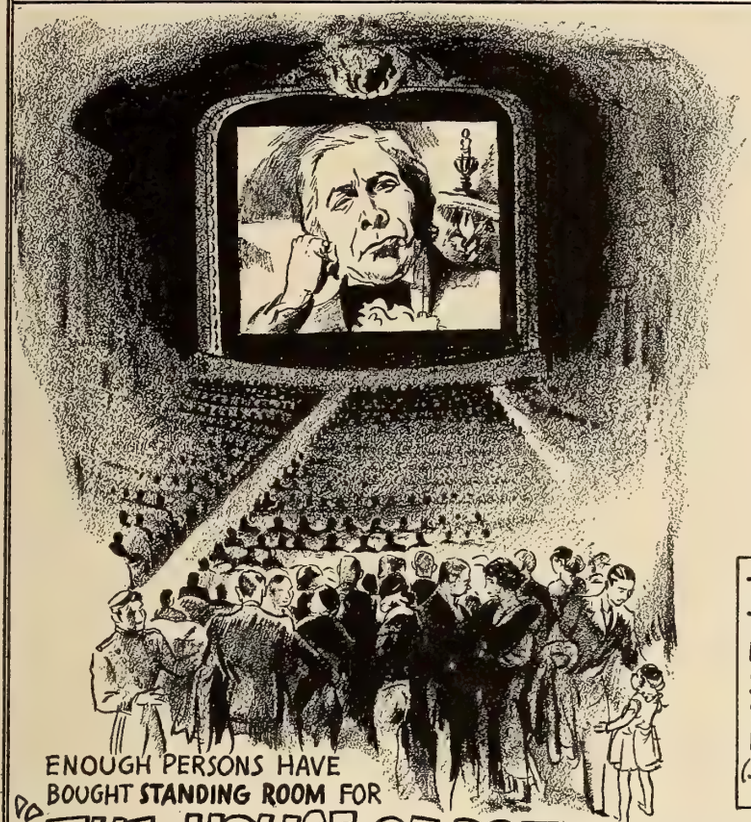
## *Fox Renews on Fetchit*

HOLLYWOOD, April 9.—Fox has renewed Stepin Fetchit's contract.

# Drawing Them In

by Gosh

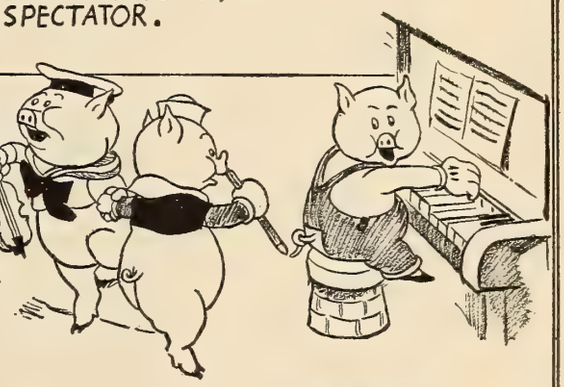
© UNITED ARTISTS CORP.



ENOUGH PERSONS HAVE BOUGHT **STANDING ROOM** FOR "THE HOUSE OF ROTHSCHILD" AT THE TWO-A-DAY ASTOR ON BROADWAY TO FILL THE WORLD'S LARGEST THEATRE.

THE AD CAMPAIGN CREATED FOR "PALOOKA" WAS NAMED THE BEST ADVERTISING — **IN ANY FIELD** - BY THE HIGHBROW LITERARY MAGAZINE, THE AMERICAN SPECTATOR.

THE SPONSOR OF THE WORLD'S MOST SUCCESSFUL SHORTS, SILLY SYMPHONIES, HAS NEVER SEEN ONE! *(See tomorrow's paper for answer)*



**UNITED ARTISTS**

DOUGLAS FAIRBANKS
ANNA STEN
EDDIE CANTOR
CONSTANCE BENNETT
FREDRIC MARCH
RONALD COLMAN

CHARLIE CHAPLIN
ANN HARDING
LORETTA YOUNG
MARY PICKFORD
GEORGE ARLISS
SPENCER TRACY
MICKEY MOUSE

RONALD COLMAN HAS LOOKED AT HIMSELF IN "THE MASQUERADER" AT EVERY PERFORMANCE OF THE PICTURE IN EVERY THEATRE IN EVERY COUNTRY WHERE IT WAS SHOWN! *Betcha it's true!*

"CATHERINE THE GREAT" HAS BEEN SEEN AND ACCLAIMED BY MORE PEOPLE IN 3 MONTHS THAN SAW AND ACCLAIMED CATHERINE DURING HER ENTIRE REIGN!

*Best Wishes*

TO PRESIDENT
EDWARD KUYKENDALL
AND THE MPTOA
FOR A SUCCESSFUL
CONVENTION

FROM

# MONOGRAM PICTURES CORPORATION

W. RAY JOHNSTON, *President*
TREM CARR, *Vice-President, in Charge of Production*

•

*CURRENT MONOGRAM RELEASES*

**MYSTERY LINER • BEGGARS IN ERMINE**
**NUMBERS OF MONTE CARLO**
**MONEY MEANS NOTHING • CITY LIMITS**
**MANHATTAN LOVE SONG**
**WOMAN'S MAN • THE LOUDSPEAKER**

M. P. T. O. A. Convention Issue

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 83 | LOS ANGELES, TUESDAY, APRIL 10, 1934 | TEN CENTS

# M.P.T.O.A. FORCES HERE; KUYKENDALL IS RE-ELECTED

## Review Board To Urge Code Be Rewritten

### *Would Lighten Alleged Theatre Restrictions*

WASHINGTON, April 9.—The code will be rewritten to relieve alleged restrictions imposed upon independent exhibitors by producers, including protection, preferred playing time and percentages if the National Recovery Review Board has its way.

Writing of the report of the board on the film code has already been started with the assistance of Charles Edward Russell, nationally known Socialist author, with a view to getting it to the President shortly after his return at the end of the week.

The report will contain specific recommendations for revision, it was disclosed today by Chairman Clarence W. Darrow.

What position the board will take with respect to block booking not revealed. Members of the board today evidenced their desire that a unanimous

(Continued on Page 2)

## Kahane Quits Post On Code Committee

Acceptance of the resignation of B. B. Kahane from the NRA code committee on extras was accepted yesterday and the appointment of Fred Schuessler, RKO studio casting director, to take his place was announced yesterday by Mrs. Mabel Kinney, chairman of

(Continued on Page 2)

### *Rosenblatt Slated for More Jobs with NRA*

NEW YORK, April 9.—Momentary confirmation of MOTION PICTURE DAILY'S exclusive report today that Division Administrator Sol A. Rosenblatt would be granted similar posts on the bankers' and textile codes as on the film, transporation and advertising codes is expected from Washington.

## Hiram Brown Angling for A Hold in 'U'

### *Seen Headed for Place on Laemmle's Board*

NEW YORK, April 9.—Hiram S. Brown, one-time president of the U. S. Leather Corp. and thereafter inducted into show business as president of RKO at the behest of Lehman Brothers, bankers, is endeavoring to find place in the Universal organization and may succeed.

The Universal corporate structure provides that if six consecutive dividends on its preferred stock are passed, holders of preferred may elect two directors to the board. Those dividends have been passed and Brown now looms in the picture through a down-

(Continued on Page 2)

## Theatre Labor Pacts In Code Face Tussle

Repetition of their open hostility to the theatre labor provisions of the code will be registered with considerable emphasis at the M.P.T.O.A. convention which launches its first business session at the Ambassador this morning.

Many exhibitor leaders declare they cannot live under its terms and the foothold extended new unions which they allege the code makes possible.

### *Skouras Insists That Triples Were Killed*

NEW YORK, April 9.—Charles Skouras today insisted he had ordered Fox West Coast managers to discontinue triple bills in Southern California more than two weeks ago. This is in rebuttal to the statement made in Los Angeles by Ben Berinstein of the I.T.O.A. that he could clean up the situation in a week if FWC conformed.

Skouras plans to leave for the coast in 10 days, although reorganization plans, long in the throes of conferences here, may delay him.

### *Officially Welcomed*

**Ed Kuykendall, old and new president of the M.P.T.O.A., being greeted by Ben Berinstein, chairman of convention arrangements, as the former arrived yesterday.**

**Case of Deep South meeting Far West.**

## Base Assessments On Runs, Seats and Town

NEW YORK, April 9.—Confirming today's report in MOTION PICTURE DAILY that the cost of financing the code would be $360,000, Campi tonight sent a plan for assessing exhibitors $180,000 to Division Administrator Sol A. Rosenblatt for his approval. This is expected by Friday, when Campi meets again with Charles L. O'Reilly as chairman. The plan will tax exhibitors according to the classification of the run of their theatres, seating capacities and population of their cities and towns.

Because some secretaries had not confirmed their acceptance, Campi is holding the announcement of the list until all those unanimously recommended accept. In one situation a Film Board secretary is mulling over the reduced salary. All are being advised again that they cannot hold two jobs.

## *Fireworks Out—All "Beefs" Will Clear Via Committees*

By RED KANN

Committed to a three-day conclave which will air complaints and personal "beefs" in the privacy of committee and not on the convention floor itself, the M. P. T. O. A. yesterday began to clear the decks for action this morning at the Ambassador by disposing of the election of its new official slate and returning Ed Kuykendall of Mississippi to office. MOTION PICTURE DAILY, in its regular New York edition which arrived here yesterday morning by fast plane and was distributed in the eight busses which conveyed the delegates to the hotel, predicted this.

Indication that the convention was destined to be orderly and quiet is seen in the strategy which created seven committees to hear individual complaints and decision of those committees to meet between 5:30 and 7 P. M. daily in private session for this purpose. Yesterday, Jules H. Michael of Buffalo was named chairman of the committee on grievances, replacing Lewen Pizor, president of the M. P. T. O. of Eastern Pennsylvania who is seriously ill in Philadelphia.

M. E. Comerford of Scranton, Pa., was re-elected first vice-president; W. S. Butterfield, Michigan circuit oper-

(Continued on Page 7)

## Gov't Curious Over Duals; Starts Probe

CHICAGO, April 9. — That complaints of members of the newly-formed Independent Theatre Owners Ass'n are reaching Government ears was revealed today when two operatives of the Federal Trade Commission listened to more than a score of complaints at meeting called by exhibitor

(Continued on Page 2)

### *Non-Assenters Cannot Protest Zoning Plans*

NEW YORK, April 9.—It was decided here today that code non-assenters cannot file protests against

(Continued on Page 2)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MAURICE KANN
*Editor*

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*Advertising Manager*

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# Review Board To Urge Code Be Rewritten

(*Continued from Page* 1)

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The report, it was said, will not be made public by the board unless the President indicated his desire that it be released by Darrow.

While Chairman Darrow declared that the report will go deep into the provisions of the code which have rocked the industry, other members are less enthusiastic, having an eye to the possible reaction which might follow any radical recommendations not supported by proper, factual material and are understood to urge that any report made confine itself to pointing out the apparent need for thorough impartial study of various provisions.

## *Educational Gets Set To Resume Production*

After many weeks of inactivity, Educational studios swing into action this week by placing the latest Andy Clyde comedy into work after postponing starting date several times. Title will be "Hello Prosperity" and will have Ethel Sykes, Jack Shutta and Joseph Swickard supporting. Charles Lamont will direct.

# Studio Labor Protests on Lindsey Move

Following receipt of word empowering Pat Casey and Ed Smith to hear and adjudicate studio labor complaints, which automatically removed Judge Ben Lindsey from that power, Dick L'Estrange, third party of the original studio labor board appointed by Division Administrator Sol Rosenblatt, called a meeting yesterday of all union leaders and other labor factions to present their complaints and decide on some other more drastic action in protest of Judge Lindsey's removal of authority to adjudicate complaints.

Because of a small turn-out at the meeting presided over by L'Estrange, no definite resolution was decided upon. It is the opinion of L'Estrange that as long as Casey is the labor contact man for the producers, no individual complainant would "dare" present his beefs before that committee if they cared to remain in the business. If necessary, the protest will be carried direct to President Roosevelt, it is said.

## *Labor Problems Turned Over to New Boards*

New York, April 9.—All labor problems within the industry will be turned over to the Industrial Relations Boards here and to regional branches in Hollywood and other cities. The grievance boards will assume the work of the NRA Regional Labor Compliance Boards, and all grievances other than labor will be heard by the code boards. Separate set-ups for relations boards will be made by Campi Friday. The main board will be here, and all work is subject to review by Campi and the division administrator.

## *Plans Talk on Labor*

Maurice Sugar, former labor attorney for international unions and now heading the Motion Picture Workers Industrial Union, has called a mass meeting for studio workers at the Hollywood Conservatory of Music tomorrow at 7 p.m.

Sugar will speak on organized labor and the Government.

## *Silence Is Goldwyn*

**Much noise and general confusion anent the new two-inch plush carpet in Samuel Goldwyn's administration building at United Artists.**

**Seems as though the boys in the various offices are all fidgety and missing their afternoon siestas because they can't hear the footfalls of prowling executives.**

# Hiram Brown Angling For A Hold In 'U'

(*Continued from Page* 1)

town group, the identity of which has not been established factually. Nor has the identity of the second director representing preferred stockholders been established.

In a letter to stockholders, Laemmle points out Universal's condition is improving. He states domestic contracts covering the current selling season are $1,800,000 ahead of the 1931-1932 season while foreign and domestic billings on pictures completed since Sept. 1, 1933 are ahead of the corresponding period of the preceding year by $2,000,000.

The development will reach its fruition when the stockholders of Universal meet in annual meeting in Wilmington on April 19.

Carl Laemmle, Sr. leaves for New York and Wilmington, Del., tomorrow to attend his stockholders' annual meeting.

## Kahane Quits Post On Code Committee

(*Continued from Page* 1)

the committee upon receipt of a wire from Division Administrator Sol A. Rosenblatt confirming the resignation and appointment.

A regular meeting of the extras committee scheduled for last night to report on reclassification was carried over until tonight at which time nominees for the 1,500 coveted spots will be considered and reclassified.

## *Eastman Up One On Big Board*

| | High | Low | Close | Change | Sales |
|---|---|---|---|---|---|
| Gen. Theatre, 6s '40 | 10½ | 10 | 10½ | ..... | 26 |
| Gen. Theatre, 6c '40 Cts. | 9¼ | 9 | 9 | ..... | 16 |
| Loew's Inc., 6s '41 | 99½ | 99⅜ | 99½ | ..... | 14 |
| Para. Bdwy. 6s '40 | 38 | 37 | 38 | ..... | 10 |
| Para. F. Lasky | 51 | 51 | 51 | ..... | 1 |
| Para. Publix | 52 | 51 | 52 | ..... | 19 |
| Pathe 7s '37 | 93 | 92½ | 92½ | ..... | 6 |
| Warner Bros. | 62 | 61⅛ | 61½ | ..... | 29 |

## *Trading Fair In Bond Market*

| | High | Low | Close | Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 29¾ | 29¼ | 29½ | —½ | 500 |
| Consolidated Film | 4¼ | 4¼ | 4¼ | —⅛ | 100 |
| Consolidated Film Pfd. | 15⅞ | 15⅞ | 15⅞ | —⅛ | 100 |
| Eastman Kodak | 89½ | 88¾ | 89½ | + 1 | 300 |
| Fox Film | 15½ | 15 | 15½ | ..... | 2700 |
| Loew's | 33¼ | 32¾ | 33 | —⅛ | 8200 |
| Loew's Pfd. | 95 | 94⅝ | 95 | +1½ | 300 |
| Paramount, Cts. | 5½ | 5⅜ | 5½ | ..... | 4600 |
| Pathe | 3⅜ | 3⅛ | 3¼ | —⅛ | 1400 |
| RKO | 3¼ | 3¼ | 3¼ | ..... | 700 |
| Warner Bros. | 7⅜ | 7¼ | 7¼ | —¼ | 2900 |

# Detroit's Plan To Hike Scales Starts Apr. 15

DETROIT, April 9.—Plans are now under way to put the Allied-sponsored price raise plan into effect in all Detroit theatres April 15. H. M. Richey, general manager of Allied, reports that approximately 140 of the 163 theatres in the city have signed the agreement and that he expects to have the other signatures so that plan may become effective on the 15th.

All the first-runs have signed the agreement. Their part in the plan will be to raise their prices from 11 A. M. to 1 P. M. to 35 cents, making the opening to 6 P. M. price 35 cents continuously instead of charging 20 and 25 cents from 11 A. M. to 1 P. M. and 35 cents until 6 P. M.

Subsequents raise their prices from five and 10 cents and all protection and clearing and zoning will be based on prices charged, practically in the same manner as is now in use in Chicago.

Following a meeting attended by more than 100 exhibitors, Richey sent a letter to the various exchanges here asking them to use the new plan in the release of their pictures and to enforce provisions of their contracts for higher admission prices. Exchange managers generally favor the plan, believing that higher prices will bring better prices for film, but most of them would not agree to the plan until they had submitted it to their home offices for approval, which they expect to get in most cases.

## Gov't Curious Over Duals; Starts Probe

(*Continued from Page* 1)

leaders of the new group at the Stevens Hotel.

Approximately 100 pages of testimony recorded on complaints were recited from the floor with operatives working under the direction of William F. Dinnen, holding private hearings at the hotel and arranging for others at F.T.C. headquarters.

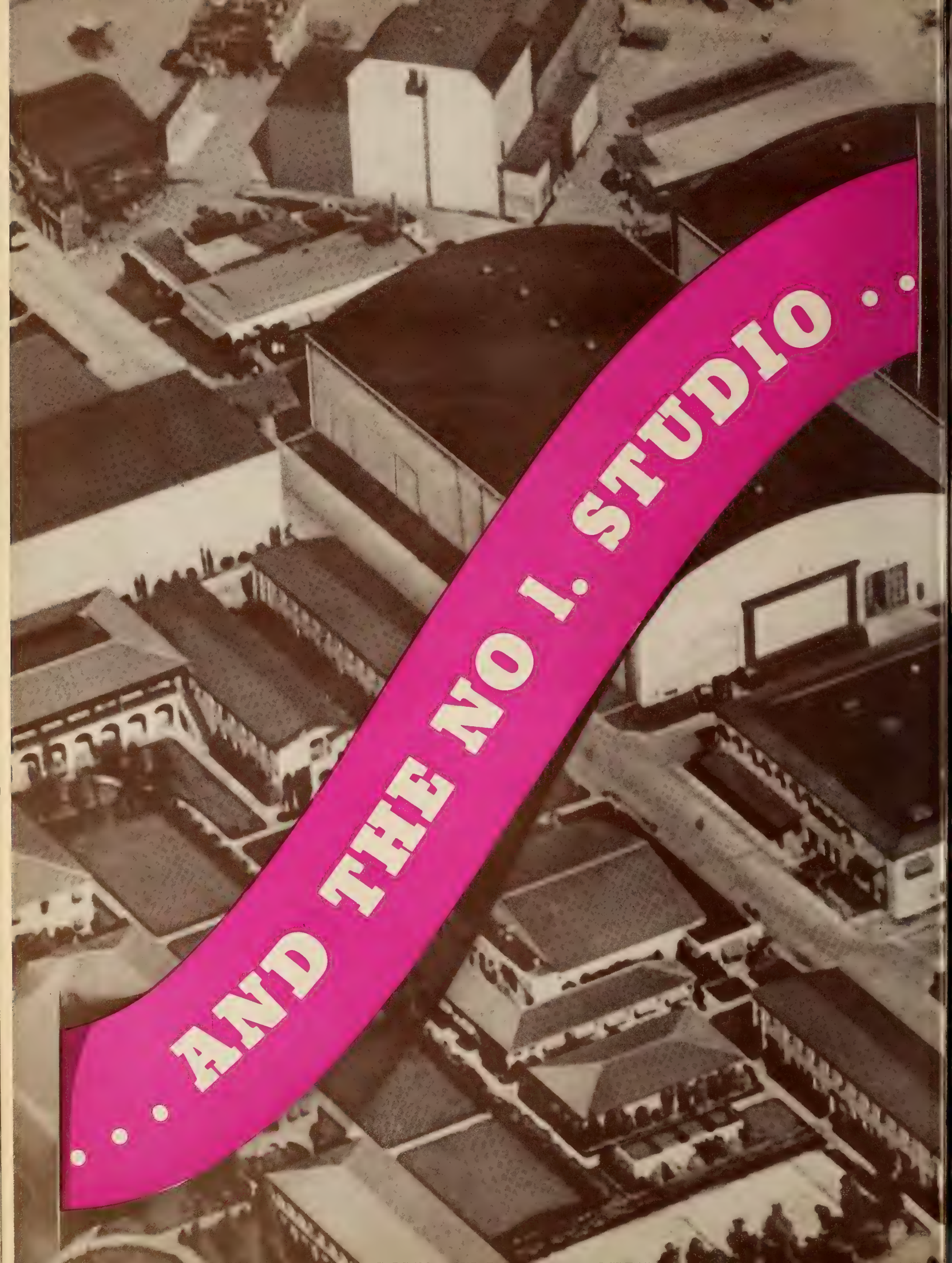
F.T.C. representatives are known to have called on several exchanges and are reported inquiring into the unusual setup which brought about the elimination of double features. Active Government interest is attributed to the recent Washington visit of Joe Pastor to register complaints with the Darrow committee. The new group claims present releasing system-fraught with discrimination and favoritism which will put them out of business. It also wants dime admissions where conditions warrant. Leaders are suspected of favoring double features but they refuse to amplify this angle..

## *Non-Assenters Cannot Protest Zoning Plan*

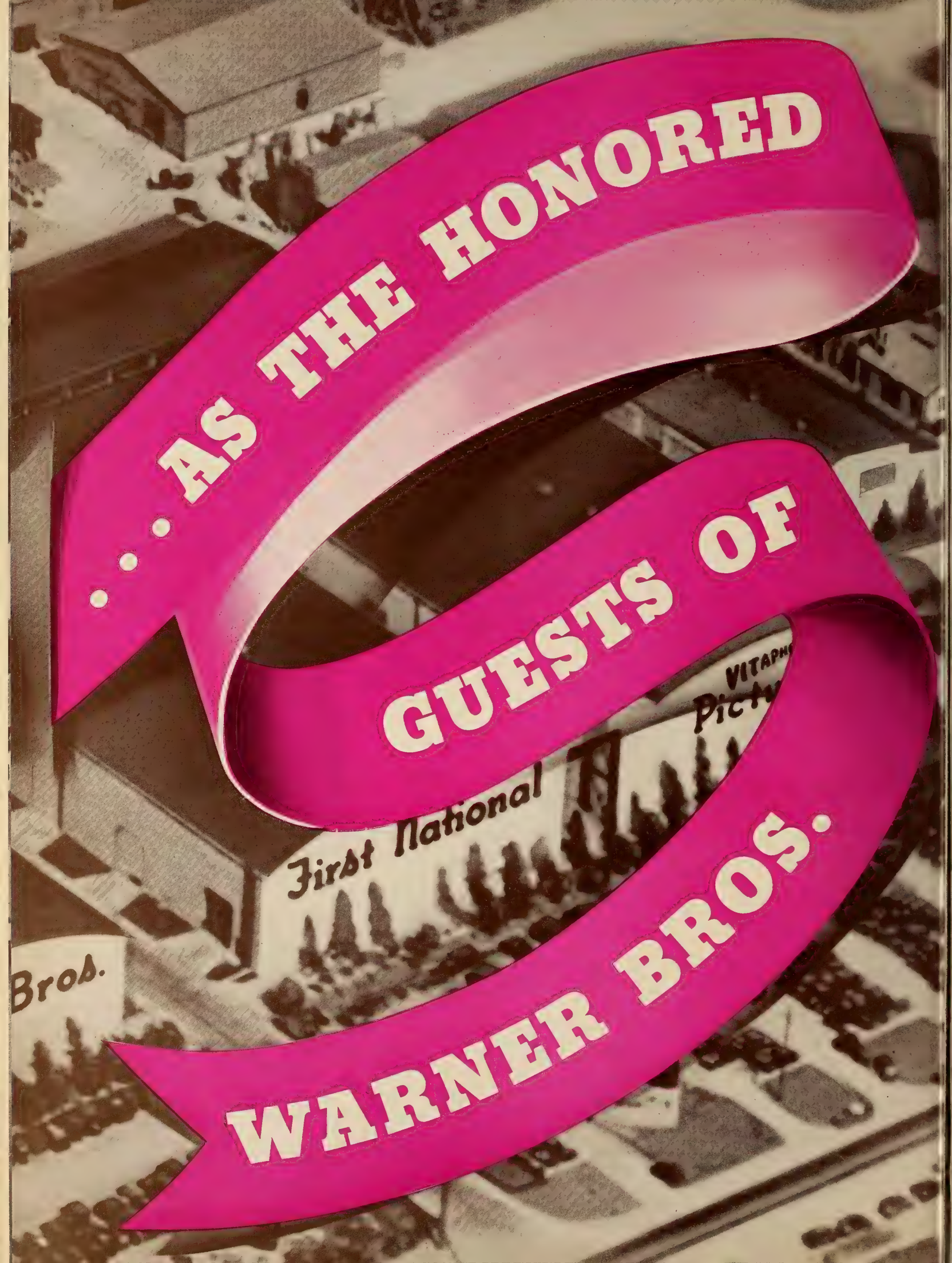
(*Continued from Page* 1)

schedules of clearance and zoning boards. The rule which prohibits non-compliers from filing complaints with grievance boards prevails with zoning. Allied and other independent units' members not signing the code must now interest parties who sign the agreement if changes in schedules are sought.

WELCOME, M.P.T.O.A.,
TO HOLLYWOOD....


. . . AND THE NO 1. STUDIO . .

MINES
. . . . . TODAY,
APRIL TENTH . . .
HOME OF
Warner


...AS THE HONORED
GUESTS OF
WARNER BROS.
First National
Bros.

# The Gavel Falls This Morning

## Talks Limited To Mornings Only Is Plan

(Continued from Page 1)

ator, second vice-president replacing Joseph Denniston of the same state; M. A. Lightman, of Memphis, and a past president, third vice-president replacing Walter Vincent of the Wilmer and Vincent circuit, New York, who was re-elected national treasurer. Ben Berinstein, fourth vice-president succeeding Love B. Harrell of Georgia and A. Julian Brylawski, president of the M. P. T. O. of the District of Columbia, fifth vice-president. Fred S. Meyer, president of the M. P. T. O. of Wisconsin was returned to the secretaryship while Edgar G. Levy of the M. P. T. O. of Connecticut was re-elected general counsel and Fred Wehrenberg, president of the M. P. T. O. of Eastern Missouri and Southern Illinois was re-elected chairman of the board.

### Rumors About Berinstein

The fact that Berinstein, who is president of the Independent Theatre Owners of Southern California, was named to a vice-presidency led to reports late yesterday that his unit, so far unaffiliated, was heading toward an M. P. T. O. tie-in. It was explained by Meyer, spokesman with the press, however that Berinstein individually belonged to the national exhibitor organization and his appointment did not necessarily bind his unit to affiliation. If the I. T. O. joins, on the other hand, certainly the step will come as no surprise.

The slate was elected yesterday by the board of directors following an earlier meeting of the executive committee which, as usual, determines the nominations for various M. P. T. O. A. posts. Personnel of the new executive committee will be named Thursday, although the inside is its members are now set for their posts. Under the M. P. T. O. A. constitution and by-laws, the nation divides itself into six zones. Each zone elects one member; affiliated theatres, as a group, are privileged to name one. These seven, plus the president and the secretary, comprise the board of nine.

### How They Elect

New York and New England, grouped as one zone, already have designated Michael of Buffalo as its executive committee member. This zone embraces New York City, Albany, Buffalo, Boston, and New Haven.

The Eastern zone is made up of Philadelphia, Pittsburgh, Washington, Cincinnati and Cleveland.

The South embraces Charlotte, Atlanta, Memphis, Oklahoma City, New Orleans and Dallas.

The Mid-Western area is comprised of Kansas City, Omaha, Des Moines, Milwaukee, Minneapolis and Denver.

The Central: Chicago, Detroit, Indianapolis and St. Louis.

The West: Salt Lake, Seattle, Portland, San Francisco and Los Angeles.

Method of drawing up the board of directors involves a local autonomy idea. Each unit, of which the M. P. T. O. A. says it now has 27, appoints its own director. The number, of course, varies as the national organization takes on or drops state units.

Meyer, in reply to an exhibitor criticism which he refused to dub by name but which apparently applies to Allied, rival exhibitor organization, had this to say last night:

"If coming to Hollywood to mingle with producers and players in an effort to impress the need for better pictures with less dirt is to be construed as 'mingling' with the producers, then that is exactly what we are doing."

There was considerable excitement around the Southern Pacific station in Los Angeles yesterday morning at 10:30 when the 10 car M. P. T. O. A. special traveling as a second section of the Golden State Limited pulled in. Exchangemen from Film Row turned out en masse, as did earlier exhibitor arrivals who journeyed in on their own. To the tune of cameras clicking and the grinding of a Universal Newsreel crew, the only one which turned out incidentally, the excitement ran high. Berinstein, who is handling convention arrangements, had eight special busses on hand to carry the delegates to their Ambassador quarters.

Aside from meetings of the executive committee which led into the meeting of the board which, in turn, led to the election, there were no scheduled events on the tapis yesterday or last night. The visitors, many of them in Southern California for the first time, were free to dabble in sightseeing, botany, biology, geography, or what ever fancy dictated.

This, incidentally, is a rather unique convention for the M. P. T. O. A. Its 14th and its first in Los Angeles in nine years, there are present a rather formidable array of ranking executives from New York. Among them are Gradwell Sears and A. W. Smith, Jr., sales manager of Warners; James R. Grainger, general sales manager of Universal; Sam Dembow, a ranking executive at Paramount; Ralph D. Poucher, an officer of Consolidated Film Industries, Inc., Herman Robbins, president of National Screen Service, Inc., as well as George Dembow, an executive of that trailer company.

## What They'll Do

### Today

#### Forenoon

9:00 A. M.—Busses will leave the hotel at 9 A. M. sharp on sightseeing trip to the beaches for delegates and friends.

10:00 A. M.—Registration of members, delegates and guests. Convention called to order.

10:30 A. M.—Invocation of convention opening by Rev. Dr. Gustav Brieglieb. Opening address by Ben Berinstein, chairman of the convention committee.

10:40 A. M.—Address of welcome to the city of Los Angeles by Honorable Frank K. Shaw, mayor.

10:50 A. M.—Address of welcome to California by Colonel Carlos Huntington, representing the Governor of the state.

11:00 A. M.—Response on behalf of the M.P.T.O.A. by M. A. Lightman, past president of the M.P.T.O.A.

11:15 A. M.—Report of the president, Ed Kuykendall.

11:45 A. M.—Report of the secretary, Fred S. Meyer.

Noon—Report of the convention committee, B. N. Berinstein, chairman.

12:15 P. M.—Announcement of standing committees:

(1) *Credentials and Rules*
Chairman: M. E. Comerford, Scranton, Pa.

(2) *Resolutions*
Chairman: Edward G. Levy, New Haven, Conn.

(3) *Grievances*
Chairman: Jules H. Michael, Buffalo.

(4) *N R A Code—Trade Practices*
Chairman: Fred S. Meyer, Milwaukee.

(5) *N R A Code—Labor Provisions*
Chairman: Jack Miller, Chicago.

(6) *Legislation and Taxes*
Chairman: M. A. Lightman, Memphis.

(7) *Public Relations and Community Affairs*
Chairman: Fred Wehrenberg, St. Louis.

12:20 P. M.—"Modern Theatre Construction and Equipment" by George Schutz, *Quigley Publications.*

12:30 P. M.—Adjourn business session until 10:30 A. M., Wednesday.

#### Afternoon

1:00 P. M.—Trip through Warner studio. Luncheon at the studio. Convention badge identifies you for transportation and admission at the time of the scheduled trips only. Chartered busses will leave the Ambassador promptly at 1 o'clock.

#### Evening

7:30 P. M.—Busses will leave at 7:30 P. M. sharp for Universal studio, where a buffet dinner will be served, also a dance on the stage.

(Continued on Page 8)

## N. Y. Leaders Here In Force For Parleys

Officially registered yesterday were:

W. L. and Mrs. Ainsworth, Garrick Theater, Fon-du-Lac, Wis.; A. Alperstein, Melrose, Los Angeles; Robert Anderson, Rex, Taber, Canada; Samuel and Mrs. Ackerman, East Side, Detroit,

Chas. H. and Mrs. Baron, Kansas, Pratt, Kan.; Charlie and Mrs. Baker, Palace, Brady; Ross J. and Mrs. Baldwin, Tosa, Milwaukee; Martin H. Barrett, Van Beuren Corp., New York; William E. and Mrs. Benton, Congress, Saratoga, N.Y.; Dave Bershon, Leimert, Los Angeles; I. E. and Mrs. Berkson, State, Chicago; A. Blanco, Mountain View, Cal.; Frank and Mrs. Borchert, Door, Sturgeon Bay, Wis.; Joe and Mrs. Bradshaw, Imperial, Forrest City, Ark.; O. L. Brewer, Fort, Ft. Atkinson, Wis.; H. J. and Mrs. Brown, Capitol, Martin, Tenn.; L. S. Bolognino, Consolidated Amusement Enterprises, New York.

Mrs. Wm. A. Collins, Regal, Elvins, Mo.; Mrs. Emma Cox, Gem, Osceola, Ark.; P. G. and Mrs. Cameron, Melrose, Dallas, Texas; R. C. and Mrs. Cluster, Lyric, Salem, Ill.; George Chatman, Queen, Hearne, Texas; R. M. and Mrs. Clark, Griffith Amusement Co., Oklahoma City; Walter Creal, Beacon, Omaha; O. W. and Mrs. McCutchen, Ritz, Blytheville, Ark. Betty McCutchen; R. A. Cartwright, Gem, Osceola, Ark.

J. R. and Mrs. Denniston, Family and Dixie, Monroe, Mich.; James Dodge, Mission, Ventura, Cal.; G. R. Dutton, Mountain View, Mountain View, Cal.; Arthur DeStefano, National, Memphis.

O. A. and Mrs. Englebrecht, Palace, Georgetown, Texas.

Bert and Mrs. Fisher, Alamo, Mozart and Lincoln, Milwaukee, Wis.; W. D. Fisher, Home, Los Angeles, Cal.; Jack Flannery, National Screen Service, Seattle.

George and Mrs. Gollos and party, Ray and Hyde Park, Chicago; Sol and Mrs. Gordon, Jefferson Amusement Co., Beaumont, Texas; John and Mrs. Greer, Lensic, Sante Fe, N. M.; J. M. and Mrs. Gregg, Criterion, Charlotte, N. C.; Walter and Mrs. Griffith, Moor, Charlotte, N.

(Continued on Page 8)

### Boulevard Stuff

**First reader on Hollywood, what it does and what it thinks, will be found on page 18.**

**A ready guide for the exhibitor in a strange land.**

# Representative Group Assembled

## Most Sections Hie Showmen To Conclaves

(Continued from Page 7)

C.; Ralph Grunauer, Balboa, Los Angeles; Robert and Miss Gumbiner, Tower and Cameo, Los Angeles; A. C. and Mrs. Gutenberg, Grand, Milwaukee.

L. S. Hamm, counsel I.T.O. of Northern California, San Francisco.; Orpha Harmon, Knickerbocker Amusement Co. Columbus, O.; L.F. and Mrs. Haven, Imperial, Forrest City, Ark.; J. C. and Mrs. Hunter, Ritz, Tulsa, Okla.; Art Hurley, Princess, Tucumcari, N.M.; C.I. Harrison, Marshall Square, Chicago.

P. R. and Mrs. Isley, South Western Theatres, Tulsa, Okla.; Walter and Mrs. Immerman, Balaban and Katz, Chicago, and guest, Mrs. John Immerman.

Mack Jackson, Strand, Alexander City, Ala.; Allen and Mrs. Johnson, Royal, Grand Rapids, Mich.

Edward Kadane, Ramona, Frederick, Okla.; A. D. Knool, general manager Saxe Theatres, Milwaukee.

J. H. and O. C. Lam, Desoto, Rome, Ga.; Simon Lazarus, Million Dollar, Los Angeles; A. E. and Mrs. Lichtman, Lincoln, Washington, D.C.; J. E. Loth, Wayne and Cavalier, Waynesboro, Va.; Sidney and Mrs. Lust, Lust Theatres, Washington; M. A. Lightman, Malco Theatres, Inc., Memphis.

J. E. and Mrs. Massie, Colonial, Waynesville, N.C.; W. P. and Mrs. Moran, Sowestern Theatres, Oklahoma City, Okla.; James J. and Mrs. McGuinness, Allied, Boston; Edmund McGuinness; Walter Miller, Taber, Alberta, Canada; C. A. and Mrs. MacDonald, Southland, Columbus; G. A. Metzger, Fairfax, Los Angeles; B. V. MacDougald, Amuseu, Monticello, Ark.; George M. Mann, Redwood, San Francisco; Jack Miller, Chicago; Frederick Mercy, Liberty, Walla Walla, Wash.; Frederick Mercy, Sr., Liberty, Yakima, Wash.

Beatrice Newmark, Chicago.

C. H. Olive, Princess, Washington; Mrs. Joseph Ostrow, Los Angeles.

David Palfreyman, M.P.P.D.A., New York; R. B. Price, Bank of America, Los Angeles; Ann Stevens Potter, Blytheville, Ark.

Emily Remijas, Galic, Chicago; Anna E. Remijas, Arcadia, Chicago; H. B. Robb, Robb and Rowley, Dallas; Ed. Rowley, Robb and Rowley, Dallas; Annette Roberts, Lampassas, Tex.; Harry and Mrs. Roth, Allied, Morristown, N.J.; W. H. Ruffin, Palace, Covington, Tenn.; Ben F. Rosenberg, Natl. Screen Service, New York.

E. J. Sape, Garfield, Milwaukee; Grant A. Shaffer, Forrest, Forrest Park, Ill.; L. E. Schneider, Yuma and Lyric, Yuma, Ariz.; T. H. Slothower, State, Wichita, Kans.; J. E. Simpson, Lyric, Gastonia, N.C.; Stanley H. Swift, Cameron, Cameron, Tex.; Fred C. and Patsy Smith, Plaza, Tulsa, Okla.; Nathan A. Stiefel, Howard, Washington, D. C.; Marie Schoeder, Milwaukee; M. H. Seeger, Downey, Downey, Calif.; J. E. and Mrs. Shanklin, Greenbrier, Charleston, W. Va.; Ralph and Mrs. Sobelson, Strand, Bangor, Pa.

Max Tabackman, Rivoli, Cameo and Apollo, New Haven; S. Tague, Calo, Chicago; Phil Tague, Bryn Mawr, Chicago; L. C. Tidball, Isis, Fort Worth, Tex.; C. W. Trampe, Climax, Milwaukee.

Frank and Mrs. Valuskis, Downey, Downey, Calif.; Harry Vinnicof, Million Dollar, Los Angeles; E. P. Vollendorf, Sax, Milwaukee.

Roy L. and Mrs. Walker, Leroy, Lampassas, Tex.; Alma Walton, Secretary M. P. T. O. A., Memphis; Tom Ward, Palace, Ft. Wayne, Ind.; Mrs. W. N. Welsman, Brighton, Toronto; H. D. Wharton, Pastime, Warren, Ark.; C. E. William, Park, Omaha; Nat M. Williams, Rose, Thomasville, Ga.; Wellingham Wood, Strand, Washington, Ga.; T. P. Woods, Capitol, Martin, Tenn.

Morgan A. Walsh, Redwood Theatres, San Francisco; R. D. Whitson, Oakland, Hunleys, Los Angeles; W. W. Whitson, Vista, Los Angeles.

J. M. Young, Hollywood Theatres, Inc., Los Angeles; Louis Zions, Howard, Washington, D. C.

## What They'll Do

(Continued from Page 7)

### Tomorrow

#### Forenoon

10:30 A. M.—Session called to order by President Kuykendall.
10:35 A. M.—"The Theatre's Liability to Its Patrons" by Edward G. Levy, New Haven, general counsel, M. P. T. O. A.
10:45 A. M.—A talk on "Production" by Louis B. Mayer, vice-president, M-G-M.
11:15 A. M.—"What's the Matter With Production from the Point of View of An Exhibitor" by Walter Vincent, Wilmer and Vincent Circuit and treasurer M.P.T.O.A.
11:45 A. M.—"The Public's Attitude Toward Motion Pictures" by Mrs. Thomas G. Winter, past president, General Federation of Women's Clubs.
Noon—"How Pictures Are Put Together" by Cecil B. De Mille.
12:30 P. M.—"Self Regulation in Advertising Motion Pictures" by Joseph I. Breen, Association of M. P. Producers, Hollywood.
Open Forum
1:00 P. M.—Adjournment of business session until 10:30 A. M. Thursday.

#### Afternoon

1:30 P. M.—Trip through RKO and Fox Movietone City. Delegates and friends take their choice. Busses will leave outside of hotel at 1:30 P. M. sharp.

#### Evening

7:30 P. M.—Busses will leave outside of hotel at 7:30 P. M. sharp for dinner and entertainment at M-G-M. Courtesy of Columbia, Fox, M-G-M, Paramount, Radio, Hal Roach, Universal, United Artists and Warners.

### Thursday

#### Forenoon

10:30 A. M.—Business session called to order by President Kuykendall.
10:35 A. M.—"What Motion Pictures Mean in Aid of Law Enforcement" by Sheriff Gene Biscaluiz.
10:40 A. M.—"What the Code Means to the Country Town Exhibitor," by W. L. Ainsworth, Garrick Theatre, Fond du Lac, Wis.
10:50 A. M.—"What the Code Means to the Metropolitan Exhibitor" by Morgan A. Walsh, Redwood-Midland Theatres, San Francisco.
11:00 A. M.—Open forum on code matters relating to trade practices.
11:30 A. M.—Labor provisions on the code, Jack Miller, Chicago Exhibitors Association.
11:45 A. M.—Open forum on labor matters.
Noon—Report of resolutions committee.
12:15 P. M.—Report of other committees.
12:30 P. M.—Installation of officers.
12:45 P. M.—Business sessions adjourn, sine die.

#### Afternoon

1:30 P. M.—Busses will leave outside the hotel for Paramount and Columbia studios. Delegates take choice.

#### Evening

7:30 P. M.—Convention banquet at the Ambassador.

## The Feed Bag

***What to eat and where? Hollywood has countless restaurants, hotel supper clubs, night clubs, beer parlors, drive-in lunch stands.***

***For the poor, defenseless exhibitor in a land where he is apt to do much wandering what's on the right is a short, but certain, path to where to dine, wine and dance.***

## Dine, Dancing Guide to Aid The Visitors

If the inclination is to dance, as well as eat, these hotel supper rooms and clubs are strictly the McCoy:

*The Cocoanut Grove* in the Ambassador. A favorite rendezvous for stage and screen celebrities. Music by Ted Fio Rito's band.

*The Biltmore Bowl,* a novel creation in hotel supper room atmosphere, recently inaugurated by Baron Long at the Biltmore. Constructed on the order of a bowl, there's plenty of room to dance to the music of Harold Robert's University band.

*The Gold Room* at the Beverly-Wilshire. Another swanky night spot where celebrities gather and where one may rub shoulders with the intelligentsia as well as Lupe Velez.

*The Blossom Room* in the Roosevelt, just opposite Grauman's Chinese. Another bright spot made famous by such band leaders as Paul Whiteman, Abe Lyman, George Olsen and Ben Bernie.

*The Cotton Club* in Culver City. A carbon copy of any first-class Harlem night spot, featuring Duke Ellington's band and a program of Creole entertainment.

*Club Ballyhoo* offers an attractive floor show as well as good food and dancing.

*La Boheme.* Bohemian atmosphere wherein to dance, dine or be entertained by a floor show.

### Merely Dining

Good, all-around food is available in various restaurants in the vicinity of Vine and Hollywood, the center of the Hollywood colony. Here are to be found the Brown Derby, Al Levy's Tavern, Sardi's, The Russian Eagle, Perry's Brass Rail, and "Uncle Carl" Laemmle's Coco Tree Restaurants. Open early and close early—the following morning. Also Armstrong-Schroeder.

If it's a yen for special foods, here are bets hard to beat:

*Chicken Dinners*—Ferncroft, Willards.

*Chinese*—In Chinatown: Paris Inn, Toohi Gar Lows and Grandview Gardens. In Hollywood: Tommy Gubbins.

*French*—Victor Hugo, swank and expensive; Maison Gaston, Paris Inn, The French House.

*Hungarian*—The Gypsy Camp, Mrs. Weiss' Hungarian Restaurant.

*Italian*—Lucca's, Red Devil Inn.

*Jewish*—Sadie Katz, The Gotham, Ray's Delicatessen.

*Mexican*—Any place on Olvera St.

*Sea Food*—Bernstein's, Marine Cafe, Hollywood Brown Derby.

*Steaks and Chops*—Pacific Dining Car, Musso-Frank, Eatons.

How to get to the above:

Ask hotel clerks, any native who appreciates good food or call MOTION PICTURE DAILY, GRanite 2145.

# The M. P. T. O. A. Drops In

*Fred Baehler, representing* QUIGLEY PUBLICATIONS, *was the only newspaper man on the M. P. T. O. A. special in its trek across the country. What he saw and what he heard, but not necessarily all on either or both counts, follows:*

By FRED BAEHLER

The M. P. T. O. A. Golden State Limited-Hollywood Special left the LaSalle St. station, some 15 minutes late to the anguished cries of mothers, children and friends as the delegates pursued the rattler up the track after storming the lone open liquor store in Chicago for supplies to fortify themselves for the arid ride through Kansas.

•

It also pulled into the Southern Pacific station in Los Angeles yesterday amid similar cries, this time brought on by the reluctance of many of the delegates to leave the train that had been their home for the past two days and some nights.

•

Never in the history of past conventions or in the history of the Rock Island, according to those who should know, has there been a special train to equal this one. Never had any of the delegates enjoyed themselves so much on board a train and never has there ever been such a spirit of fun, such a spirit of informality among such a large group of people thrown together on such a short notice.

•

The fun started as soon as Chicago was left behind and Friday morning's MOTION PICTURE DAILY had been read. That issue was the first of many surprises sprung on the passengers. Rushed by air express to Chicago to make the train, everyone had his copy in time to learn what had happened the day before in the industry. Few, if any, of the delegates turned in before dawn.

•

Saturday brought Kansas City and the Memphis special cars carrying President Ed Kuykendall and his party. After the reunion on the station platform, the fun started all over again. Quartets, sextettes and even octettes were springing up in every car, and in practically every compartment.

•

The observation car was taken over by the women while the men stormed the bar in the buffet car. Here they were more than ably served by "Steward" Fred S. Meyer. As master of ceremonies he staged everything from a variety show to a bull-fight.

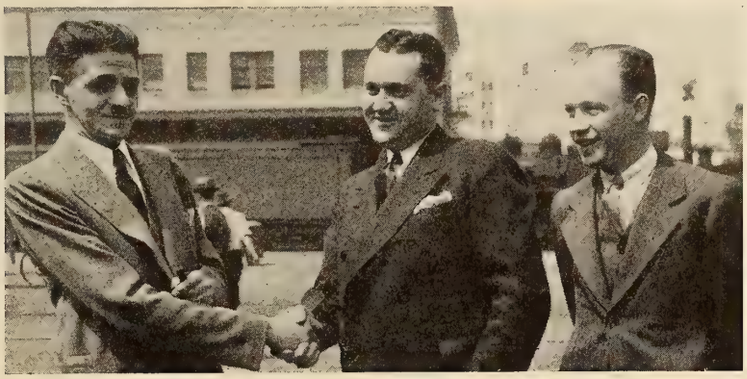
•

Jaurez and its historic jail proved to be the most interesting visit of all the stops on the trip. The party disembarked at El Paso to be met by John Paxton, the El Paso Boys Silver Cornet Band, and paraded up the main street to the amazement of the natives who failed to understand so much activity so early in the morning.

•

Kuykendall was presented with a genuine Mexican serape. Even after his arrival here, he still doesn't know what to use it for. The border was then crossed in busses and private cars for a two hour visit. Many and varied were the spoils that the voyagers brought back, including a special set of real bull horns for that night's bull-fight.

As they poured off the MPTOA special, three hours behind schedule because of a stopover of that duration at El Paso. It was a trip, everyone aboard united in declaring yesterday.



Fred S. Meyer, president of the Wisconsin M. P. T. O. A. and national secretary; William J. Heineman, district manager for Universal, and Eddie Cook, the latter's assistant.

Chicago and New York smile. Included are Pat Garyn of United Newsreel; Walter Immerman of Balaban and Katz, his wife and mother; Jack Miller, president Exhibitors Ass'n of Chicago, and Harvey Day of Educational.

Washington at the convention. Left to right, Nathan Stiefel of the Howard Theatre; Mrs. Sidney B. Lust, her husband, who operates a chain along the Potomac, and Louis Zion, who is associated with Stiefel.

•

The fun continued far into the night, even into a dining car on the main street of Phoenix as the last stand before the tired crew of travellers turned in for a few minutes' sleep before pulling into Los Angeles.

•

Not much doing between New York and Chicago, so Pat Garyn and Harvey Day spent most of their time going between first and last cars, saying they needed the exercise.

•

Jerry Cohen had to compromise on a rummy game due to the lack of bridge players on the New York cars.

•

Ludwig Sussman, Abe Tague and Lester Retchin, all of Chicago, hoped to beat the regular convention vanguard by getting a six o'clock in the morning start Thursday, driving to the coast.

•

Sidney Lust, Washington exhibitor, pulled into Windy City early Friday to renew acquaintances before boarding the special.

•

Sam Dembow, Herman Robbins, Andy Smith and Grad Sears also looked Chicago over on their way west.

•

Ann and Emily Remijas, daughters of John Remijas, mid-west exhibitor, were among those on the special out of Chicago.

•

Fred Meyer denied the report that he turned down three offers to take a permanent position as steward on the Rock Island line.

•

Ben Rosenberg has been given the honorary title of M. P. T. O. A. florist for the duration of the convention. All women are requested to order their orchids from him. He regrets that carnations were the only available flowers on the train.

•

Who was the delegate that was always going to the observation car for a "manicure"?

•

Ross and Mrs. Baldwin of the Milwaukee delegation spent all of Saturday afternoon riding the locomotives.

•

M. A. Lightman won the undisputed bridge championship of the special. His winnings for the entire trip amounted to some 30 cents. He claims the practice was invaluable, however.

•

"Sonny" Kuykendall was by far the most popular man on the train. Despite the fact that he preferred his dad to anyone else, he was always in the company of one of the more attractive members.

•

Harvey Day is speechless. Lost his voice trying to sing bass in the Garyn-Day-Cohen-Willard quartet, when he should have stuck to tenor. That's his story.

•

Jack Miller couldn't see anything so very funny in the name Meyer printed on his compartment door. It was "Office-Tom Maloy."

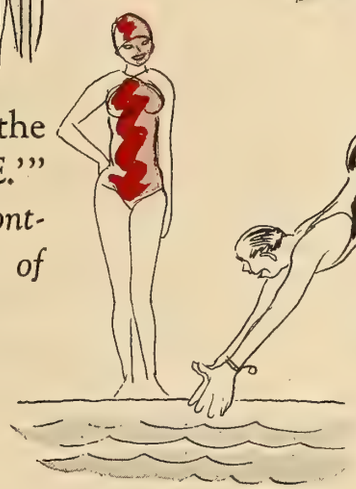
# WELCOME TO HOLLYWOOD!

There's a warm and merry greeting waiting for M.P.T.O.A.

# CONVENTION HIGHLIGHTS!

"Never mind the key to the City...give me 'RIPTIDE.'" (*Norma Shearer, Bob Montgomery in the sensation of 1934!*)

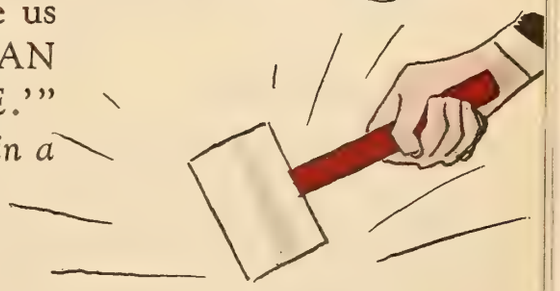
"Sure, I think your climate's great, but give me road-show hits like 'VIVA VILLA!'" (*Wallace Beery stars! It's another "Big Parade"!*)



"I like your swimming pools, Hollywood, but 'MEN IN WHITE' is so good for my Box-Office." (*Clark Gable, Myrna Loy in a honey!*)

"Never mind the speeches, Mister, give us pictures like 'TARZAN AND HIS MATE.'" (*Johnny Weissmuller in a Big Show!*)

"Okay, Hollywood, you throw some swell parties—but I'm looking forward to 'HOLLYWOOD PARTY' on my screen!" (*M-G-M-s rousing musical comedy hit!*)



"The meeting is adjourned so we can all go over and see Joan Crawford in 'Sadie McKee.'" (*Good-bye "Dancing Lady" records!*)

LEO MARCHES ON!

# Boston Gay; Grosses Soar, Roxy Leader

BOSTON, April 9.—The old maestro, Roxy and His Gang, playing at the Metropolitan as the first way station in his tour of de luxe theatres throughout the East and Middle West highlighted a grand week for theatres in Bean Town. On the celluloid end of the program was "Melody in Spring," but Roxy was the draw to the tune of $35,000 as compared with the house's normal take of $28,000.

Business in and out of the theatre industry was good here. Where records were not broken, the activity reminded of the dim and misty days of '29. Thus it was, all first runs had a real seven days to wax joyful over. For instance:

"I Like It That Way" at the Boston did $19,500. Normal is $16,000.

La Hepburn's "Spitfire" at Keith's shot the receipts to $22,000. The house ordinarily comes out with $16,000.

Norma Shearer gave Roxy a close call for first honors. Her "Riptide" ended at $22,000 at the Loew's State, an uppage of 6,000 iron men.

Total first run business was $119,000.

Average for all reporting theatres is $94,000.

Estimated takings for the week ending April 5:

**"I LIKE IT THAT WAY" (Univ.)**
BOSTON—(2900), 25c-50c, 7 days. On stage, Clark and McCullough musical comedy. **Gross:** $19,500. (Average $16,000).

**"GAMBLING LADY" (Warners)**
**"COME ON, MARINES" (Para.)**
FENWAY—(1800), 30c-50c, 7 days. **Gross:** $10,000. (Average $9,000).

**"SPITFIRE" (Radio)**
KEITH'S—(3500), 30c-50c, 7 days. **Gross:** $22,000. (Average $16,000).

**"RIPTIDE" (M-G-M)**
LOEW'S STATE—(3700), 35c-50c, 7 days. Vaude. **Gross:** $22,000. (Average $16,000).

**"MELODY IN SPRING" (Para.)**
METROPOLITAN—(4350), 30c-65c, 7 days. Roxy in person and his gang. **Gross:** $35,000. (Average $28,000).

**"GAMBLING LADY" (Warners)**
**"COME ON, MARINES" (Para.)**
PARAMOUNT—(1800), 30c-50c, 7 days. **Gross:** $10,500. (Average $9,000).

## Providence Goes Limit on Shearer

PROVIDENCE, April 9.—The Thalberg family—Norma, the star, and Irving, the producer—copped all box-office honors here last week with "Riptide."

The Shearer fans turned loose in hordes sufficient to send the take at Loew's State from $12,000 average to $17,000. Aside from Katharine Hepburn's "Spitfire" which, of all things, went into a double-header with "Keep 'Em Rolling" at the Albee, there was nothing much left for other first runs to cash in on. The Albee, however, did clamber $3,000 above routine to a $10,000 take.

Estimated takings for week ending April 5:

**"RIPTIDE" (MGM)**
LOEW'S STATE—(3,800) 15c-40c. 7

(Continued on Page 26)

# *Shearer, Arliss, Jolson Wham Cleveland's Grosses*

CLEVELAND, April 9.—The honors currently go three ways here.

"Wonder Bar" broke all opening day records since 1929 at the big 3,800 seat Hippodrome and captured $20,000 on its first week. Phenomenal in view of an average $15,000 for that house. It is now in its second week.

Then there was the drawing card dubbed Norma Shearer. "Riptide" was very big at the State. Take was $15,000. Normal is $10,000.

"The House of Rothschild" proved no slouch, either. Darryl Zanuck's major effort for 20th Century in its first year had a big opening, did consistent business, is holding for a second week at the Ohio and may go a third. Its $6,100 at this 1,500 seat house is very much O. K.

Weather was fair and Easter Week proved a breath of something closely akin to prosperity to practically all downtown stands.

Total first run gross hit $70,200. Average take is $44,500.

Estimated takings for the week ending April 6:

**"LOVE BIRDS" (Univ.)**
ALLEN—(3,300), 25c-35c, 7 days. Stage: "Let's Go Places." **Gross:** $5,000. (Average $5,000).

**"WONDER BAR" (Warners)**
WARNER'S HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $20,000. (Average $15,000).

**"I'VE GOT YOUR NUMBER" (Warners)**
**"COUGAR" (Master Art)**
**"LOOKING FOR A SILVER LINING" (Warners)**
WARNER'S LAKE—(800), 30c-40c, 7 days. **Gross:** $1800. (Average $2,500).

**"THIS MAN IS MINE" (Radio)**
RKO PALACE—(3,100), 30c-40c, 60c-75c, 7 days. Stage: "Connie's Hot Chocolates." **Gross:** $18,000. (Average, $18,000).

**"RIPTIDE" (M-G-M)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $15,000. (Average $10,000).

**"COME ON MARINES" (Para.)**
**"THE LAST ROUND UP" (Para.)**
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,300. (Average $4,000).

**"HOUSE OF ROTHSCHILD" (U. A.)**
OHIO—(1,500), 50c-75c, 75c-$1.00-$1.50, 7 days. **Gross:** $6,100.

# Capra's Film Does $11,500 In Pittsburgh

PITTSBURGH, April 9.—Repeating its box-office success in other cities, "It Happened One Night," co-starring Gable and Colbert, proved the leader among attractions here last week. Where the Stanley averages $9,000, it went to $11,500 with Frank Capra's picture.

Landing above the average line were "Scandals" at the Fulton with $1,200 to the good; "Nana" at the Penn which went above normalcy by $1,000 and "I Believed in You" at the Pitt by $800. It was Joe Laurie on the stage, and not the picture, which was responsible in the latter case.

Total take at six first runs was $52,400. Average is $47,500. Estimated takings for the week ending April 7:

**"LOVE BIRDS" (Univ.)**
**"COUNTESS OF MONTE CRISTO" (Univ.)**
DAVIS—(1,700), 25c-35c, 6 days. **Gross:** $2,400. (Average $2,500).
**"GEORGE WHITE'S SCANDALS" (Fox)**
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $5,200. (Average $4,000).
**"NANA" (U. A.)**
PENN—(3,300), 25c-75c, 6 days. Stage: "Greenwich Village Follies" with Yorke and King. Gross: $22,000 (Average, $21,000).
**"I BELIEVED IN YOU" (Fox)**
PITT—(1,600), 15c-40c, 6 days. Stage: Joe Laurie, Jr.'s "Memory Lane Revue." **Gross:** $6,800. (Average, $6,000).
**"IT HAPPENED ONE NIGHT" (Col.)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $11,500. (Average $9,000).
**"HAROLD TEEN" (Warners)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,500. (Average $5,000).

## *Enter N. O. Field*

NEW ORLEANS, April 9.—G. A. Coates, formerly with the Saenger circuit, and W. A. Harrison have leased the Gentilly, a suburban house, for a number of years. Subsequent runs will be the policy.

# "WonderBar" Washington's Top; All O. K.

WASHINGTON, April 9.—In a week that marked the best Washington has seen in months, "Wonder Bar," Warner musical, led all others. Playing the Earle, the picture went to a swell $25,000, aided by five extra de luxe performances.

The first extended spell of spring weather which brought visitors here by the thousands for Easter did its work and did it very well. While all houses combined to a first-rate money performance, "George White's Scandals" with Thurston on the stage slipped under expectations.

Estimated receipts, exclusive of tax, for the week ending April 4:

**"DAVID HARUM" (Fox)**
COLUMBIA—(1,232), 25c-40c. 7 days (return engagement). **Gross:** $5,000.

**"WONDER BAR" (F. N.)**
EARLE—(2,323), 25c-66c, 7 days, and one midnight show. Stage show included Charles Melson. **Gross:** $25,000.

**"GEORGE WHITE'S SCANDALS" (Fox)**
FOX—(3,434), 25c-66c, 7 days. Stage show with Thurston. **Gross:** $20,000.

**"NO GREATER GLORY" (Col.)**
METROPOLITAN—(1,600), 25c-40c, 6 days. **Gross:** $5,000.

**"RIPTIDE" (M-G-M)**
PALACE—(2,363), 25c-40c, 7 days. **Gross:** $17,000.

**"COUNTESS OF MONTE CRISTO" (Univ.)**
RIALTO—(1,800), 25c-50c, 7 days. Gross: $5,000.

**"WILD CARGO" (Radio)**
RKO KEITH'S—(1,800), 25c-50c, 7 days. **Gross:** $5,000.

## *After Star Honors*

NEW ORLEANS, April 9.—Maxie Rosenbloom, perhaps taking a leaf from the book of experience which has been Max Baer's, says he will retire from the squared ring next year and enter pictures, presumably via the Hollywood route. The light-heavyweight champion is now here.

# Quaker City's Draws Penner And Shearer

PHILADELPHIA, April 9.—Joe Penner's radio popularity hit the deck with a wallop here and gave the Earle where he headed the stage show a $40,000 week, or exactly $2,000 ahead of Eddie Cantor in "Roman Scandals." That's wow business. "Harold Teen" happened to be on the screen.

The general total of all houses in the Quaker City first-run battery was considerably above average last week. The stanza got going with a stormy Saturday which developed a few groans, but thereafter, Old Sol smiled and so did the cashiers.

"Riptide" had no apologies to make at the Boyd where it sent a normal take of $12,000 to $22,000 in six days, which is all that Philadelphians are allowed in any given week for their entertainment.

Estimated takings for the week ending April 5:

**"THIS SIDE OF HEAVEN" (MGM)**
ARCADIA—(600), 25c-40c-50c. 2nd run. 5 days. **Gross:** $1,600. (Average, $2,400).

**"PALOOKA" (U. A.)**
ALDINE—(1,300), 40c-55c-65c, 2nd week, 6 days. **Gross:** $4,000. (Average, $7,000).

**"RIPTIDE" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $22,000. (Average, $12,000).

**"HAROLD TEEN" (F. N.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage show with Joe Penner, Willie, West and McGinity, Keller Sisters and Lynch, Matison Rhythms. **Gross:** $40,000. (Average, $12,000.)

**"BOTTOMS UP" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage show with Phil Spitalny and his Queens of Melody. **Gross:** $18,500. (Average, $12,000).

**"MAN OF TWO WORLDS" (Radio)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,900. (Average, $3,500).

**"DAVID HARUM" (Fox)**
KEITH'S—(2,000), 25c-35c-40c, 2nd run, 6 days. Stage show with Harold Woods and His Royal Crest Orchestra. **Gross:** $7,000. (Average, $7,000).

**"GEORGE WHITE'S SCANDALS" (Fox)**
LOCUST—(1,400), 30c-40c-60c, 2nd week, 6 days. **Gross:** $6,500. (Average, $7,000).

**"GAMBLING LADY" (Warners)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $12,000).

**"COME ON, MARINES" (Para)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $6,000. (Average, $7,000).

## "Riptide" Once More; Oklahoma City's Top

OKLAHOMA CITY, April 9.—"Riptide," duplicating its box-office performance in other key cities, increased the gross at the Criterion last week by almost 50 per cent. The Shearer film drew in $7,350 where normal take is on the books at $5,000.

Although the weather was inclement, first runs here, in toto, piled up bigger grosses than they have seen in some time. Total first run garnerings were $17,700.

Average bulk gross is $13,500.

Estimated takings for week ending April 7:

**"RIPTIDE" (M-G-M)**
CRITERION — (1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $7,350. (Average $5,000).
**"WONDER BAR" (F.N.)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $5,500. (Average $4,00).
**"JOURNAL OF CRIME" (F. N.)**
CAPITAL — (1,200), 10c-20c-26c-36c-

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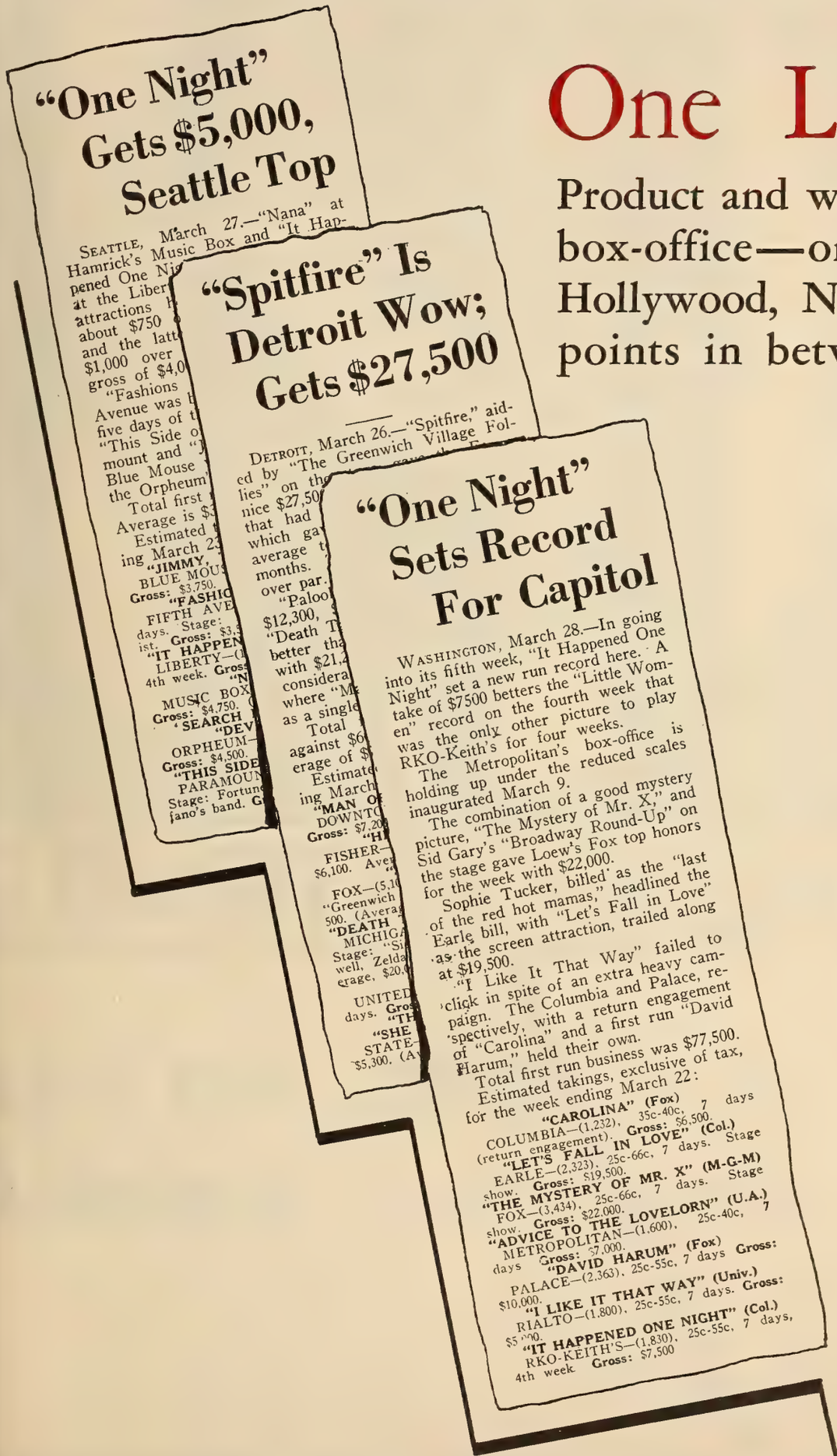

"One Night" Gets $5,000, Seattle Top

SEATTLE, March 27.—"Nana" at Hamrick's Music Box and "It Happened One Ni... at the Liber... attractions h... about $750 ... and the latt... $1,000 over ... gross of $4,0... "Fashions ... Avenue was ... five days of t... "This Side o... mount and "... Blue Mouse ... the Orpheum ... Total first ... Average is $... Estimated ... ing March 2... "JIMMY, ... BLUE MOUS... Gross: $3,750. "FASHIO... FIFTH AVE... days. Stage: ist. Gross: $3,... "IT HAPPEN... LIBERTY—(... 4th week. Gross: "N... MUSIC BOX... Gross: $4,750. ... "SEARCH ... "DEV... ORPHEUM—... Gross: $4,500. "THIS SIDE... PARAMOUN... Stage: Fortun... fano's band. G...

"Spitfire" Is Detroit Wow; Gets $27,500

DETROIT, March 26.—"Spitfire," aided by "The Greenwich Village Follies" on the ... nice $27,50... that had ... which ga... average t... months. ... over par. ... "Paloo... $12,300, ... "Death T... better tha... with $21,2... considera... where "M... as a single ... Total ... against $6... erage of $... Estimate... ing March ... "MAN OF... DOWNTO... Gross: $7,20... "H... FISHER—... $6,100. Aver... "... FOX—(5,1... "Greenwich ... 500. (Averag... "DEATH ... MICHIGA... Stage: "S... well, Zelda... erage, $20,0... UNITED... days. Gros... "TH... "SHE ... STATE—... $5,300. (A...

"One Night" Sets Record For Capitol

WASHINGTON, March 28.—In going into its fifth week, "It Happened One Night" set a new run record here. A take of $7500 betters the "Little Women" record on the fourth week that was the only other picture to play RKO-Keith's for four weeks.

The Metropolitan's box-office is holding up under the reduced scales inaugurated March 9.

The combination of a good mystery picture, "The Mystery of Mr. X," and Sid Gary's "Broadway Round-Up" on the stage gave Loew's Fox top honors for the week with $22,000.

Sophie Tucker, billed as the "last of the red hot mamas," headlined the Earle bill, with "Let's Fall in Love" as the screen attraction, trailed along at $19,500.

"I Like It That Way" failed to click in spite of an extra heavy campaign. The Columbia and Palace, respectively, with a return engagement of "Carolina" and a first run "David Harum," held their own.

Total first run business was $77,500. Estimated takings, exclusive of tax, for the week ending March 22:

"CAROLINA" (Fox)
COLUMBIA—(1,232), 35c-40c, 7 days (return engagement). Gross: $6,500.
"LET'S FALL IN LOVE" (Col.)
EARLE—(2,323), 25c-66c, 7 days. Stage show. Gross: $19,500.
"THE MYSTERY OF MR. X" (M-G-M)
FOX—(3,434), 25c-66c, 7 days. Stage show. Gross: $22,000.
"ADVICE TO THE LOVELORN" (U.A.)
METROPOLITAN—(1,600), 25c-40c, 7 days Gross: $7,000.
"DAVID HARUM" (Fox)
PALACE—(2,363), 25c-55c, 7 days Gross: $10,000.
"I LIKE IT THAT WAY" (Univ.)
RIALTO—(1,800), 25c-55c, 7 days. Gross: $5,000.
"IT HAPPENED ONE NIGHT" (Col.)
RKO-KEITH'S—(1,830), 25c-55c, 7 days, 4th week Gross: $7,500


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*Directed by William Wyler*
*Produced by B. F. Zeidman*

## FRANK BORZAGE'S PRODUCTION

*of*

## "LITTLE MAN, WHAT NOW?"

*With That Meteoric Star*

MARGARET SULLAVAN and Douglass Montgomery

*Screen Play by William Anthony McGuire*
*Directed by Frank Borzage*

# *Recent Universal Box Office Attractions Soon to be Released . . . .*

## LEE TRACY in "I'LL TELL THE WORLD"

with GLORIA STUART and ROGER PRYOR

*Directed by Edward Sedgwick*

## "BLACK CAT" By EDGAR ALLEN POE

with (Frankenstein) KARLOFF and BELA LUGOSI (Dracula)

*Directed by Edgar Ulmer*

## "HALF A SINNER"

with JOEL McCREA, SALLIE BLANE and BERTON CHURCHILL

*Directed by Kurt Neumann*

## "UNCERTAIN LADY"

with EDWARD EVERETT HORTON and GENEVIEVE TOBIN

*Directed by Karl Freund*

## "DANGEROUS TO WOMEN"

with NILS ASTHER, GLORIA STUART, PAUL KELLY

*Written and Directed by Max Marcin*

## PAUL LUKAS in "AFFAIRS of a GENTLEMAN"

with LEILA HYAMS, PATRICIA ELLIS, ONSLOW STEVENS, DOROTHY BURGESS, LILIAN BOND, JOYCE COMPTON.

*Directed by Edwin L. Marin*

## CHESTER MORRIS in "EMBARRASSING MOMENTS"

with MARIAN NIXON, Alan Mowbray, Walter Woolf.

*Directed by Edward Laemmle*

— and there are plenty more where these came from.

***Step Out with Universal!***

## Hollywood Ho!

By MILTON WATT

So this is Hollywood—the brilliant splash on the California coast, where day and night merge, converge, intermingle and coincide and where fancy is the dictator of fashion. It's a clubby, chummy township, which if transposed into music would take on the semblance of the popular and lilting tune, "Let's Do As the Birdies Do."

•

You can let down your hair, eat crackers in bed and vary your diversions without causing a ripple on the Hollywood riviera. Business and pleasure blend into an intoxicating whole and contribute to the unique customs and playfulness of the moneyed metropolis. But the things that really count and are recounted numerous times over in the hot news columns are summed up in the joyful antics of Lupe Velez' Chihuahua canines, playfully but painstakingly polishing a heaping butter dish in the middle of the executive table in the M-G-M commissary. Those are the things which break into the usual routine of Hollywood, where the laying of cornerstones is as big a business as the laying of bricks.

•

The hat business is very bad in the film town. The inhabitants just don't wear them—except when they go to the beach or to the opera. The beach on account of the sea gulls and the opera because built on a social foundation. Birds (the noisy kind) and berets are synonymous.

•

Out here the days are getting longer and tennis shorts shorter. Everyone plays tennis and the women in particular wear assorted colored shorties. The men doff their shirts for the sport, thereby detracting the women and causing them to lose a love set.

•

Santa Monica Boulevard is the little Tia Juana of Hollywood. Five thousand beer gardens—more or less—located between the streets Vine and Fairfax hang up the S.R.O. sign nightly. These are the daily bread for numerous former studio musicians. They hire a cat and let the customers feed it, according to rumor. Local damsels spend nights in beer parlors and days with a masseuse, again according to report.

•

Business men work together harmoniously and unanimously in Hollywood. Here's a sample. Drive-in stands are an institution. They annex the luncheon trade. Film fans have learned to spot such favorites as Crawford, Gable, Gaynor and the Governor eating here.

•

You drive in and the girl comes out with a tray and water. You order a malted milk and Wiener Schnitzel and the girl proceeds to slop the malt over the side of your car. Later you discover half of your sandwich blending with your bib and tucker and the rest ground into your car rug. The waitress immediately presents the names of an auto wash and a cleaning establishment and you're caught with your pantaloons at half mast. Of course you must tip the helpful waitress for her service—with accent on the vice.

Dining places include Levys, Sardis, the Brown Derby, but the Cafe de Paris at Fox's Westwood studio takes a back seat to none of them. Stars' pets are prominent at the various dinner tables and they join vociferously in the conversation. It is old stuff to find yourself dining nonchalantly next to a monkey or a marmoset.

•

Open-air-drive-in-markets fleck the local landscape. Store clerks spend most of their time doing record sprints after over-ripe avocados and zucchinis that in some obscure manner seem to be continually rolling into the street en-masse. Miniature auto races on every corner at 10 centavos a spin add to the Hollywood crazy quilt.

•

The scene may be at once revealing, disillusioning, enlivening and weird, but even in Hollywood there comes a quiet moment just before dusk when work ceases—except when on a picture—and the local inhabitants go home to rest, etc.

•

This is the hour for tea. Will you have Scotch or Rye?

# *Welcome, Stranger*

By VICTOR M. SHAPIRO

WHAT is an exhibitor? Who is he? What does he look like? What's in his think tank? Is he animal, vegetable or mineral?

Is the exhibitor a highbrow, a Babbit, nuisance, excrescence, a necessary evil, the heavy, or just the comedy relief in this gigantic gargantuan panoramic cyclorama (whew!) known as the motion picture industry?

If anyone in Hollywood has been talking to themselves, and some do, asking these volcanic questions about these exhibitors, the answer has arrived with the wife and kiddies, from all points East and North, and maybe a couple from the South.

For the first time in nine years, this rara-avis, genus exhibitor, carnivorous, herbivorous and omnivorous all in one, with habitat, key cities, sticks, tanks and whistle stops, is here to meet Hollywood, face to face, argument for argument, and sprocket hole for sound track.

▲

HOLLYWOOD, mitt the exhibitor! Exhibitor, shake with Hollywood and remember boys and girls, marquee and razzberry rules, no socking in clinches. You're both members of the same club and it's all a percentage deal.

Let's put on a Victor record, or an aria from Ramsaye's History of Films. The exhibitor is of three species, independent, circuit-guild or chain-gang. The mob disporting here are independents and have they got a Declaration!

The exhibitor, also elevated in conversation as threatre owner, also called other delightful euphemisms, is the retailer of the film business. His previous condition may have been a college professor, a circus guy, or just a tailor, before he became retailer, but now he's a civic figure, and does he figure, and does he civic through the warp and woof of his town?

He's a belonger. He's got to be.

He belongs to the Rotarians, Kiwanis, knitting clubs, Masons, Knights of Columbus, K. K. K., not forgetting Heagles, Helks and Howls.

▲

HE IS the guy New York refers to as selling resistance. He's in between block-booking and individual selling, percentage deals and flat rentals, wild-catting and spot-booking. Who couldn't resist those?

He's also cracking between grievance, clearance and zoning boards. Will Hays, Mrs. August Belmont have him down. Abram Myer and Sol Rosenblatt tear each at one cheek, but in opposite directions. Canon Chase gives him the only laugh he gets.

He's got pains with Labor and aches from taxes.

With him, business is always lousy, so he buys another Cadillac and takes an extra trip to Miami. Hollywood does not resent the Cadillac.

He is frank, blunt and hard bitten. His first words, "It's too much." His last words, ditto.

He can tell Hollywood the stars that pull, draw or keep 'em away. He'll tell you if you ask him, or he'll tell you if you don't. So keep quiet and you'll find out.

▲

HE'LL tell you Hollywood or New York don't sell pictures to the public. He, the exhibitor, sells the public. So they gotta sell him first. Between him and his public are women's clubs, censor boards, Better Films Committees, reformers and *also the gravy*. He get's 'em all.

Meet the exhibitor, he's a gay fellow, and you think you got troubles.

Exhibitors may have envisioned Hollywood as a composite of Frankenstein, Dracula and the Big Bad Schmeerkase, *before they got here*, but having met Hollywood with its open arms and open air, it goes without saying that before exhibitors say toodle-oo, they'll fight to the finish if Hollywood secedes from the Union, or if any one suggests that, as a remote possibility.

## Town Talk!

By JEANETTE MEEHAN

Hollywood has had more than its share of descriptions dumped on its doorstep to be adapted by the Winchells, McIntyres, and plus. Among the more trenchant of these is Virginia Wood's, who says, "Hollywood is a place of lost souls, and *heels*."

•

After a week in Arrowhead chopping wood to regain that "he-man" condition, George Brent returned to Hollywood only to have Warners star him in a picture called, "House Wife."

•

Last year M-G-M made a very successful animal picture titled, "Tarzan, the Ape Man." Shortly thereafter Hollywood seemed to come to the conclusion that what the business needed was more animal pictures. Followed a cycle which has not yet seen its President Hoover (synonym for Waterloo). Current pictures of this type include Radio's "Wild Cargo"; Fox's recently released "Devil Tiger"; M-G-M's "Tarzan and His Mate"; and Mascot's serial, "Lost Jungle."

•

The other evening a famous actor and his lady friend were guests at a very elegant Hollywood party. Next day the actor wrote to his host, "Dear ——. Last evening the young lady with me lost a very beautiful diamond bracelet. If found she would appreciate its immediate return."

Which provoked this,

"Dear ——. Have found your friend's very beautiful bracelet (diamond), and will be glad to return it if the lady will return my very dependable watch (gold)."

•

An actress (a newcomer) was showing an interviewer about her house. They ended in what the actress termed, "her pride and joy." The walls of the room were filled with pictures n' pictures n' pictures of herself in polo clothes. Two mallets were leaned against the wall in a corner. Polo balls were neatly lined up in a glass cabinet.

"How nice," stated the interviewer, "have you any pictures of yourself in action?"

"Oh," replied the actress, "I like the atmosphere of the game about the house, but I don't really *play* polo."

•

Paramount would like Mae West's consent to retitle her current picture, "It Ain't No Sin." Studio would like to call it "St. Louis Woman."

•

Harpo Marx calls unborn rabbits "ingrown hairs."

•

On another marquee:

COOKS TOUR with GIRL WITHOUT A ROOM.

This last was a mistake. "Cooks Tour" should have been, "CROOKS Tour." It's an M-G-M short.

•

Major studio, suffering the throes of that contemplation-period that prefaces an epic, wired its casting director, then in New York, to charter a plane, hire cameramen, fly to Montana and test students of an Indian school there for parts in the Big Picture. Casting director got as far as Chicago and halted long enough to wire officials of the state where the school was situated.

Return wire from Montana read: *Sorry. School Has Been Closed For Past Ten Years.*

# Best Wishes

TO PRESIDENT
EDWARD KUYKENDALL
AND THE MPTOA
FOR A SUCCESSFUL
CONVENTION

FROM

# MONOGRAM PICTURES CORPORATION

W. RAY JOHNSTON, *President*
TREM CARR, *Vice-President, in Charge of Production*

•

*CURRENT MONOGRAM RELEASES*

**MYSTERY LINER • BEGGARS IN ERMINE**

**NUMBERS OF MONTE CARLO**

**MONEY MEANS NOTHING • CITY LIMITS**

**MANHATTAN LOVE SONG**

**WOMAN'S MAN • THE LOUDSPEAKER**

## Quittner Wins Move On Trust Case Trial

NEW YORK, April 9.—The U. S. Circuit Court of Appeals today granted a motion of Joseph Quittner of Middletown, N. Y., to appeal his unsuccessful anti-trust suit against Paramount, the Hays organization and its member companies on the grounds he was a pauper. The court, however, denied the same motion advanced by the Middletown Combined Building Corp., a Quittner-owned concern, on the ground the corporation was not a citizen.

The Federal court's decision overrules an earlier ruling of the U. S. District Court and gives the complaint the right to appeal without submitting the printed record made during the district court trial. Hearing probably will be held in the fall.

## Johnston Denies Split With First Division

NEW YORK, April 9.—W. Ray Johnston, president of Monogram, today denied a reported split between his company and First Division which handles that product in a number of Eastern exchange centers. Harry H. Thomas, president of First Division, is a vice-president of Monogram.

Pointing out First Division owns the Monogram franchise in New York City, Eastern Pennsylvania, Southern New Jersey and Delaware, Johnson declared the agreement is impossible of aborgation unless by mutual consent.

## "Blumey" Loses Suit Over Fox Co. Stock

WASHINGTON, April 9.—Efforts of C. Blumenthal of New York to secure a share of a $300,000 profit which Albert M. Greenfield obtained from the sale of Fox Film and Fox Theatres stock came to an unsuccessful conclusion today when the United States Supreme Court refused to review a decision of the Philadelphia circuit of appeals.

Without comment, the court affirmed the decision of the lower tribunal which reversed a finding of the federal district court of eastern Pennsylvania that Blumenthal was entitled to $151,575.

## Rowland Set at RKO

NEW YORK, April 9.—Richard A. Rowland, new associate producer for Radio, has launched the new association and now is formally ensconced in an office at RKO. He expects to spend two months here hunting material before returning to Hollywood.

## Rogers Goes Adagio

**Evidently there's no end to what Hollywood will attempt. It's not enough that Will Rogers is a foremost humorist—a box office attraction in pictures—an excellent polo player. Now Fox is converting him into a dancer.**

**Believe it or don't, he's slated to strut an adagio in "Merry Andrew."**

# In the M. P. Daily Manner

***Facsimile of first page of yesterday's regular New York edition of Motion Picture Daily flown here by fast plane for distribution to arriving M.P.T.O.A. delegates as they stepped off the transcontinental train.***

The Leading Daily Newspaper of the Motion Picture Industry

**MOTION PICTURE DAILY**

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 82 — NEW YORK, MONDAY, APRIL 9, 1934 — TEN CENTS

### Fox Midland Court Fight May End Soon

*Reorganization Nearer For Two Companies*

KANSAS CITY, April 8.—Late developments point to an early start toward reorganization of Fox Midland Theatre Co., which has been held up more than a year by Federal court actions brought by Herbert M. Woolf and M. B. Shanberg, former owners of the properties.

It is said that a settlement of their suit seeking to recover almost $500,000 is about due and that plans are being (Continued on page 2)

### Banquet Winds Up Monogram Session

ATLANTIC CITY, April 8.—Monogram's fourth annual sales convention was concluded here last night with a banquet at the Ambassador Hotel addressed by Nathan Yamins, unaffiliated exhibitor representative on Code Authority; John C. Flinn, executive secretary of Code Authority Jacob Schechter, counsel for the Federation of the M. P. Industry; Ben Goetz, vice-president of Consolidated Film Industries; W. Ray Johnston, president of Monogram; Trem Carr, vice-president, and Pete Harrison. Edward Golden, Monogram sales manager, acted as toastmaster due to the (Continued on page 2)

### First Division May Drop Monogram Tie

Projected expansion of First Division Pictures, involving addition of exchanges in situations where Monogram exchanges are established, is expected to lead to ending of the distribution arrangements under which First Division now handles Monogram (Continued on page 2)

### Majestic Sessions Get Started Today

The convention of Majestic franchise holders, which opens today at the company's home office, is expected to last three days. All meetings will have to do with setting the production budget for next season, the number of pictures, types of stories and sales policies. No elections will be held.

Herman Gluckman, president, leaves for the coast the end of the week to set up a unit production system.

### Kuykendall's Reelection Is Now Expected

*No Opposition Apparent And None Looked For*

By RED KANN

LOS ANGELES, April 8.—Ed Kuykendall is expected to be reelected president of the M.P.T.O.A when opposition candidate was in sight over the week-end and none is expected.

Only recently in New York Kuykendall told the MOTION PICTURE DAILY he planned to step down to pay more attention to the operation of his southern theatres. If any change of mind were necessary, it is now a fact that Kuykendall is agreeable to continuance in office.

David Palfreyman, theatre contact for the Hays organization, arrived (Continued on page 8)

### TOCC-ITOA Sharing Local Board Honors

With the appointment of J. Louis Geller on the grievance board and Harry Shiffman, Edward Rugoff and Lawrence Bolognino on the clearance and zoning board, the T.O.C.C. and I.T.O.A have equal representation on the local setups.

Shiffman and Bolognino are regarded as I.T.O.A members, while Geller and Rugoff represent the T.O.C.C.

No date has been set for the joint informal meeting of the local boards. (Continued on page 8)

### Moss to Build New "Intimate" Theatre

B. S. Moss intends to start construction immediately on a new theatre at 207th St. and Broadway, and he says this will be the first of a series of new houses to be built in the metropolitan area.

The first new house will be of the "intimate" type in the form of a ball cut in half and some new ideas in sound reproduction and lighting are to be installed, he says. It will seat 1,500

### Pathe to Act Upon Stock Sale to Webb

In addition to the election of a board of 15 directors for the coming year Pathe stockholders will be asked to consider and take action on a proposal of the board of directors whereby Stuart W. Webb, president, can (Continued on page 2)

### CAMPI'S BUDGET SET AT $360,000

*Studios' and Distributors' Share to Be Half; No Details Yet*

Exactly $360,000 is the figure officially set for financing the code for the film industry the first year, MOTION PICTURE DAILY learned from an authoritative source Saturday. Of this figure, $180,000 will be derived from distribution and production, while the other half will come from a tax on exhibition. Definite plans for securing the necessary money from both sources have not yet been completed.

Now that the machinery for clearance and zoning and grievance boards has been completed, Campi committees will devote the entire week to promulgating a fair plan to tax theatres, exchanges and studios for raising the $360,000. Quick action on the budget and all other problems is now assured, it was stated Saturday.

Secretaries for the Buffalo, Atlanta, Chicago, Omaha, San Francisco, Los Angeles, New Orleans, Pittsburgh, Kansas City and Detroit boards will be named today and they will immediately assume duties.

The method for taxing exhibitors will be that first runs will pay the highest tax and the subsequent runs (Continued on page 8)

### Advisory Code Boards Under Campi Control

Declaring that members of the three advisory committees on the clearance and zoning board for New York are Campi appointees and that these men in formulating the local schedules are not responsible to the main board but to Code Authority, members of Campi put little stock in objections of local independents to the three advisory groups. Unaffiliated exhibitors are not in favor of the subordinate committees on the ground that whatever plans are drafted are only recommendations to the main board which must pass on them.

The exhibitors contend further that the main board can make wholesale (Continued on page 8)

### ITO Against Parts Of Patman Measure

KANSAS CITY, April 8.—Approval of the shirt of the Patman bill to abolish block booking has been given by the I.T.O. of Greater Kansas City, but outright endorsement has been refused, since it is tied in with another measure by Congressman Patman to (Continued on page 8)

### Zirn Appeal Denied In Para. Bond Case

The appellate division of the N. Y. Supreme Court on Saturday denied Samuel Zirn's motion for leave to appeal to the Court of Appeals at Albany in an action brought against Paramount Publix by Robert Levy, a bondholder, for whom Zirn is counsel.

The original Levy action involves, among numerous other matters, an effort to have set aside Paramount's (Continued on page 2)

### Lawyers File Para. Bills for $18,266

A petition for payment of $18,266 has been filed with Referee Henry K. Davis by Root, Clark, Buckner & Ballantine, counsel for the Paramount (Continued on page 2)

### Industry Relations Board to Be Named

Campi this week will set up an Industrial Relations Board on the coast to act on all problems arising in connection with the code. An office will be established with a paid secretary in Hollywood as the west coast branch of Code Authority.

Code Authority, at its session last Friday, took up a number of the problems dealing with the extras standing committee and this week will further discuss the matter. Personnel for the Industrial Relations Board will be appointed by Campi on Friday when Charles L. O'Reilly will be chairman.

### Report Rosenblatt On Two More Codes

Reports were current over the week-end that Division Administrator Sol A. Rosenblatt had been appointed to take over the work of the banking and textile industries' codes.

Rosenblatt is understood to have held important conferences here over the week-end in connection with his (Continued on page 8)

## Meet and Do Nothing

WASHINGTON, D. C., April 9.—The grievance board met this morning for its first regular meeting under the chairmanship of Herman Blum and because Campi has not approved appointment of a board secretary or permanent quarters, no business was transacted.

A meeting called for tomorrow of the clearance board has been cancelled

## Re-Sign Sonya Levien

Sonya Levien has been retained by Fox on a new long-term contract. Her first assignment on the new deal is co-writing with Samuel Hoffenstein the dialogue and screen treatment for "Marie Galante."

## Carr Heading West

Trem Carr, vice-president of Monogram, will return here from the company's convention in Atlantic City Saturday. Lou Ostrow, who accompanied Carr east will stop over in New York to glimpse the new plays returning here the following week.

## Wurtzel Back Monday

Sol Wurtzel returns to Hollywood, via the canal, next Monday after a three weeks' combined business and pleasure trip to New York. In the meantime work on a five-room bungalow which will serve as headquarters of the Wurtzel unit at the Fox Western Avenue studio, is being rushed.

## Rosenblatt Approves

NEW YORK, April 9.—Today Division Administrator Sol A. Rosenblatt approved the resolutions of the recent Campi meeting on 10 per cent cancellations and making it a code violation to put on "race nights," bank nights" and any other form of lottery.

## Plan Own Posters

NEW YORK, April 9.—Conventionites returning here from the St Louis Poster Men's convention today would not reveal discussions other than to admit service renters will make their own posters and other advertising accessories.

## Majestic Meeting On; Plans Hollywood Unit

NEW YORK, April 9.—Majestic's annual sales convention got under way today at its home office with nothing definitely set in the way of budgets or numbers of pictures. This is to be decided within the next two days at which time the convention will terminate.

The company undoubtedly will inaugurate a unit production system in Hollywood with Herman Gluckman supervising studio operation. He leaves for the coast the latter part of the week to stay several months.

## M-G-M Secretive On New 3-Color Process

NEW YORK, April 9. — While M.G.M. is definitely set to distribute eight Fitz Patrick travel talks in Technicolor on next season's program, Fred C. Quimby refuses to discuss a new three-color process for cartoons which the company is shrouding with utmost secrecy.

Hal Roach is expected to arrive here within three weeks to discuss next season's product, with Quimby and Felix F. Feist.

## "Nana" Fight Won

SPOKANE, April 10.—After three weeks battling back and forth with the newly-elected censor board on cuts ordered for "Nana," Samuel Goldwyn won his point with the aid of legal talent and assistance of the press, radio and citizenry. The board has consented to let the film run with but two or three minor changes in the dialogue. It will open at the Granada April 29.

## Lightning Butler

David Butler is now being referred to as "Speed Butler, The Lightning Flash of Fox Western."

Butler yesterday washed up production on the Will Rogers opus, "Merry Andrew," in 22 days or four days under schedule—a record on a Rogers picture. Director Butler also held the former record on a Rogers' picture, "Down to Earth," which he wound up in 24 days.

## Gets a Stage Offer

Herbert Mundin has been wired an offer to play the comedy lead in the New York production of "Three Sisters," by Jerome Kern and Oscar Hammerstein. If Fox can arrange his release Mundin will accept.

## Fox Signs Green

As a result of his work in "Wild Gold" and "Bottoms Up", Fox is retaining Harry Green on a new long-term contract which calls for both acting and writing.

## Fire By Meyer

**"We got a lot of lemons from Warners during the year," remarked Fred S. Meyer, national secretary of the M.P.T.O.A. facetiously yesterday, "but when we approach California what do you think?**

**"They put oranges on the train for us early yesterday morning."**

Well, You could knock me cross-eyed with an Anchovy!

# Check in

..... AT HOTEL ANCHOVY FOR ONE OF THE BIGGEST LAUGH HITS IN YEARS!

. . . . . As a high spot in *Educational's* record-smashing season of BIG NAME comedies, *E. W. Hammons* now presents . . .

# *The* THREE RITZ BROTHERS in HOTEL ANCHOVY

A Coronet Comedy

Produced by AL CHRISTIE

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A. by FOX Film Corporation

WILL SLAY 'EM ANYWHERE

What a Relief! ....A Mile away From the Frazzled Routine.....

Can't Miss...

THESE LADS ARE DIFFERENT!

## A WOW!

ONE CONTINUOUS SERIES OF HOWLS

Fast, Original and filled with uproarious situations..

Epic of Hysteria

THERE'S NOTHING LIKE 'EM IN PIX...

Three New Comics have hit the Screen.. All in One Pix..

They are the Last Laugh in Looniness and the First Laugh..and all the other Laughs in between...

## A Goofy Riot of Laughs...

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "We're Not Dressing"

(*Paramount*)

Burns and Allen's comedy, Bing Crosby's romantic crooning to Carole Lombard, together with specialties by Ethel Merman and Leon Errol give certain box-office flavor and name value to 'We're Not Dressing,' but the entertainment jells only in spots.

The story intermingles some strange people in some queer situations. Even a bear plays her part in some laughable and some mawkish antics.

Yarn has tried and true values with Miss Lombard as socialite owner of a yacht, on which Crosby is just a sailor with Carole expressing her love by verbal lashings of Bing. Because of Errol's rocky knees, the ship grounds on an island with Bing taking command and applying the 'no work—no eat' dictum which brings Lombard to terms.

Burns and Allen's clever lunacies as two explorers researching, top the picture's audience responsiveness.

Crosby's warbling and romantic mood appeals. Miss Lombard doesn't get much chance to display gowns. Miss Merman evidences real possibilities. Errol does his little bit well.

Gordon and Revel's songs have distinctive quality with "May I" a possible successor to "Dream Walking." Songs, however, seem to suffer by spotting.

Norman Taurog's direction, usually admirable and inspired, is not quite that here.

Production is program caliber.

## "Wild Gold"

(*Fox*)

"Wild Gold" has a new story angle, dealing with a 1934 California gold rush and the resurrection of a small mining town. Treated lightly, it borders at times on burlesque with the audience amused over the comedy situations and failing to appreciate the forced dramatic situations. John Boles, Claire Trevor, Harry Green and Monroe Owsley give good performances in the top spots, while George Marshall's direction suffers at times from spotty continuity, yet comedy situations atone for this shortcoming.

Story centers on Boles, a mining engineer, who builds dams between drinks. He meets Miss Trevor in a cabaret and, after a series of many amusing situations, finally becomes regenerated into the ways of accomplishing something worthwhile and settles down before the final clinch with Miss Trevor, but not until she has rid herself of a wastrel husband. Intermingling throughout the story are plenty of unusual situations and action to keep the yarn moving until the climax of the dam breaking, sweeping out the town, as well as the husband. This leaves Boles and Trevor free to start life anew and all ends well according to screen formula.

## 'Where Sinners Meet'

(*Radio*)

Light comedy, given a satirical twist, is the essence of "Where Sinners Meet." Adapted from a popular British stage play, it moves to the tune of witty dialogue, smart acting and tricky situations. As the show has but one locale, dialogue predominates in telling the story. Yet while action is minimum, J. Walter Ruben's directing techniqpe continually manages to focus interest on both the story and players.

Here's the plot in brief. Clive Brook, living on Dover Road, romantic highway for London elopers bound for continental Gretna Greens, sets himself up as an anti-Cupid. Gently waylaying Reginald Owen and Diana Wynward, he ingratiatingly forces them to live with him. There they learn everyday married life is a vastly differnt panorama than their romantic mental meanderings have painted. Zest is added to the situation when Brook uncovers another pair of eloping lovers, Billie Burke (Owen's wife) and Alan Mowbray. Under the spell of Brook's practical experience demonstrations, husband and wife are reunited, Mowbray is delighted to escape the thraldom of wedlock. And in the end Brook succumbs to Hymen's arrows as he takes the Dover Road with Diana Wynyard.

Brook is outstanding in his role, Diana Wynyard and Billie Burke are just as their fans like them to be. But Owen's performance steals the show. In minor roles, Mowbray and Gilbert Emery are pleasing. H. W. Haneman has done a fine job in adapting the story and Ruben's direction preserves the full flavor of British humor.

## Roach Renews Chase's Deal; Studio Closing

Having completed the last of his series of eight for the 1933-34 program, Charlie Chase has been retained by Hal Roach for a new series, the number to be determined. Simultaneously with this "The Our Gang" troupe finished their last picture yesterday, making it possible for the studio to close for a possible four week shut-down before embarking on the new season's schedule.

Roach is scheduled to leave for New York the latter part of this month to confer with M-G-M's home office executives on next season's product.

## 3 Houses In Deal

BIRMINGHAM, ALA., April 9.—Three local theatres were involved in realty deals over the week-end. The Galax was leased to Galax Theatres, Inc., with Frank Merritt, president and will continue as a picture house after remodelling and installation of new equipment.

The Pantages, closed for several years, was leased to Birmingham Theatres Co. while the Trianon passed out of the "grind" class to become a chain dress shop.

## Sheehan Going Abroad

Winfield Sheehan plans a European vacation beginning July 1 and returning here the latter part of August to begin work on "One More Spring", slated as one of the big Fox specials for the new season's program.

## Switch Marshall, King

A switch in directorial assignments places George Marshall at the helm of "She Learned About Sailors" at Fox. The picture, featuring Alice Faye and Nick Foran, goes into production next week. Louis King, formerly slated to to direct, will be given another picture.

## Trying A Comeback

Gwen Lee is trying a screen comeback and has been pencilled in for one of the featured spots in Chesterfield's "City Park."

Sally Blane and Henry B. Walthall are being co-starred with Hale Hamilton, Edmund Breese, Johnny Harron and Matty Kemp in the supporting cast.

## 1 Victory, 2 Defeats

OMAHA, April 9.—Referendum to ban Sunday shows was defeated in two Nebraska towns here today and victorious in one. Fairbury won by 113 votes; West Lincoln where there is no theatre by 33 votes while Strombery lost by 86.

## Muni in "Border Town"

Warners have assigned Paul Muni the top spot in "Border Town," a novel by Carroll Graham, co-author of "Queer People." Graham has also been signed to work on the adaptation. The picture will go into production the latter part of the month.

## Columbia Shorts Up

Columbia announces an increased budget on short subjects, which calls for the filming of two a week, amounting to close to 100 a year.

The studio has been producing 60 two-reelers a year on past programs. Jules White is supervising production of all shorts.

## Landfield Heads Overseas

Sidney Lanfield left for New York last night en route to London, where he will direct "Sons O' Guns" for British and Dominion.

The director recently completed work on "The Last Gentleman", starring George Arliss for 20th Century.

## Alice Juergens Named

CINCINNATI, O., April 9.—Campi has approved appointment of Alice M. Juergens, secretary for the Cincinnati Film Board of Trade, as joint secretary for the grievance and clearance zoning boards.

## Hayes In "Vanessa"

Helen Hayes' first starring picture for M-G-M following her return from New York on June 1, will be "Vanessa," Hugh Walpole's current best seller. Walter Wanger will produce and William K. Howard will direct.

Production on Barrie's "What Every Woman Knows," originally scheduled as her first, has been set up, and will probably be her second picture following "Vanessa."

## Lanny Ross to Star

Paramount will boost Lanny Ross to stardom in his next picture. The opus will be an original now being prepared by Henry Myers titled "Mississippi," a story of the show-boat days.

## Forget the Convention

NEW YORK, April 9.—The I.T.-O.A. did not send a convention representative to Los Angeles because the matter slipped by last week when the unit became absorbed in the National Recovery Review Board hearings in Washington.

## On M.P.T.O.A. List, But He's Curious Why

KANSAS CITY, April 9.—A. F. Baker, Kansas City, Kan., exhibitor, is mystified by the appearance of his name on the M. P. T. O. A. convention credentials and rules committee. Baker is president of the Kansas-Missouri Theatre Ass'n., which has no national affiliation. The organization which the present group superseded was an M. P. T. O. A. unit.

Baker is not attending the convention. Neither is any other exhibitor from Kansas and Western Missouri, so far as is known.

## After Star Honors

CHICAGO, April 9.—In recognition of 18 years of loyal service Walter Hyland, booker at the Universal exchange here, is being honored by having the week of May 6-12 designated as "Walter Hyland Week." It is one of the few instances in which such distinction has been accorded a booker.

*Welcome MPTOA to Exhibit of*

STERLING SUPREX

Projection Lamp & Converter

Shop No. 37 Casino Floor
Ambassador Hotel
April 10-11-12

THE PRODUCERS OF AMERICA'S OUTSTANDING MOTION PICTURE

"*The* House *of* Rothschild"

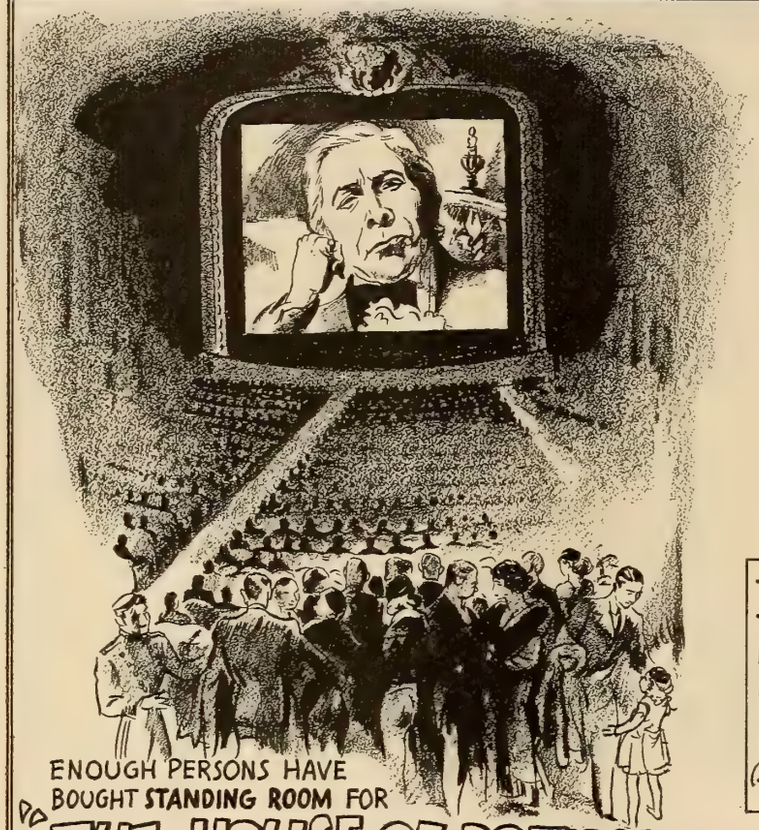
WELCOMES M. P. T. O. A.

TO HOLLYWOOD

# Drawing Them In

by Gosh

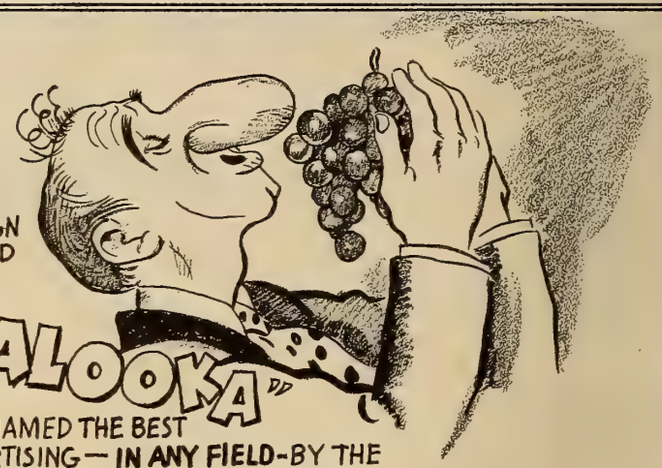
© UNITED ARTISTS CORP.



ENOUGH PERSONS HAVE BOUGHT **STANDING ROOM** FOR

"THE HOUSE OF ROTHSCHILD"

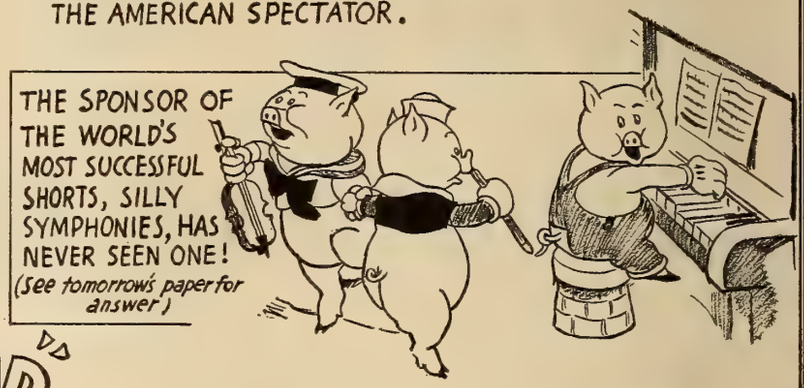
AT THE TWO-A-DAY ASTOR ON BROADWAY TO FILL THE WORLD'S LARGEST THEATRE.



THE AD CAMPAIGN CREATED FOR

"PALOOKA"

WAS NAMED THE BEST ADVERTISING — **IN ANY FIELD** - BY THE HIGHBROW LITERARY MAGAZINE, THE AMERICAN SPECTATOR.



THE SPONSOR OF THE WORLD'S MOST SUCCESSFUL SHORTS, SILLY SYMPHONIES, HAS NEVER SEEN ONE!

*(see tomorrow's paper for answer)*

**UNITED ARTISTS**

DOUGLAS FAIRBANKS
ANNA STEN
EDDIE CANTOR
CONSTANCE BENNETT
FREDRIC MARCH
RONALD COLMAN

CHARLIE CHAPLIN
ANN HARDING
LORETTA YOUNG
MARY PICKFORD
GEORGE ARLISS
SPENCER TRACY
MICKEY MOUSE

RONALD COLMAN

HAS LOOKED AT HIMSELF IN

"THE MASQUERADER"

AT EVERY PERFORMANCE OF THE PICTURE IN EVERY THEATRE IN EVERY COUNTRY WHERE IT WAS SHOWN! *Betcha it's true!*

"CATHERINE THE GREAT"

HAS BEEN SEEN AND ACCLAIMED BY MORE PEOPLE IN 3 MONTHS THAN SAW AND ACCLAIMED CATHERINE DURING HER ENTIRE REIGN!

Advt.

# ALFRED WERKER

***Director***

# The House of ROTHSCHILD

## A 20th Century Picture

***United Artists Release***

# Laughton Big Gross Man In Twin Cities

MINNEAPOLIS, April 9.—Box-office honors currently are all in the lap of Charles Laughton. The English actor, surrounded by that bevy of English, not Hollywood, beauties in "Henry VIII" played day and date at the World theatres here and across the river in St. Paul, did $1,500 above average to a $3,500 take at the former and $1,000 over the normal mark to a gross of $3,000 in the latter. That's business in houses that dip under 500 in seating capacity.

Top money went to "Melody in Spring" with $8,000 at the Minnesota, although this figure skimmed over the routine by a mere $500. As a matter of fact, grosses during the week just closed were good on all counts.

Minneapolis' five first runs, usually grossing around $22,000, totaled $25,000 and St. Paul's five which generally get $16,000 went to $19,-500 or so.

Estimated takings:

*Minneapolis*

**Week Ending April 5:**

**"FRONTIER MARSHAL" (Fox)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500 (Average, $1,500.)

**"MELODY IN SPRING" (Para)**
MINNESOTA—(4,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,500.)

**"MEANEST GAL IN TOWN" (Radio)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $6,000 (Average, $5,500.)

**"GEORGE WHITE'S SCANDALS" (Fox)**
STATE—(2300), 25c-40c, 7 days. **Gross:** $6,000 (Average, $5,500.)

**"PRIVATE LIFE OF HENRY VIII" (U.A.)**
WORLD—(400), 25c-75c, 7 days. **Gross:** $3,500 (Average, $2,000.)

*St. Paul*

**Week Ending April 6:**

**"MELODY IN SPRING" (Para)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000 (Average, $5,500.)

**"GOOD DAME" (Para)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,200 (Average $3,500.)

**"SPITFIRE" (Radio)**
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $4,800 (Average $4,000.)

**"NO MORE WOMEN" (Para)**
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800 (Average $800.)

**"SLEEPERS EAST" (Fox)**
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700 (Average $700.)

**"PRIVATE LIFE OF HENRY VIII" (U.A.)**
WORLD—(300), 25c-75c, 7 days. Third week. **Gross:** $3,000 (Average, $1,500.)

# Providence Goes Limit on Shearer

(*Continued from Page* 12)

days. California Ramblers on stage. **Gross:** $17,000 (Average, $12,000.)

**"ADVICE TO LOVELORN" (U.A.)**
**"THE LAST ROUNDUP" (Para)**
PARAMOUNT—(2,300) 15c-40c. 7 days. **Gross:** $5,500 (Average, $6,500.)

**"GEORGE WHITE'S SCANDALS" (Fox)**
MAJESTIC—(2,400) 15c-40c. 7 days. **Gross:** $5,700 (Average, $7,000.)

**"JIMMY THE GENT" (WB)**
FAYS—(1,500) 15c-40c. 7 days. Sally O'Neil in person. **Gross:** $7,300 (Average, 7,000.)

**"SPITFIRE" (RKO)**
**"KEEP 'EM ROLLING" (RKO)**
RKO ALBEE—(2,300) 15c-40c. 7 days. **Gross:** $10,000 (Average, $7,000.)

**"HORSE PLAY" (Univ.)**
**"JAWS OF JUSTICE" (Principal)**
RKO VICTORY—(1,600) 10c-25c. 4 days. **Gross:** $1,200 (Average $1,000.)

## *NRA In Hollywood*

**Peculiar are the workings of the NRA—at times.**

**At one of the major studios, an information clerk got a $29 a month cut and shorter working hours. A stage watchman, getting the same salary at the same studio received a $5 a week jump and a suite of six rooms. He still doesn't know what he's supposed to do with the suite because it's unoccupied.**

**The janitor of today is the yacht owner of tomorrow.**

# Hepburn Chief Draw In Omaha; Just Fair

OMAHA, April 9.—Katharine Hepburn's "Spitfire" was the only attraction to go over par in Omaha last week and at that failed to create any excitement. Spotted in the Brandeis, the picture went to $5,000, thereby topping average by a measly $250.

The week got going with a snowstorm on Good Friday, thus combining an accepted, poor show day with a setback in the weather. Openings consequently were hurt all over town, but most houses rallied the latter part of the week to final returns which were merely so-so.

The four first runs average $25,250 in bulk. Last week they did $24,000 flat.

Estimated takings:

**Week Ending April 4**

**"RIPTIDE" (M-G-M)**
**"3 ON A HONEYMOON" (Fox)**
PARAMOUNT — (2,000), 25c-35c-40c, 7 days. **Gross:** $7,500. (Average $7,-500).

**Week Ending April 5**

**"SPITFIRE" (Radio)**
BRANDEIS—(1,500), 25c-35c, 7 days. **Gross:** $5,000. (Average 4,750).

**"JIMMY THE GENT" (Warners)**
ORPHEUM—(3,000), 25c-35c-50c, 7 days. Stage: Fanchon and Marco's "The Kings Scandals" unit. **Gross:** $7,250. (Average $8,000).

**"PALOOKA" (U. A.)**
**"ORIENT EXPRESS" (Fox)**
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $4,250. (Average $5,000).

## *B. & K. and J. L. & S. Scramble Still On*

CHICAGO, April 9.—Latest move in the loop theatre checkerboard situation finds B. & K. putting a king on the Apollo. B. & K., who are doing hops, skips and jumps with Jones, Linick & Schaefer in what is obviously a determined battle for loop control have acquired a five year lease on the Apollo and will immediately transform the ancient rialto spot in typical B. & K. grandeur. The circuit only recently took a lease on the Garrick which J. L. & S. countered by acquiring the Majestic. Further moves from both sources are being watched with keen interest.

Officials of Balaban & Katz, the latter name belonging to the Sam which Hollywood knows, are discreetly withholding announcement as to policy planned for the Apollo, just as they are noncommittal about plans for the Garrick.

## *Moore Replaces Wolf*

NEW ORLEANS, April 9.—Gar Moore is now press agent at the Orpheum, succeeding H. Wolf, resigned.

# Shearer And "Riptide" Is Buffalo's Ace

BUFFALO, April 9.—The fact that Norma Shearer was off local screens for about a year, plus word which got around, as it always does, that "Riptide" was something resulted in native sons turning out $18,000 worth to see Norma at the Buffalo. At $3,000 ahead of the house average, there were no complaints.

Despite gentle zephyrs of spring which hit the city along Lake Erie's shores, Buffalonians continued to remain faithful to their celluloid favorites. Five first runs, in toto, rolled up $46,600 when $43,500 is regarded as an acceptable bulk gross.

Jimmy Cagney in "Jimmy, the Gent", was combined with "The Lone Cowboy" at the Century where the gate ended at $6,400. Normal $6,000. At the Hippodrome, "Wonder Bar" went $1,200 above the $8,000 which that theatre marks down as routine. Elsewhere, not much went on.

Estimated takings for the week ending April 6:

**"RIPTIDE" (MGM)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Gypsy Nina, Walter "Dare" Wahl, Paul Gerrits, Eight Commodores, Rosemary Deering. **Gross:** $18,000 (Average $15,000.)

**"JIMMY THE GENT" (Warners)**
**"LONE COWBOY" (Para.)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,400 (Average, $6,000.)

**"LOOKING FOR TROUBLE" (U.A.)**
**"HI, NELLIE" (Warners)**
GREAT LAKES—(3,000), 25c-40c. 7 days. **Gross:** $7,000. (Average, $8,000.)

**"WONDER BAR" (Warners)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $9,200 (Average, $8,000.)

**"MADAM SPY" (Univ.)**
**"LOVEBIRDS" (Univ.)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,000 (Average, $6,500.)

# "Riptide" Once More; Oklahoma City's Top

(*Continued from Page* 12)

41c, 7 days. **Gross:** $1,650. (Average $2,500).

**"JIMMY THE GENT" (Warner)**
LIBERTY — (1,500), 10c-15c-26c-36c, 4 days. "Blue Ridge Mountaineers" on stage. **Gross:** $2,500. (Average week $2,000).

**"COMING OUT PARTY" (Fox)**
LIBERTY — (1,500), 10c-15c-26c-36c, 3 days. **Gross:** $700. (Average week $2,000).

## *Judge Shock Proof, But "Elysia" Loses*

CHICAGO, April 9.—Judicial dignity here, it seems, is not readily shocked at nudism. At least Judge David in Superior Court so indicated in a hearing on "Elysia" on which, with evident reluctance, he was forced to deny a writ of mandamus to Master Art Products after Mayor Kelly and Police Commission Allman had put thumbs down on the picture.

Judge David didn't see anything immoral or indecent in "Elysia," but in the course of the trial he took occasion to put Mae West in "I'm No Angel" on the spot. Mae's "C'm up 'n' see me sometime" is repulsive, the judge opined and the courtroom scene where Mae says "How'm I doin', judge?" was pronounced disgusting.

# Studios Give Way to Jungle at Golden Gate

SAN FRANCISCO, April 9.—"Wild Cargo," advertised as a "world premiere" but not, grabbed top money here at the Golden Gate with $16,700, which is $3,700 over average. A wild animal lobby display helped the gross.

Ted Lewis, in person, with "Countess of Monte Cristo" helped the Orpheum to click at $13,000, or $4,000 over normal. Other high ones were the Fox with "Social Register" at $13,000, which is $4,000 up; "Nana" at $11,500 at the United Artists at $3,500 over top, and "George White's Scandals" at the Warfield, grabbing $19,000 for normal business.

It was a most satisfactory week and was rather expected following the lull of Holy Week.

Total first run business was $87,-200. Average is $76,000.

Estimated takings:

**Week Ending April 3**

**"WILD CARGO" (Radio)**
GOLDEN GATE—(2,800), 25c-35c-40c. 7 days. Stage, vaudeville, band. **Gross:** $16,700 (Average $13,000).

**Week Ending April 4**

**"COUNTESS OF MONTE CRISTO" (Univ.)**
ORPHEUM—(3,000), 15c-35c-50c. 7 days. Ted Lewis and band in person. **Gross:** $13,000. (Average, $9,000).

**"WHARF ANGEL" (Para.)**
**"HOLD THAT GIRL" (Fox)**
ST. FRANCIS—(1,400), 15c-25c-35c-40c. 7 days. **Gross:** $4,000. (Average, $6,000).

**"NANA" (U.A.)**
UNITED ARTISTS—(1,200), 25c-40c-50c. 7 days. **Gross:** $11,500. (Average, $8,000).

**"GEORGE WHITE'S SCANDALS" (Fox)**
WARFIELD — (2,700), 25c-35c-55c-65c-90c. 7 days. Stage, band. **Gross:** $19,000. (Average, $19,000).

**Week Ending April 5:**

**"SOCIAL REGISTER" (Col.)**
**"WINE, WOMEN AND SONG" (Chadwick)**
FOX — (4,600), 10c-15c-25c-35c. 7 days. Stage, vaudeville. **Gross:** $13,-000. (Average, $9,000).

**"JIMMY THE GENT" (Warners)**
**"LAZY RIVER" (M-G-M)**
PARAMOUNT — (2,670), 15c-35c-40c-65c. 7 days. **Gross:** $10,000. (Average, $12,000).

## *Weekly Attendance Set at 70 Million*

NEW ORLEANS, April 9.—Seventy millions, of which 11 are children under 14, attended pictures every week, it was declared by speakers before a meeting of the Better Films Council here. Guy C. Brown, local manager for RKO, represented producers and distributors.

Better and cleaner pictures were urged.

## *Equipped in 12 Hours*

NEW ORLEANS, April 9.—One of the fastest sound equipment installations on record was made at the Orpheum here when an old set was ripped out and RCA "High Fidelity" sound installed in 12 hours. Vic Meyers, manager of the house, drafted a crew to turn the trick after engineers told him they couldn't do it under five days.

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8. Remember Donahue & Coe in my prayers—for their advertising campaigns* on "Catherine the Great", "Nana", "Riptide" and "The House of Rothschild."

## DONAHUE & COE, INC.

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An Advertising Agency serving Metro-Goldwyn-Mayer, United Artists, Samuel Goldwyn Productions, 20th Century Pictures and an extensive list of Individual Theatres and Theatre Equipment Accounts.

*We're mighty proud of three forthcoming campaigns just completed on "Viva Villa", "Looking for Trouble" and "Hollywood Party." Want Proofs? We'll gladly send 'em if you say the word. No obligation, of course.

# M. P. T. O. A. Convention Issue

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35, NO. 84 | LOS ANGELES, WEDNESDAY, APRIL 11, 1934 | TEN CENTS


# PREDICTS DIVORCE BETWEEN PRODUCTION AND EXHIBITION

## Rentals Will Soar In '34-35, Is N. Y. View

### *Code Responsible, Hold Sales Executives*

NEW YORK, April 10.—Higher rentals for next season's product loom inevitably in the eyes of sales executives queried here today.

In support of their contention, several pointed to increased negative costs under labor provisions of the code, together with separate and distinct code provisions resulting in increased distribution overhead, such as the 10 per cent cancellation privilege which distributors view as costly.

Some sales representatives declared their companies could not meet operating costs with distribution overhead unchanged from the pre-code era, and ask what may be expected under the NRA. Expectation is that any general

(Continued on Page 2)

## *Secret Parley Links FWC; Is Denied*

NEW YORK, April 10.—A conference he had with Division Administrator Sol A. Rosenblatt over the week-end had nothing to do with FWC, George Skouras stated here today. He added that the meeting was purely social, but from another source it was learned that he was getting the low-down on his work as a member of the advisory committee of the clearance and zoning board for Brooklyn. It was believed that he was acting for Charles Skouras on complaints against FWC on alleged code violations.

Skouras also denied this.

## *Trying to Curb Bad Publicity—Johnston*

The studio publicity committee of the Ass'n of M. P. Producers is making every effort to reduce the flow of adverse publicity out of Hollywood and stands willing to be corrected and aided by showmen in the field. John Leroy Johnston, chairman, told the M. P. T. O. A. convention yesterday.

## Campi Orders Data On Pay, Working Time

### *Questionnaire Out After Statistical Facts*

NEW YORK, April 10.—Campi has sent 200 letters to circuit and exhibitor organization heads asking three questions in regard to a survey now being made relative to the President's request for increased wages and shorter working hours.

Question one asks if there are as many persons employed in the same houses as in 1929. Number two inquires into the wage scale paid to employes in theatres at the present time and asks if salaries are in excess or less than the standard of wage scale paid for the same kind of service in 1929.

(Continued on Page 14)

## Chicago Exchanges Enmeshed in Probe

CHICAGO, April 10.—Local exchanges today were called upon by William Dinnen of the Federal Trade Commission, to surrender to his office copies of certain film contracts with circuits plus copies of correspondence relating to protection agreements.

Exchange and circuit heads are expected to be subpoenaed shortly in this probe, which has been fostered by a new independent group of theatre owners here. The investigation may develop serious aspects.

## *Kuykendall Foresees Day and Envisions Better Times Resulting—Hits Score Charges, Percentages, Film Dirt*

By RED KANN

Scoring "master minds" for their attempts to operate theatres en masse by control from New York, Ed Kuykendall, re-elected president of the M. P. T. O. A., yesterday predicted the "day will soon be here when production and exhibition will be separated entirely," the resultant divorce between these two major arms of the industry will improve quality of pictures and enable exhibitors to make "much constructive progress."

This was the peak point of a lengthy annual address delivered before the opening business session of the exhibitor organization in the auditorium of the Ambassador Theatre. Kuykendall's accounting of his stewardship was the highlight of the day.

Reading from a prepared text from which he did not digress to avoid being "misquoted," the M. P. T. O. A. president reviewed his organization's year, attacked the persistence of major distributors in exacting score charges, their insistence upon film deals for percentages in the brackets which were described as too high for the average exhibitor to survive, praised the code and its future, although conceding the M. P. T. O. A. did not get all it was after, struck at unwarranted dirt in pictures and concluded with a plea for the burial of petty differences.

In substance, Kuykendall traversed ground covered only a few days ago at a semi-annual meeting of the M. P. T. O. A. of Arkansas, Tennessee and Mississippi in Memphis and at the annual convention of the Gulf States Theatre Owners' Ass'n in New Orleans the following day.

The second principal address was the annual report of National Secretary Fred S. Meyer of Milwaukee. Fastening attention on the objectives of Allied States Ass'n, also a national exhibitor body and a rival of the M. P. T. O. A., Meyer drew the conclusion both associations were heading for the same goal, but that it was their route and technique that differed. Quoting the President and a recent utterance of his, the Milwaukee exhibitor leader declared considerably more team work was required to better regulate trade practices.

"What we need is wider vision than our own immediate personal gain,

(Continued on Page 8)

### *More On MPTOA*

**Additional developments on the M.P.T.O.A. convention will be found scattered throughout the pages of this morning's Los Angeles edition of *Motion Picture Daily*.**

**Where to look: Pages 8, 12, 14, 18 and 20.**

## Radio Will Have About 50 On List

NEW YORK, April 10.—Returning today from a five week trip during which time he toured the South and the coast, Jules Levy, general sales manager, stated Radio plans to make about 50 features next season. He conferred with the home office executives this afternoon regarding the sales convention which he expects to take place about the middle part of next June with the city not definitely set as yet.

## *Paramount Held Not Ready As Yet for Reorganization*

NEW YORK, April 10.—Reorganization of Paramount-Publix at this time would jeopardize the favorable financial position achieved by the company's operating subsidiaries in recent months was the belief of a spokesman for the bankruptcy administration of Paramount voiced today. He further declared the company would require protection of trusteeship until all large claims filed against it can be settled.

He said without that protection creditors with claims of more than $200,000,000 against Paramount, still unsettled, could attempt to realize on any and all assets of the company.

It will require six months to settle

(Continued on Page 2)

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MAURICE KANN
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JAMES A. CRON
*Advertising Manager*

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# Price Slashes Induce Battle In Kansas City

KANSAS CITY, April 10.—A glance at the suburban theatre listing in the Kansas City Star on Tuesday of any week furnishes striking indication of the reason why first runs have declared "war" on the neighborhoods.

Practically all of the 41 theatres in the suburban calendar, the great majority of the city's houses, announce cut prices for Tuesday and most of them also on Wednesday. Ten-cent admissions are the rule at the majority of the neighborhoods on these nights, with many double billing, and at some premiums to boot. The normal scale is 15 or 20 cents. Some of the 20-centers shave off only a nickel for the two nights, while others cut the price in half. Theatres which do not tilt for Tuesday and Wednesday usually do on other nights, as a rule Thursday and Friday.

Only two suburbans, both Fox houses, maintain a scale of 25 cents. One of these, the Isis, cuts to 15 cents for Tuesday and Wednesday and double bills, which is a late development at that house. The Plaza, Fox Midwest's de luxe suburban, is the only subsequent which has refused to slash or show more than one feature.

The downtown first runs' war on the suburban contingent has developed into a battle among themselves.

# *Autographs Lure Jolson, But Snarl 'Villa' Debut*

NEW YORK, April 10.—If he were talking to Walter Winchell, Al Jolson could not have blocked traffic at the opening of "Viva Villa" at the Criterion more than he did here tonight when several theatre attaches and other big shots persuaded him to enter the theatre and restrain from responding to autograph seekers.

After blocking the lobby for several minutes, Milton Weiss of the M-G-M publicity department pleaded with Jolson to enter but he refused, stating that he paid $2.20 each for two ducats and would do as he pleased. Weiss, perturbed by the comic's nonchalance, chirped, "Well, if you like the picture so much why don't you sign up with M-G-M." The crack apparently went over Jolson's head until he got tired writing and walked into the theatre with the less publicity inclined celebrities including Adolph Zukor, June Knight, Thomas Meighan, Mae Murray, William Gaxton, Charles Moskowitz, Louis Shurr and Ceila Villa.

The late Pancho's daughter, seeing the picture for the first time, was later prevailed upon by M-G-M executives to sign a contract, but she no speak eenglish. Al Altman later interviewed her without an interpreter and got nowhere.

## *Columbia Shifting Short Reels West*

Columbia has transferred production of the remainder of its one-reeler program here.

Irving Briskin has been placed in charge of the remaining eight films on the schedule, the first two being "Murder Madness" and "Stolen Pearls", from the series of "Minute Mysteries" by H. A. Ripley, appearing in *Liberty*. These go into work next week.

H. C. Bray has been in charge of one-reel production in New York.

## *Signwriters Work Less, Earn More*

NEW YORK, April 10.—A new contract granting theater signwriters a seven hour day at the same wage rate as prevailed for eight hours was signed today between theatres and New York Signwriter's Union, Local 230. The settlement is a compromise of the union demand for a seven hour day with an increase from $13.20 to $14.70 per day. The union retains the right to ask for a 10 per cent increase later and will continue working on a basis of a four day week in order to spread work.

## *Hays Arrives Tonight*

Will H. Hays arrives in Hollywood from New York and Sullivan, Ind., tonight and will attend the dinner which closes the M.P.T.O.A. convention at the Ambassador tomorrow night.

## *Ann Sothern Cast*

Ann Sothern has been signed for the feminine juvenile role in "Here Comes the Groom," a Charles R. Rogers film.

## *Rosenblatt Assumes Added Duties at NRA*

WASHINGTON, April 10.—Rapidly becoming an outstanding figure in the National Recovery Administration, Division Administrator Sol A. Rosenblatt today was put in control service trade codes and, in the near future, may have added to his burdens the banking code, and possibly the textile code.

With the transfer of the service trades, Rosenblatt has under his charge a large number of industries, some of them among the most important in the country. In addition to the film code, with which he started out originally, he now has all the amusement codes, the garment trades and transportation.

Disposition of the banking code has not yet been finally determined, it was said today, but is expected to go to Division Five in the near future. Transfer of the textile code to Rosenblatt is more doubtful.

## *Adler in Weir's Spot*

NEW YORK, April 10.—Bert Adler is reported set to step into the editorial chair of *New Movie* in the next two weeks, taking over the duties formerly performed by the late Hugh Weir.

Johnny Mitchell, western editor for the publication, was tendered an informal luncheon at the Motion Picture Club this afternoon with publicity directors from the leading companies attending. *New Movie* is a Tower Publication.

## *Keith Pfd. Off 2 On Big Board*

NEW YORK, April 10.

| | High | Low | Close | Chg. | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 30½ | 29½ | 30⅛ | +⅝ | 1300 |
| Consolidated Film | 4⅜ | 4⅜ | 4⅜ | +⅛ | 400 |
| Consolidated Film Pfd. | 16 | 16 | 16 | +⅛ | 400 |
| Eastman Kodak | 89¾ | 89 | 89¾ | +¼ | 800 |
| Fox Film | 15¾ | 15⅜ | 15¾ | +¼ | 1600 |
| Keith Pfd. | 28 | 28 | 28 | — 2 | 100 |
| Loew's Inc. | 33½ | 33 | 33⅜ | +⅜ | 8100 |
| Paramount, Cts. | 5¾ | 5⅜ | 5⅝ | +⅛ | 13500 |
| Pathe | 3⅜ | 3⅛ | 3⅜ | +⅛ | 400 |
| Pathe A. | 19½ | 19 | 19 | —⅛ | 700 |
| RKO | 3⅜ | 3¼ | 3¼ | ..... | 600 |
| Universal Pictures | 45 | 44½ | 44½ | —½ | 40 |
| Warner Bros. | 2¾ | 2⅝ | 2⅝ | —⅛ | 200 |

## *Trading Fair In Bond Market*

| | High | Low | Close | Sales |
|---|---|---|---|---|
| General Theatre, 6s '40 | 10⅝ | 10⅛ | 10⅝ | 23 |
| General Theatre, 6s '40 Cts. | 9¼ | 9 | 9 | 24 |
| Keith B. F. 6s '46 | 67 | 67 | 67 | 3 |
| Loew's Inc, 62 '41 | 99¾ | 99½ | 99½ | 25 |
| Par Bdwy. 5½s '51 | 38½ | 38 | 38 | 11 |
| Par F. L., 6s '47 | 51½ | 50½ | 51½ | 2 |
| Par Publix, 5½ s '50 | 52 | 51 | 52 | 6 |
| Warner Bros., 6s '49 | 61⅜ | 61 | 61 | 34 |

# Resent Delays, Writers Seek Say In Code

Writers have their own ideas about the code and yesterday made their attitude clear in a wire dispatched to Division Administrator Sol A. Rosenblatt in Washington urging appointment of representatives from their own ranks under the NRA document.

They envision the whole purpose of the code nullified if its collective bargaining provisions are not made effective promptly.

The wire to Rosenblatt over the signature of the executive board of the Guild, read as follows:

"The new officers and executive board of the Screen Writers' Guild of the Authors' League of America, who have just been elected, find upon taking office that the most pressing problem confronting all screen writers is the appointment of writer representatives under the NRA code. We realize the enormous amount of work which you have had to do both in regard to the motion picture code and other industrial codes coming under your supervision, but we feel you must realize as clearly as we do the unfortunate effect upon every employe in the picture business if the code provisions for collective bargaining are not made effective promptly.

"After all these months any further delay can only nullify the whole purpose of the code in relation to collective bargaining.

"May we not have by return wire collect some definite date on which you will make the appointments of writer representatives."

## *Hold Paramount Not Ready to Reorganize*

(Continued from Page 1)

the remaining claims and until then it is held unlikely any reorganization plan will be submitted for approval of creditors and the Federal court.

The reorganization plan being developed gradually by bondholder creditors of the Kuhn, Loeb sponsored protective committee cannot take final form until these claims are out of the way, giving definite knowledge of what Paramount's liabilities are or will be, according to this same spokesman.

## *Expect Rentals Will Clamber for 1934-35*

(Continued from Page 1)

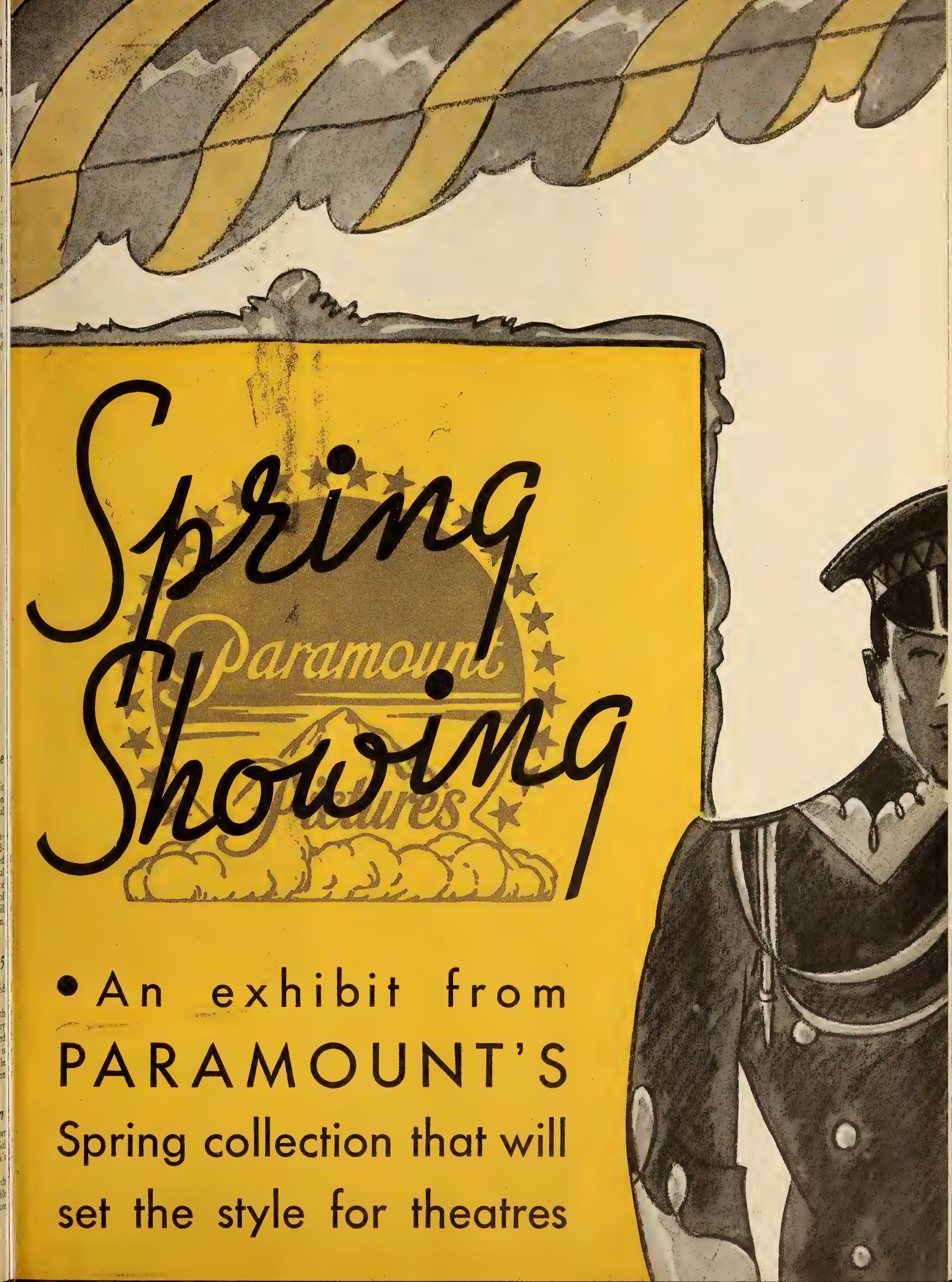
rental increases will go hand in hand with admission boosts.

Some local exhibitors agree with distributors that industrial recovery is fairly general in key sectors and that, with further improvement it is anticipated theatre patronage will be able to absorb increased admission prices by fall.

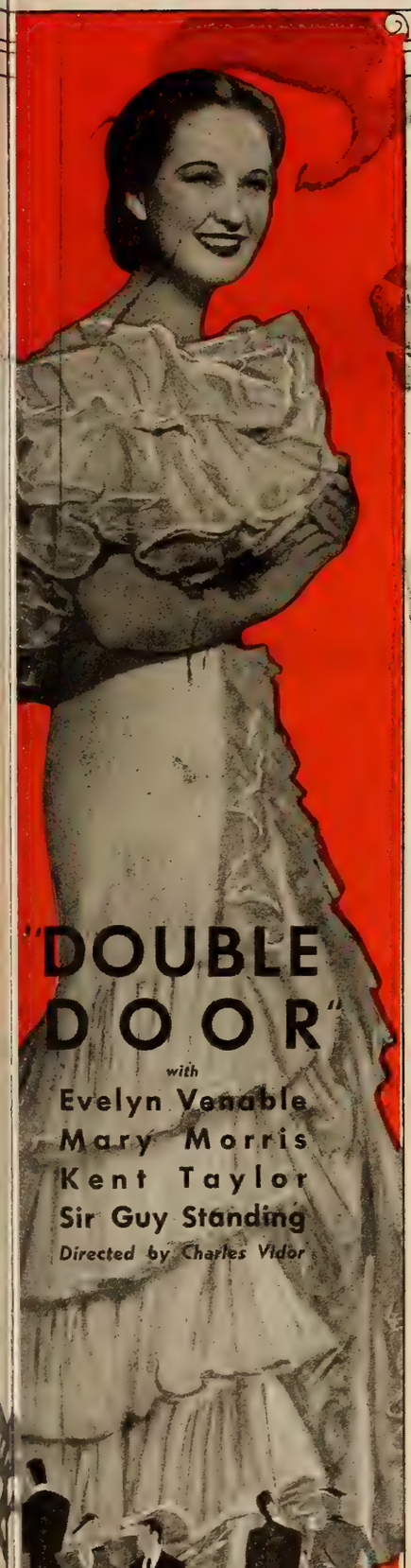
## *Starts "Bad Boy" Soon*

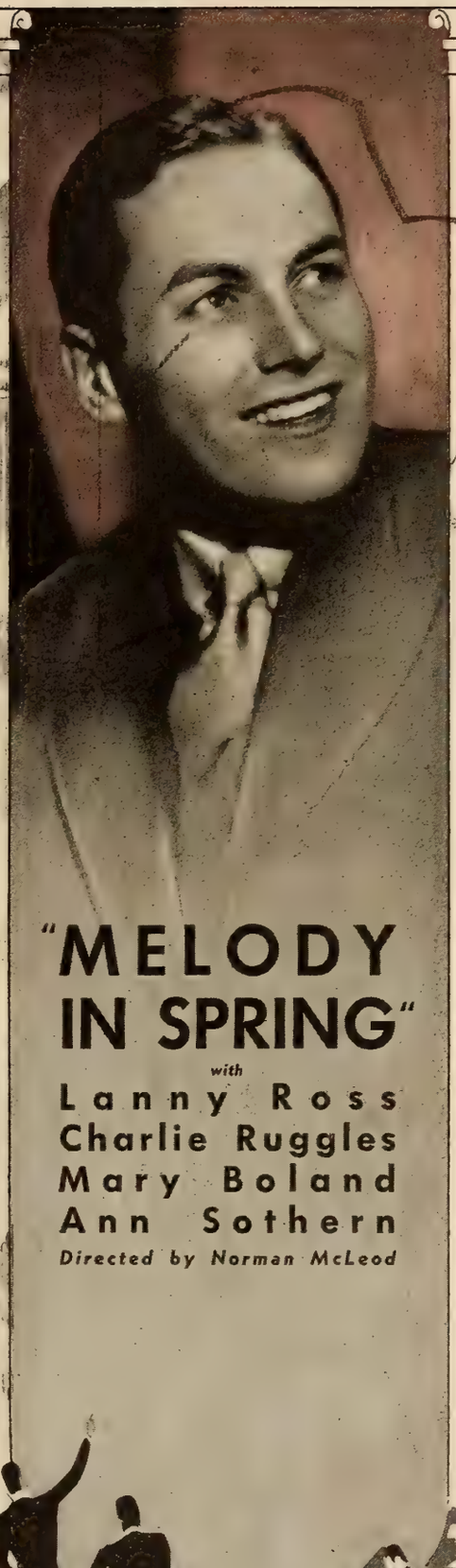
With availability of Jackie Cooper promised May 15 by M-G-M, Sol Lesser will start production of "Peck's Bad Boy," around May 20.

Lesser was set to start around March 1, but set back his plan to enable M-G-M to use Jackie in "Treasure Island."


Spring
Showing
Paramount
Pictures
• An exhibit from
PARAMOUNT'S
Spring collection that will
set the style for theatres

W. C. FIELDS
in "YOU'RE TELLING ME"
with
Larry "Buster" Crabbe
Joan Marsh
Adrienne Ames
Directed by Erle C. Kenton
GEORGE RAFT
in "The TRUMPET BLOWS" with
ADOLPHE MENJOU
and Frances Drake
Directed by Stephen Roberts


"DOUBLE DOOR"
with
Evelyn Venable
Mary Morris
Kent Taylor
Sir Guy Standing
Directed by Charles Vidor


"MELODY IN SPRING"
with
Lanny Ross
Charlie Ruggles
Mary Boland
Ann Sothern
Directed by Norman McLeod

"WE'RE NOT DRESSING"
with
BING CROSBY
Carole Lombard
George Burns & Gracie Allen
Ethel Merman & Leon Errol
Directed by Norman Taurog

Earl Carroll's
"MURDER AT THE VANITIES"
with the
Most Beautiful Girls in the World and
Carl Brisson Victor McLaglen
Jack Oakie Kitty Carlisle
& Duke Ellington & Band
Directed by Mitchell Leisen
Damon Runyon's
"HALF-WAY DECENT"
with
Adolphe Menjou
Dorothy Dell
Charles Bickford
Shirley Temple
Directed by Alexander Hall
A B. P. Schulberg
Production
SYLVIA SIDNEY
in
"THIRTY-DAY PRINCESS"
with
CARY GRANT
Directed by Marion Gering
A B. P. Schulberg
Production

# MAE WEST
in
# "IT AIN'T NO SIN"

with Roger Pryor
John Mack Brown
Duke Ellington & Band
*Directed by Leo McCarey*

Augustus Thomas'
# "The WITCHING HOUR"

with
Sir Guy Standing
John Halliday
Judith Allen • Tom Brown
*Directed by Henry Hathaway*

# Registers Dirty Pictures Protest

## Family Type Is Necessary, Says MPTOA

(Continued from Page 1)

an attitude that shows the willingness to work together so that the benefits derived by all will be but a reflection of the benefits secured by the individual," he averred at one point.

Readily conceding that the M. P. T. O. A. had not been successful in reaching its maximum objective, Meyer, nevertheless, declared its record proved progress had been made. As evidence, he cited the inclusion of the 10 per cent cancellation clause in the code, designed to benefit exhibitors on rentals of $250 and less as of Dec. 7, and stated this concession, fought by major distributors in Washington, had given birth at the insistence of the M. P. T. O. A.

Running only 15 minutes behind the announced schedule, the convention opened with approximately 175 in attendance. At the dais were Ben Berinstein of California, Edgar G. Levy of Connecticut, M. E. Comerford of Pennsylvania, Walter Vincent of New York, Fred Wehrenberg of Missouri, Jack Miller of Illinois, Kuykendall and Meyer.

Fastening direct attention to a subject rife in the minds of many M. P. T. O. A. men was a banner suspended over the presidential chair calling upon Hollywood to make more pictures suitable for the entire family, while on the extreme right was another addressed to directors and reading:

**"If you would put as much thought and energy back of family type pictures as you do sophisticated pictures, box-office appeal would be greater."**

Mayor Frank K. Shaw of Los Angeles made the address of welcome, at one juncture pointing out the industry had spent $135,000,000 and had employed 30,000 people in California last year. Colonel Carlos Huntington, representing Governor Rolph, followed with an official welcome to the Golden State and M. A. Lightman, past president of the exhibitor body, made the retort courteous.

Introduced by Comerford, Meyer offered a resolution calling upon the exhibitor group to register its endorsement of the recovery campaign instituted by the President and now operating under various assortment of alphabet bureaus. The resolution was passed unanimously before Meyer's original idea of turning it over to the resolution committee had a chance.

Aside from the Kuykendall and Meyer addresses, the procedure was routine. Seven committees were named to hear individual complaints, if any, and to settle them in various committee rooms around the Ambassador without bringing them into the convention floor, if possible.

Yesterday afternoon, the visitors were entertained at the Warner studio where lunch was served and "Twenty Million Sweethearts" screened.

Meetings slated to be held by various committees and an announced session of the board of directors failed to jell, the directors deferring their private confabbing until this morning.

In the evening, it was Carl Laemmle who turned host at Universal City where a "hoedown" dance was staged, trimmings full and complete.

Thereafter, the delegates were on their own until the second session gets going at 10:30 o'clock this morning. At least, that is the planned hour, but since no exhibitor convention in the past is known to have started on time, there is no reason to believe this one will break a record of many years' standing.


### *If In Doubt Where To Go Give M. P. Daily A Jingle*

**Southern California, Hollywood and its environs, are among the world's scenic beauty spots. Beverly Hills, home of the stars; Santa Monica Bay beaches, Pasadena, Mt. Lowe, Mt. Wilson, Mulholland Drive, the Ridge Route, Rim of the World Drive, Lake Arrowhead, Catalina, Griffith Park, the old missions at San Gabriel, San Fernando and Capistrano, Olympic coliseum, University of Southern California, California "Tech" and University of California at Los Angeles are only a few of the many famous centers of interest.**

***MOTION PICTURE DAILY'S* Hollywood Bureau is at the service of M. P. T. O. A. delegates who contemplate side trips. All that's necessary by way of information and advice is to pick up a telephone and call**

***GRanite 2145***


## *Majors Combine On Party for Tonight*

After weeks of careful preparation in which all the major studios have participated, tonight's party at M-G-M will be one that every delegate of the M. P. T. O. A. convention should remember for a long time if all the promises are carried out.

In true showmanship fashion, forgetting all the rules of convention, they have titled the event "A Night in Hollywood" where one can dance, eat and be entertained by a program that would be next to impossible to duplicate on any other stage. It will be a Hollywood welcome to exhibitors who last gathered in filmland for their convention in 1926.

Louis B. Mayer will make the welcoming speech, to be followed by a response from Ed Kuykendall, re-elected chief of the exhibitors' group, and the introduction of acts will be by Pete Smith.

The cast of the show will include: Wheeler and Woolsey, the Busby Berkeley revue, Jeanette MacDonald, Mitchell and Durante, Charlie Murray and George Sidney, Dorothy Lee, Burns and Allen, Walter Catlett, the Albertina Rasch ballet, Stepin Fetchit, Dick Powell, Joe Morrison, Phil Regan, Irene Franklin, Ann Sothern, Dorothy Dell, Ben Bernie and Harry Jackson's orchestra.

## *Berinstein Slipped*

Ben Berinstein, in charge of the exhibitor convention detail, got his letters mixed in outlining forthcoming entertainment to the group yesterday.

"Tonight," said he, "you will be entertained by a lowdown dance at Universal.

It happened it was a "hoedown" dance.

## *Griffin May Draw ITOA Labor Tussle*

WASHINGTON, April 10.—Although no decision has yet been made as to the Recovery Administration's representation in the I. T. O. A. labor case in the Court of Appeals at Albany next week, it is possible that Walter Griffin, who appeared in the Congress Theatre case in New Jersey, will handle the matter.

NEW YORK, April 10.—The I. T. O. A. labor case, already heard before several various labor boards functioning under the NRA, may have a national bearing on the theatre labor situation.

Briefly, it involves this independent theatre organization and Local 306 of the I. A. T. S. E. which is affiliated with the American Federation of Labor.

Milton C. Weisman, attorney for I. T. O. A., has declared he will fight for his members' rights up the line to the U. S. Supreme Court if necessary. The NRA, on the other hand, is considering a suit to defend the film code, terms of which the I. T. O. A. has protested.

NEW YORK, April 10.—Directors of I. T. O. A. conferred today on the setups of the local grievance and clearance and zoning boards, but took no action. Another meeting will be held later in the week. It was admitted that, because individual members had not signed the code, nothing could be done about filing grievances and protests on schedules for clearance and zoning. Other angles of the situation are scheduled to come up Wednesday at a general meeting of I. T. O. A. at the Astor.

## *Exhibitors Now In Their Own Trailers*

Out of its headquarters at the Ambassador, National Screen Service, trailer company, is taking on exhibitors, all and sundry and sound-tracking for them footage describing their experiences in Hollywood for ultimate theatre consumption.

The idea is to have the local operator eventually talk to his public from the screen of his own house, outlining what forthcoming product from the studios looks like.

## 7 Committees Will Handle MPTO Detail

Ed Kuykendall, M. P. T. O. A. president, yesterday named seven committees which will do the road work for the convention.

The personnel:

*NRA Code Trade Practices*: Fred S. Meyer, Wisconsin, chairman; R. M. Clark, Oklahoma; Morgan A. Walsh, California; William Benton, Ithaca, N. Y.; Walter Immerman, Chicago, Ill.; Roy Walker, Lampasas, Tex., and Abe E. Lichtman, Washington, D. C. Originally named to this committee, but now off it: Robert B. Wilby, Georgia; Edwin Silverman, Illinois; George P. Aarons, Pennsylvania.

This committee will meet from 5:30 to 7 P. M. daily in the Indian Room, Hotel Ambassador.

*Grievances*: Jules H. Michael, Buffalo, N. Y.; Nat M. Williams, Georgia; H. W. Harvey, California; Sidney B. Lust, Washington, D. C.; and C. W. Trampe, Wisconsin. Trampe is an addition.

Meets from 5:30 to 7 P. M. daily in Room 685, Hotel Ambassador.

*Resolutions*: Edward G. Levy, Connecticut; Oscar C. Lam, Georgia; Ed. M. Fay, Rhode Island; Harry Hicks, California; M. A. Lightman, Tennessee; A. C. Gutenberg, Wisconsin; Walter Griffith, North Carolina; E. O. Kadane, Oklahoma. Gutenberg, Griffith and Kadane are additions.

This committee will meet daily from 5:30 to 7 P. M. in Room 377, Hotel Ambassador.

*Credentials and Rules*: M. E. Comerford, Pennsylvania; James J. McGuiness, Massachusetts; Benjamin Pitts, Pennsylvania; Charles E. Williams, Nebraska; and A. F. Baker, Kansas.

This committee will meet daily from 5:30 to 7 P. M. in Room 312, Hotel Ambassador.

*Public Relations and Community Affairs*: Fred Wehrenberg, Missouri; Nat M. Williams, Georgia; W. L. Ainsworth, Wisconsin; W. S. Butterfield, Michigan; Sidney B. Lust, Washington, D. C.; and W. P. Moran, Oklahoma. Moran is an addition.

This committee will meet daily from 5:30 to 7 P. M. in Room 409, Hotel Ambassador.

*Legislation*: M. A. Lightman, Tennessee; M. E. Comerford, Pennsylvania; Robert B. Wilby, Georgia; W. H. Lollier, California; B. K. Fischer, Wisconsin; J. E. Loth, Virginia; and Max Tabackman, Connecticut. Fischer, Loth and Tabackman are additions. This committee will meet daily from 5:30 to 7 P. M. in Room 478, Hotel Ambassador.

*NRA Code Labor Practices*: Jack Miller, Illinois; A. D. Kvool, Wisconsin; Love B. Harrell, Georgia; Walter Vincent, New York; L. L. Harnon, California. Originally on this committee but not now: George Fischer, Wisconsin; L. S. Hamm, San Francisco; Louis Ansell, Missouri.

This committee will meet daily from 5:30 to 7 P. M. in Bungalow No. 2, Hotel Ambassador grounds.

# you can tell him by his

# SMILE

The delegate who has booked FOX product is having a great time. Carefree, untroubled...he knows that pictures like "Carolina," "David Harum," "George White's Scandals," and "Bottoms Up" are packing them in while he's at the Convention.

## but that's not all . .

# WHEN YOU

**You'll see what FOX was producing while you were convening...an outstanding line-up...even for FOX. You'll be glad to be home in time to take the bows from your audiences for showing these star-spangled, entertainment-packed pictures.**

*As Big as the Love of All the World!*

## ALL MEN ARE ENEMIES

**HUGH WILLIAMS, HELEN TWELVETREES, MONA BARRIE, Herbert Mundin, Una O'Connor, Halliwell Hobbes, Henry Stephenson. From Richard Aldington's international best seller. Directed by George Fitzmaurice.**

*Scotland Yard follows a trail of blood into the fatal Caroni swamp*

## MURDER IN TRINIDAD

**NIGEL BRUCE, HEATHER ANGEL, VICTOR JORY. From the novel by John W. Vandercock. Directed by Louis King.**

*As your Patrons Like Him Best!*

## WARNER BAXTER

*starring in*

## TOO MANY WOMEN

**ROSEMARY AMES, ROCHELLE HUDSON, MONA BARRIE, HERBERT MUNDIN, HENRIETTA CROSMAN. From the story "Odd Thursday" by Vera Caspary. Directed by James Flood.**

*Night club sirens and weather-beaten sourdoughs race for riches in the 1934 gold stampede*

## WILD GOLD

**JOHN BOLES, CLAIRE TREVOR, HARRY GREEN, Roger Imhof, Ruth Gillette, Monroe Owsley. Directed by George Marshall.**

# GET BACK..

*Reunited!*

**JANET GAYNOR CHARLES FARRELL**

## CHANGE OF HEART

**JAMES DUNN, GINGER ROGERS. From the novel "Manhattan Love Song" by Kathleen Norris. Directed by John C. Blystone.**

*Eight-month Broadway comedy smash of a young man whose fancy lightly turned to plain and fancy love*

## SPRINGTIME FOR HENRY

**OTTO KRUGER, NANCY CARROLL, NIGEL BRUCE, HEATHER ANGEL, HERBERT MUNDIN. From the hit play by Benn W. Levy. Directed by Frank Tuttle.**

*Racing hearts and pounding hoofs in the fastest and merriest horse race thriller ever screened*

## CALL IT LUCK

**"PAT" PATERSON, Charles Starrett, Herbert Mundin, Directed by George Marshall.**

*Gripping inside drama of New York super-gamblers where the winner stands to lose his life*

**SPENCER TRACY**

*in*

## NOW I'LL TELL

**by MRS. ARNOLD ROTHSTEIN**

**with HELEN TWELVETREES, ALICE FAYE. Directed by Edwin Burke**

and the hit of hits!

## STAND UP AND CHEER!

FOX

THE SHOW OF 1,001 SURPRISES

# Attacks Scores and Percentages

## Highlights Of Kuykendall's Annual Report

*Highlight excerpts from the annual address of President Ed Kuykendall, delivered at the first business session of the M.P.T.O.A. yesterday:*

"First I shall discuss the problems of the so-called small town exhibitor, meaning those who operate theatres in towns of 30,000 or less. As I see it this class of exhibitors have the most difficult problems in the industry and are called upon more than any other class for personal contacts and activities that the larger cities do not have. The small town exhibitor is the 'shock absorber' of this industry. He must keep personal contact with his patrons. He must be an integral part of the community life. His theatre is the meeting place of the community.

**"A definite position must be taken in politics. In this manner the respect of both sides is secured. Fence riding never obtained any benefits, as neither side has any respect for a person of this type.**

"During the past year many hundreds of additional exhibitors have adopted definite public relations plans for adjusting their programs to the needs of children. They have taken advantage of the tie-up possibilities afforded by the constructive interests of organized groups of women, librarians, teachers, etc. These groups are our natural friends. I have found them everywhere eager to co-operate with the theatre management along the lines of 'Family Nights' and productions of recognized artistic and educational value.

"Personality more than any one factor counts in the theatre operations of today; therefore the individual theatre manager owes it to himself and this industry to take full advantage of it. Theatres in all the states cannot be operated today by one master mind in New York; each community calls for special treatment. The theatre cannot be made into a machine, (it is not that kind of business); therefore the theatre manager each year is given more authority in the individual operation of his theatre. This applies whether it be one theatre or 100. Those gentlemen who have wasted so much money the past few years in acquiring theatres in large numbers realize this more than anyone else. This is proved by the fact that theatres that have been losing money for years under group operations have been operated at a profit, even during the past depressed conditions, under personal management. Then, too, theatre operations must be separated as far as possible from the production end of this industry. The two do not go together; they unconsciously influence each other to the detriment of both if allowed to operate together under one guiding influence.

**"I predict the day will soon be here when production and exhibition will be separated entirely. This separation will improve the quality of pictures and enable us to make much constructive progress.**

"The exhibitor should keep himself informed as to what is going on in the moving picture industry at all times. He cannot be efficient if he fails in this. He cannot operate his theatre to the best advantage unless he knows what his fellow exhibitor is doing elsewhere and what the general trend of the industry is. This cannot be picked up over night. It is only acquired by continual observation, and the only way this can be done is by continual reading of the trade papers. They carry the story, day by day, week by week. I am not financially interested in any trade paper; I try to aid and abet them in any way possible because they are a tremendous factor in this industry. They were particularly helpful at the Washington code hearings; they kept the contact between all phases of this industry. Read the trade papers.

"We shall be confronted with many problems the coming year. The sentiment is growing in many states to place additional taxes upon us. This must be combatted by having a completely organized unit in every state; the members must sustain the local organization; they must contribute their time and money; and in turn we must have a strong national organization. Much thought must be given to this problem that we as an industry not be discriminated against in taxes or regulation. We are entitled to that, and nothing less.

"One of the greatest handicaps imposed upon the motion picture industry in its relation with the public has been the constant bickering between the exhibitor, the retailer and the distributor, the wholesaler. In no other business of comparable size does this exist. It is doubtful if any other business could have survived this constant friction. There is always the normal difference of viewpoint between the buyer who wants to get the product at the lowest possible price, and the seller who wants to get the highest possible price for his product. Then there is the everlasting battle over who shall have the product at any cost. But it is time every sensible person in this industry realized that the general interest of the industry is the common interest of all.

"There is one organization now in existence, though its membership is dwindling, whose leaders are mostly professional organizers who have no theatre interests and depend solely on the misfortunes of the small exhibitor for their existence. This organization capitalized on the code and took thousands of dollars from exhibitors everywhere for which they gave nothing.

"There is one problem which is a vital one to the exhibitors of this country. It is the proper and equitable method by which percentage pictures are to be contracted for. There is no question in my mind but that percentage contracts are here and are becoming more prevalent every year. However, the matter as to whether we have percentage contracts or not is not so important as the amount of the percentage. It is rapidly working itself into the position of ruining the exhibitor.

"I know of many instances where the percentage has been 35 percent; and the shorts, because of poor business, amounted to another 10 percent; and the score another 5 percent, making the cost of film 50 percent. This is on ordinary pictures; I am not referring to the ones they make us pay 50 percent for plus the shorts and score. This is manifestly unfair. The distributor has much to say about a partnership on percentage contracts but immediately forgets the partnership by unreasonable demands. I say in all sincerity the distributor should furnish the entire program shorts, score, and all when he plays percentage. The average exhibitor cannot stay in business and pay as film rental 50 percent of the gross. Percentages, where fair and equitable, are the solution to many differences as to what a product is worth and give both parties an even break. There must come about a fairer, more equitable understanding as to percentages.

**"The score charge is an unfair trade practice. It has no place as based on fairness. I consider it a racket in every sense of the word. It is just as fair to charge additional rental for an extra art title or for the rental of a piano used in a musical. Without the score the film has no value; the distributor could not fulfill his contract without supplying both the print and the score. One is of no value without the other. I shall always resent the score charge and continue to try to find some way to eliminate it.**

"I will not attempt to cover the code in detail, others will do this, but I cannot refrain from mentioning one or two things that are most vital to theatre owners. Overbuying to deprive others of service, this is a most important provision, but one that has two angles. It must not be abused one way or the other. It was not included in the code to make someone give that service which he has under contract to someone else but to prevent anyone from buying more than he has normal dates for, for the purpose of depriving others of service.

"I have received a large number of letters and wires concerning the 10 percent cancellation clause wherein exhibitors claim that such and such distributor will not consent to this cancellation. In many instances, I find the exhibitor wrong because he has not done one of the things required to get this cancellation; namely: failed to contract for all the service offered, is delinquent in play dates as designated in the contract, etc. If you have complied with your contract, you are entitled to the 10 percent cancellation as of Dec. 7 on all rentals of $250 or less, and Code Authority so placed itself on record last week.

"We, as an organization, have always felt that there should be complete separation of shorts and features in the selling of same. We shall always feel that way. The clause in the code covering this is a compromise, and was secured by the M. P. T. O. A. It is not all we had hoped for but offers some relief.

"The grievance and clearance and zoning committees will iron out many of our unfair trade practises. The personnel was picked because of their understanding of the problems involved and their character and general reputation in their respective centers. Each one must be fair regardless of the interests they represent. To be unfair would bring removal from the boards as appointments are made 'at will.' Then there will be the impartial government representative. Anyone coming before these boards is assured a fair hearing, and even then if he doesn't feel that he has been treated fairly, he can take it to the code authority itself and even on to the President of these United States.

### He Spoke

**Ed Kuykendall, national M. P. T. O. A. president, who delivered an account of his stewardship at the opening business session of the convention yesterday.**

## Urges Hurling Aside "Little", Puny Bickers

"The members of the Code Authority are serving without compensation. They are busy men; some of them have the responsibility of tremendous investments in their hands. I have found every one of them sincere in their desire to render the service assigned to them by the President of the United States, who appointed them. Their task is no easy one at best but is doubly harder when irresponsibles and others continually try by criticism and other methods to discredit them and create lack of confidence in the Code.

"This organization has no quarrel with organized labor. We realize and appreciate the necessity of the man or woman who works for so much a day or month to earn more than enough to buy the bare necessities of life. We know that if you make the great working people of this country prosperous, whether they wear a white collar or overall, that then and then only will we have a prosperous business condition. But labor must be fair to us; we will fight to the last ditch any effort to force on us that which is unfair. The labor clause in the code is also a compromise from both sides. I am hopeful that there will be industrial peace and that the rumors I hear indicating that the I.A.T.S.E. is trying to, through its agents, force their contracts in towns that did not have contracts as of August 23 are untrue. That is not the way to do it.

**"I cannot refrain from speaking our protest as to the many little indecencies that are allowed to creep into pictures in increasing numbers of late. Most of them have nothing to do with the continuity and are in many instances plain, crude, ordinary vulgarity. They are doing us tremendous damage with the sane thinking decent men and women who patronize our theatres. It is not so much the regular so called sex pictures that do us damage; it is the vulgar sayings and scenes that are injected into what the public has reason to believe is wholesome entertainment.**

"It is not the function of the screen to moralize, but we must adhere to the fundamentals of common decency. How can those that are responsible for these things justify their actions? Injecting obscenities into what otherwise might be a clean picture must be stopped. We owe it to our patrons and to this industry to use every means possible to bring this about.

"Suggestive advertising is doing untold harm to this industry, and, in most instances, it is about pictures that are not in any way suggestive. We are measured more by our advertising than in any other way by those outside of our Industry. There is a vast difference in artistic advertising, with beautiful figures of semi-nude girls, and plain suggestiveness. There are too many legitimate ways to advertise to justify unwholesome publicity, such as Screen trailers, newspapers, and billboards—frank truthful advertising is the only kind that pays in the long run.

"Radio broadcasting has given us much to think about of late; it has been getting out of its regular function. Broadcasts by nationally established stars, in halls and theatres to which the public was admitted free, was becoming a menace. I am among those that think broadcasting increases the popularity of Stars and increases their box office value. I believe that radio and the screen have much in common, but the giving of broadcasts at which the public in large numbers is admitted free is unfair. I feel that this has been overcome by agreement with radio authorities.

"Double and triple features, two for ones, give-aways, and various prem-

(Continued on Page 14)

# Drawing Them In

by Gosh

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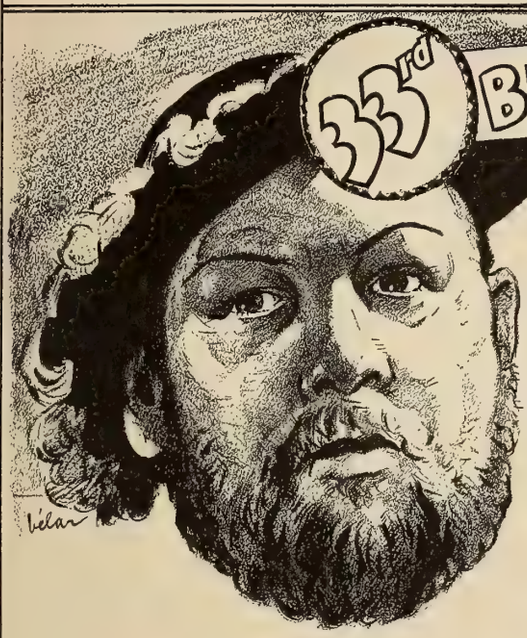



"HENRY THE EIGHTH" WONDER OF THE WORLD! IT WORLD-PREMIERED IN A CITY OF MORE THAN 2,500,000 AND IS STILL RUNNING THERE TO CAPACITY CROWDS AFTER 33 WEEKS! WHERE?

NOT ONE OF THE MILLIONS WHO HAVE SEEN

"BROADWAY THRU A KEYHOLE"

HAVE EVER SEEN BROADWAY THROUGH A KEYHOLE!

ALTHOUGH SIX WORLD-FAMOUS ARTISTS DREW THE SENSATIONAL AD CAMPAIGN FOR "GALLANT LADY" ANN HARDING — WHO IS *NOT* AN ARTIST — OUTDREW THEM ALL!

"ROMAN SCANDALS"

BROKE MORE RECORDS THAN THE WORLD'S LARGEST PHONOGRAPH COMPANY ....AND THEY'VE BROKEN PLENTY!

(Waxing Facetious)

FREDRIC MARCH PLAYS A DUEL ROLE IN "THE FIREBRAND"

YET HE PLAYS ONLY ONE PART!

(Oh, so you know how to spell?)

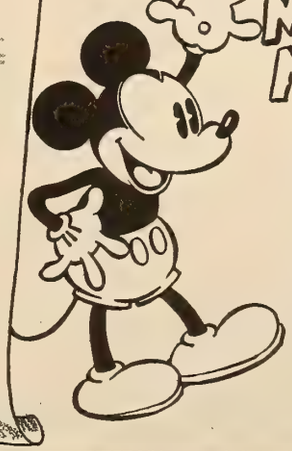
UNITED ARTISTS

THE HOUSE OF ROTHSCHILD
NANA
HENRY THE EIGHTH
GALLANT LADY
THE BOWERY
BROADWAY THRU A KEYHOLE

PALOOKA
THE MASQUERADER
CATHERINE THE GREAT
MOULIN ROUGE
ROMAN SCANDALS
LOOKING FOR TROUBLE
SILLY SYMPHONIES

ANSWER TO YESTERDAY'S PUZZLER:

ALL WALT DISNEY'S SILLY SYMPHONIES ARE "PRESENTED BY MICKEY MOUSE"



WHO HAS, OF COURSE, NEVER SEEN ONE!

(But try and find Anyone else who hasn't)

# Hits Allied; Scouts Subsidy Talk

## Meyer Scores Rival Ass'n; In Amity Plea

Admitting on the one hand that the objectives of the two national exhibitor organizations, M. P. T. O. A. and Allied, are identical although the roads differ, Fred S. Meyer, national secretary of M. P. T. O. A., on the other, yesterday took a poke at the competitive exhibitor body and decried charges that his own association was subsidized.

Appearing as one of the two major speakers at the first business session of the convention yesterday, Meyer stressed the need for greater cooperation in theatre ranks and pointed out the danger that lurked from adverse legislation unless the showmen front was substantially fortified.

He said in part:

"We make no bones about the fact that we accept in our ranks as members affiliated theatres, whose dues are exactly the same as any exhibitor operating a single theatre. Because of this we have many times been accused of subsidy. Personally, if I thought that such a move would bring about closer relations, a better understanding of one another's problems and more harmony, then I would advocate to this Convention that in our regional state units we also take into our ranks the branch managers, because in matters of legislation, trades practices and local problems, our interests are identical.

"It seems to me that there is a great need for a bigger and stronger M. P. T. O. A. if for no other reason than to exchange experiences between regional organizations and their efforts to combat discriminatory and unjust legislation and taxation directed against the theatre.

"Many who are here today will recall Sydney Samuelson's address at Atlantic City a year and a half ago when he got up and said, 'I am for the independent exhibitor' and M. A. Lightman who succeeded him as the next speaker said, 'I am for the industry as a whole.' It seems to me that this best sums up in the fewest possible words the seeming wide divergence of opinion between M. P. T. O. A. and Allied. When you get right down to it, we are both headed toward the same goal. It reminds me of the conversation between the Priest and the Rabbi in the ever-famous 'Abie's Irish Rose.' 'We are all headed toward one goal, only our roads differ.'

"M. P. T. O. A. has not at any time used, by subterfuge or otherwise, the code as a membership campaign nor for the collection of any fund, in the face of Allied propaganda when they told exhibitors not to sign the Code (I am referring to the blanket code) and that the theatre owners could not and would not be involved in a code in any way, shape or form. In the face of this glaring example of misadvice, M. P. T. O. A. was imbued solely with the spirit of rendering a consistent service to the industry as a whole and to our Government.

"M.P.T.O.A. through its code committee takes full credit for the elimination clause. It isn't what we wanted, but it is better than nothing at all. In fact, a great majority of the reforms now embodied in the code were first adopted by M. P. T. O. A. in executive session at Chicago at a time the country was told that theatres did not come under the provisions of the National Industrial Recovery Act.

"M. P. T. O. A. has taken the initiative, and it is now up to this convention to actually say what is an unfair trades practice. Price fixing under an N.R.A. code was upheld by Federal Judge Knox in New York 10 days ago. The judge ruled that the Federal government is entitled under the National Industrial Recovery Act to restrain a cleaner from charging rates for cleaning lower than those provided under the dyers and cleaners code. In rendering this decision the Judge stated, 'I know full well that it may be a distinct step beyond the boundaries which in peace times have been set to circumscribe the powers of Congress. If the defendant be permitted to continue this unfair trades practice, this will contribute to the frustration of the purposes of the National Industrial Recovery Act. In this industry profits are dependent largely upon volume of business. With due recognition for equivalence in quality of work and general type of service, the volume of the business depends largely upon price and it will go to the establishment which charges the lowest prices.'

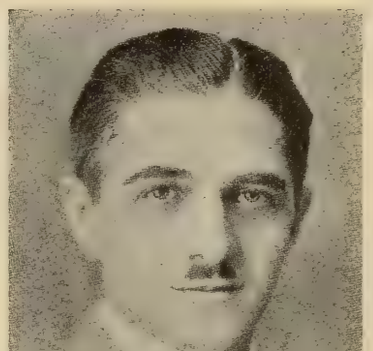
"According to newspaper reports the National Industrial Recovery Act and the Dyers and Cleaners Code were attacked on every possible legal constitutional ground. It is of great importance that the Government has been upheld on its first appearance in court on a clean cut issue involving the aim of national recovery. Irrespective of how the Supreme Court may ultimately rule on this matter of price-fixing, the fact remains that if our industry is to survive, unfair trades practices must be eliminated. And in this respect the code as it stands now, in my humble opinion, does not go far enough in its definition of what are unfair trades practices.

"Ours is not only the right but the solemn duty to regulate trades practices, but we've got to start at the top. There is no such thing as 'The king can do no wrong.' The little fellow who may only have $2500 invested has as much at stake as the million dollar first run structure, whether independently operated or producer controlled. M. P. T. O. A. has taken the leadership in advocating a code of fair competition.

"I know of no better way of concluding my report than by closing with what President Roosevelt said, 'I have no expectation of making a hit every time I come up to bat. What I seek is the highest possible batting average—not for myself but for the team.'

"That is the spirit we need in OUR business—the highest possible batting average not only for the M. P. T. O. A. but for the team, the industry as a whole. What we need is more team work, wider vision than our own immediate personal gain, an attitude that shows a willingness to work together so that the benefits derived by all will be but a reflection of the benefits secured by the individual."

### Another Speaker



**Fred S. Meyer, national M. P. T. O. A. secretary, who delivered his annual report to the convention yesterday.**

## Kuykendall Opposes Scores, Percentages

(Continued from Page 12)

ium plans are cheapening and tend to promote indifference on the part of our patrons. A poll of the various organizations, such as women's clubs, prove that these women do not appreciate double bills; they prefer variety of quality, rather than cheap quantity. If we can give two or three features for 25 cents the public wonders why we should get over a nickel for one feature. Long drawn out programs of two or more features wear out the patrons and make them tire of the theatre. This is a highly controversial subject; I am merely expressing my opinion. It must be worked out by the exhibitors involved. Many insist they have to run double features to keep open; I doubt this. I am convinced that the average theatre patron wants quality, not quantity.

"We as an organization sincerely hope that the number of stars who allow themselves to become involved in scandal and sensational episodes will become less and less as time goes on. They owe it to this industry from which they derive a living to see to it that happenings that reflect discredit upon the entire industry do not get into the papers. This is particularly harmful in the smaller communities and helps in creating thought for censorship even though it may be in the private life of the star involved.

"Let us throw aside petty personalities, forget little politics, and work together, every man and woman of us, that we may look into the sun, demand and receive recognition as an essential business that we may prosper together, all of us."

## Dodges NRA Order, Theatre Strike On

NEW YORK, April 10.—Local 118 of the New York Ushers and Cleaners Union declared strike today on the Tivoli, Brooklyn, which refused to comply with the NRA regional labor board order of last week to reinstate an employe allegedly discharged for union activities.

The theatre responded to this order by laying off another employe, which has forced the union to walk until both are reinstated. The same local said five other complaints were filed with the Regional Labor Board and now are charging the RKO theatre with working cleaners in excess of the code hours.

## Doubling in Brass

PORTLAND, April 10.—Although Ruth Doyle, former secretary Film Board of Trade here, as accepted appointment as secretary to the local clearance and grievance boards, she will continue to act as secretary and treasurer for the Oregon exhibitor organization.

## Independents Endorse Move Versus Blocks

KANSAS CITY, April 9.—Independent Theatre Owners of Greater Kansas City have approved the principle of the Patman anti-block booking bill, but refused outright endorsement since it is tied in with another measure by Congressman Patman to establish Federal censorship and regulation of the industry.

Exhibitors are divided, but many agreed with the report of a committee, advising with counsel, that while a ban on block booking was desirable, the bills were fraught with many dangers. When the Brookhart bill was being debated the local organization campaigned for its passage.

The I. T. O. has launched a drive to eliminate 10-cent admissions for Sunday matinees, and Jay Means, president, is preparing to file a complaint with the grievance board against a Fox suburban which refuses to abandon the policy.

The organization has investigated complaints that major distributors refuse to sell the Nu-Era, suburban recently reopened. The house uses seven or eight pictures a week, mostly double bills.

## Campi Seeking Data On Work, Pay Scales

(Continued from Page 1)

The last question asks if the total weekly payrolls at present are in excess of, or less than in 1929.

Harold Bareford, Campi alternate for H. M. Warner, already has asked the studios to make a similar survey and George Schaefer of Paramount is contacting the Hays office for figures on distribution.

Several circuit heads have already answered the questionnaire, while others are slow in responding.

## Busy on Board Plan

NEW YORK, April 10.—No total of Industrial Labor Boards has been decided upon by Campi. At the present time, Campi is concentrating on turning the work of the compliance boards over to the grievance boards. When this has been finished, the industrial boards will be composed of representatives of labor, industry and the public.

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**WHERE SINNERS MEET . . GREEN MANSIONS**
**. . OF HUMAN BONDAGE**

## MPTOA Drops In

SOL GORDON of East Texas Theatres, big gun in the Gulf Coast country, is here with Mrs. Gordon from Beaumont. There's a story in it all. Dave Palfreyman, who made the trip west via Memphis and New Orleans where he looked in on both the Tri-States and Gulf States conventions, stayed over one extra day in the latter town, circumstances being what they were, and boarded the Sunset Limited on Wednesday night when his original schedule was Tuesday.

At the station in San Antone, Dave rubbed his eyes, shook his head and imagined he was seeing things, those circumstances back in N'Orleans again being what they were. He thought he saw Gordon and actually did. The Texas circuit operator had been visiting his son at Austin and caught the Sunset at San Antonio when Palfreyman, who was aboard, knew he had passed through the city the day before.

•

Charlie Einfeld is mixed on his knowledge of railroading in the western hills. He stuck up Warner banners and cards in Santa Fe stations from San Berdoo into L. A. and also in Pasadena and other towns a couple of hours out. All O. K., except the specials came in over the Southern Pacific which doesn't touch San Berdoo. Charlie, however, insists they did.

•

Ben Berinstein, chairman of the convention arrangements, is plotting a vacation after all this M. P. T. O. A. business is over. He's on the ragged edge of something or other now.

•

Incidentally, there was a sizeable quantity of champagne that went into the limbo of the nether regions by the time the Gordons and Palfreyman reached L. A. The ride in from the city of the Alamo was long, dry and warm.

•

The Ambassador Hotel sent a man into Arizona to meet the specials. He checked in all those who are now stopping at the hostelry and eliminated all concerns over baggage.

•

The front of the Southern Pacific station was the busiest place in town about 7:40 A. M. Monday morning when the Pullman cavalcade rolled in. Berinstein had busses meet the gang. Lola Gentry was there to meet Alma Walton, old-time associate in the Film Board secretariat. A MOTION PICTURE DAILY staff photographer was busy directing this and that one into groups who had to watch the usual little birdie.

•

Lots of the usual East vs. West misunderstanding over the convention program. General accusations have been flying in all directions at once. It's all pretty well straightened out now and the blood pressure is gradually subsiding.

•

Mike Comerford stands in danger of being charged with exclusiveness. The mob is at the Ambassador. He's at the Beverly-Wilshire.

•

Mrs. Meyer and daughter, Delphine, who with Stan, manager of the Alhambra in Milwaukee, constitute the family of Wisconsin M. P. T. O. President Fred S. Meyer, arrived from Phoenix late Thursday. Delphine's been there for her health. Stan stayed at home.

•

That was quite a party which headed from New York on Wednesday and pulled in here on The Chief Saturday night. In it were Jack Warner, flanked by his two sales chiefs, Grad Sears and Andy Smith; Sam Dembow of Paramount, George Dembow, a brother and an executive of National Screen, and Herman Robbins, prexy of N. S. S.

•

The two Dembows and Robbins are comfortably ensconced in one of those Ambassador bungalows out on the grounds, surrounded by birds and those persistent California flowers, et al.

# *The Humor Of Rumor*

By VICTOR M. SHAPIRO

WHISKING to and fro, in and out of the Hollywood hills is the spigot and spout of Hollywood rumors. It runs hot and cold.

Wherever ladies of both sexes meet and mingle, to dish out the pish-posh, there and then is fabricated from juicy morsels the chit-chat that floats around the canyons and arroyos.

At teas, bridges, parties, games indoor and out, the breezes carry away the wheezes and confections that give some toothsome joy and others a localized pain.

Like cyclones, rumors start from nowhere, have no place to go, but speed on their gay way making folks mad, bad, sad, glad, or just plain pizzicatto.

All for a gag, most zephyrs ride the crest of glee. On gale of cacchination, "anything for a laugh" is the humor of rumor.

▲

MOST of the gas generated is minus malice, designed to deflate, puncture ego, and strange as it seems, acts as a safety valve for emotional outlet. "Pash goes smash"—"Love on rocks" is the formula.

Rumors range from willy-nilly to plain silly, from near fact to free fancy, from pipe dream to hocus-pocus. It's all good, clean fun, and most recipients of rumors soon become inured to the chatter and pay scant attention to the flash of pash.

One of the silliest rumors that ever sailed around Hollywood dealt with a certain Latin lover who, it was said, muscled in on a big gun's wife, a big star.

On the night of their first rendezvous, the Latin was supposed to have had his tonsils cut out and, being in the hospital, could neither murmur sweet nothings, or keep the date. Actual fact was that someone warned the alleged lover to keep off the grass, or else. He was never in the hospital, and never had his tonsils out, as his warbling in a musical subsequently proved beyond any doubt.

▲

ANOTHER spice cake passed out over the tea cups, when tea cups did not contain tea, told of a certain female star who wears pants. It was said in all seriousness she had her pants tailored without pockets, and had them creased on the sides, for what reason, only those supposedly in the know, knew.

Blessed events are always current. Maybe climate has something to do with these conceptions—of imagination.

One rumor had a star expecting triplets, after consultation with an astrologist. But to this day she remains unblessed.

Another canape of caviar was the publication of a story that stated a certain star was "cribbing," but that she only decided after she saw the rumor in print. Revealing as it does the potency of the printed word, it nevertheless made the proud papa sit up and wonder.

▲

ONE from the gas works had a producer of "Resurrection" making it as a musical with hot-cha in the snows and hi-dee-hi on the steppes.

Romantic rumor had Baby Le Roy that-a-way about Nina Skolsky, daughter of "Pint-Sized" Sidney Skolsky, the Broadway columnist, until it was exploded by W. C. Fields.

Another feminine star whose better half is gaily referred to as "The Warrior's Husband," is divorcing that present spouse to marry her ex—and that's *no* rumor.

Another inconstant witch is said to allude to her hubby as "my rumble-seat husband". He's so far away most of the time, he never hears the persiflage and it's all a gag anyway.

Another really hot rumor wafted on wings of laughter and never verified was about a big shot who wined, dined and orchided a star to discover he was romancing her double. Was his car red?

The most idiotic rumble Hollywood ever heard pivots around the torrid, tragic tale that Mickey Mouse and Minnie Mouse never were and are not married, but the pair are just as happy living in sin—the shame of it!

So goes the humor of rumor, Hollywood's harmless hearsays of "Who is whose?" among the "Who's Who."

## MPTOA Drops In

MORGAN WALSH, president of Independent Theatre Owners of Northern California as well as general manager of Midland Theatres, Inc., is here with a case of Irish whisky. With him is George Mann, president of Midland and Walsh's business associate. All they had to do was to hop down from San Francisco. Nothing in this land of beautiful highways.

•

Sears, true to that tradition of his that he answers all telephone calls, did just that at 3:15 A. M. Saturday and created near havoc in the orderly existence of a certain editor thereby. That not being enough, he repeated the same stunt at 8:15 Sunday morning.

•

Andy Smith in pearl gray suit was something snappy in sartorial splendor as he strolled through the Ambassador lobby yesterday.

•

Jimmy Grainger got 23 calls from 10:30 P. M. to 4:45 A. M. this morning. Only he didn't answer them. The operator was ordered to silence the phone. One fellow turned wise and used the "It's a New York call" gag. Failed to work.

•

Flannels at the convention dais: Ben Berinstein, Fred Meyer, M. A. Lightman, Ed Kuykendall.

•

At the Brown Derby at 3:30 A. M. Tuesday dawning:

Sol and Mrs. Gordon, Ben Rosenberg, M. A. and the latter's sister. They did a cotillion to Duke Ellington's music an hour or two earlier.

•

Johnny Gentile is in. Drove from New York.

•

Pat Garyn wears dark glasses. Says it's because of the sun.

•

Herman Robbins in startling gray. What a vision!

•

Hal Young knows 'em all. He used to represent Nat'l Screen in 11, or maybe it was 18, Middle Western and Southern states before he was switched to New York headquarters.

•

Joe Klein, former New York exchange manager, is around. A producer now.

•

Bulletin: Harvey Day's voice is coming back.

•

Wonder what's happened to "Wonder Bars" Sears?

•

Later: Ben Berinstein's forgetting early pre-convention pains. He gave credit to Minnie Kopple and Lola Gentry for yeowoman effort on the shindig. Others there were, but Ben figured they carried the chief load.

•

Wires of good luck and regrets were read yesterday from Ken Maynard, who is in Madrid; W. Ray Johnston, Jack Warner, Bebe Daniels and Ben Lyon, Felix Feist, Ned Depinet, and S. R. Kent.

•

Office memo to Abe Montague, New York: "Jerry Safron, Columbia's district manager, is pumping and pumping hard all exhibitor handles in sight."

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# Rye Bread To Stars, 'Twas A Real Party

By JEANNETTE MEEHAN

Warners' back was bent yesterday. The portals of the studio were wide open. Hail the M. P. T. O. A.!

At 1:30 o'clock, Jack Warner and the personnel of his Burbank plant welcomed the exhibitors as they poured from the busses which brought them directly from the Ambassador. Followed the parade to lunch. It was evident that the party was not given by Louis B. Mayer. There were no squabs. The sightseers partook of rye bread sandwiches, beer, and ice-cream. Encouraged, the guides herded the gang on a tour of the lot ending on Stage 1 where they were shown a recent Warner musical, "Twenty Million Sweethearts."

And how the visiting firemen went for it all—from rye bread to stars—especially Mitchell Leichter who was comparing things to the days when he used to roll cubes with Jack Warner and Mervyn Leroy—of the times when he used to book John Bunny in West Hoboken—of the days in 1910 when he handled Maurice Costello, Mae West, and others . . . Mrs. Wellingham Wood, lady exhibitor of Washington, Ga., couldn't get over Paul Muni's hat, one which he left out in the rain last year. And Muni, maybe to your surprise, was the lady's man of the party, with Ricardo Cortez and Dick Powell following in the shadow of the "chain-gang" . . . Dolores Del Rio and Verree Teasdale stole the show with their arrival in gold coaches, all put away like bon-bons in their court costumes for "Du Barry." Dolores was alarmingly beautiful in her yellow gown, even if its train did require the service of two maids to keep from menacing Miss Del Rio's walk . . . Mrs. Sidney Lust liked Kay Francis' smart ensemble of navy blue and white with a liberal spattering of sables to top it off . . . Ben Berinstein ate too much ice-cream . . . the boys showed a good deal of interest in Jean Muir . . . also in the 50 Busby Berkeley chorus girls, attired a la rehearsal, especially provided for the occasion . . . but the chorines made it up to the ladies when they distributed smart little pocketbook compacts in black and gold motif, with the compliments of the Warner stars and Warner Brothers . . . Mrs. Walter Vincent and Mrs. Walter Griffith thought Victor Jory looked very handsome in his "Du Barry" finery . . . and George Brent came in for his share of feminine admiration . . . and vice versa for Mary Astor who looked radiant in an afternoon gown of green and white print.

At 4:30 P. M. sirens through Hollywood sounded the return of the gang to the Ambassador.

With their many thanks to Jack Warner, they scored it an elegant day.

## *They Golf Friday*

M. P. T. O. A. delegates will be guests of Fox West Coast at Lakeside Friday. It'll be golf—good, bad and indifferent.

## *At Mine Host Warners*

**East tries to understand the West. Left to right, S. Charles Einfeld, Gradwell Sears, Ricardo Cortez, Sam Dembow, Jack L. Warner, his son. The unnamed others are just exhibitors.**

**Getting close to the customer. Celebrities welcome exhibitors. First row: Jack L. Warner again, Ed Kuykendall, Second row: Lyle Talbot, Phil Regan, Ruby Keeler, Dick Powell, Ricardo Cortez, Kay Francis, Verree Teasdale, Jean Muir, Mary Astor, Paul Muni, Helen O'Toole, Mrs. Ben Berinstein, Mrs. Kuykendall and Mrs. Fred S. Meyer.**

# *Coast Has Stage Johnnies, Unlike the Type Elsewhere*

*The theory and practice of the stage-door Johnny, Hollywood style, analyzed and prepared by one who knows for the guidance of visiting exhibitors in Hollywood's fair precincts:*

This is an exclusive group of banjo-eyed gentlemen, who cling daily to film studio gateposts to meet, greet and fete the innocent little chorines, who have been tripping the light fantastic throughout the day for Hollywood cameras. In case exhibitors are not up on figures— or are they?—these are the gentlemen who help the little gals with their home work.

In New York and elsewhere they call 'em stage-door-Johnnies. In Hollywood they're known as Gate-Post-Willies.

Now regardless of the assorted monickers, these gentlemen have similarities right up to the vaseline on their hair—but in many respects they differ. It's basically a geographical problem, depending on whether you're gandering the boys from the East or propagandering from the West.

These little gals from the "Follies," the "Scandals" and the "Vanities," who held a national convention at Fox Movietone City and did a few routines on the side for "Bottoms Up" have a bird's-eye view of the situation. In plain words, gentlemen, they know their groceries.

Maybe showmen don't care, but just cast an eye down the field and see who makes the most touchdowns. It's the Johns of the East versus the Willies of the West. The banjo-eyes pitted against the sheep eyes. Here's how they differ, according to first hand info gathered in person from the little gals from way back stage.

In New York and elsewhere, they say it with orchids. In Hollywood, with assorted petunias.

In the film city, they use different ammunition—and not so much of it. Ammunition meaning any kind of powder.

In the east, it's a trinket. Here, it's simply "good night."

# Who Hoedown Gid'ap There Frankenstein

Universal last night did right by the cause of M.P.T.O.A. festivities with (woodland variety) were relegated to a "hoedown," but which looked more like a barn dance (not the kind that mother went to when she was down on the farm). In other words, violets (woodland variety) were relegated to a rumble-seat posture in favor of the gardenia—gardenias put away in silver ribbons for the women. The Universal City Stage 4 was remodeled into first-class night club—rustic and effective. Orchestra and the dance—confetti and beer—ham and sauerkraut, kept the M.P.T.O.A. boys out of mischief, but in danger.

Arriving at 8:30 (a little late) the gang took charge themselves—without much help. Samuel C. Levin drank too much coffee . . . . Andy Devine lost out—being on a milk diet . . . . William Desmond, disguised under a five gallon hat, and Fred Kolker, looking the same, had the time of their lives signing autographs for exhibs . . . . Lowell Sherman thought it was a costume ball and appeared in his soup and fish . . . . Ralph Wilk was actually there without any local copies under his arm . . . . James R. Grainger nearly outdid Junior Laemmle as host . . . . Sam Dembow discovered too many old friends . . . . Eddie Buzzell told stories about his starring days on Broadway . . . . J. M. Young thought he was an Indian—with feathers . . . . Bernard Kreiselman was worn out after a day with the mayor . . . . Alice White and her half, Cy Bartlett, wouldn't be separated . . . . Some jokester had Eph Asher on the run with the report (over the mike) that his home in Malibu was on fire . . . . Sally Blane and Lillian Bond starred in a show all their own . . . . Arthur De Stefano went about looking for sugar cubes . . . . Boris Karloff forgot his Frankenstein makeup . . . . Bela Lugosi was immaculate in a white suit . . . . Mr. and Mrs. David Rector talked things over with Sally Blane . . . . ditto Buck Jones and Onslow Stevens.

There was also a path, *well worn*, between the festive dance salon and the Tango Parlor, a place where the gentlemen could deal and bet, just across Avenue C.

What a party—what a night—as the boys stepped out with Universal and stepped into the wrong taxicab.

## *Jensen Recuperating*

PORTLAND, April 10.—Claude S. Jensen of the Jensen and Von Herberg chain is convalescing here from an appendix operation.

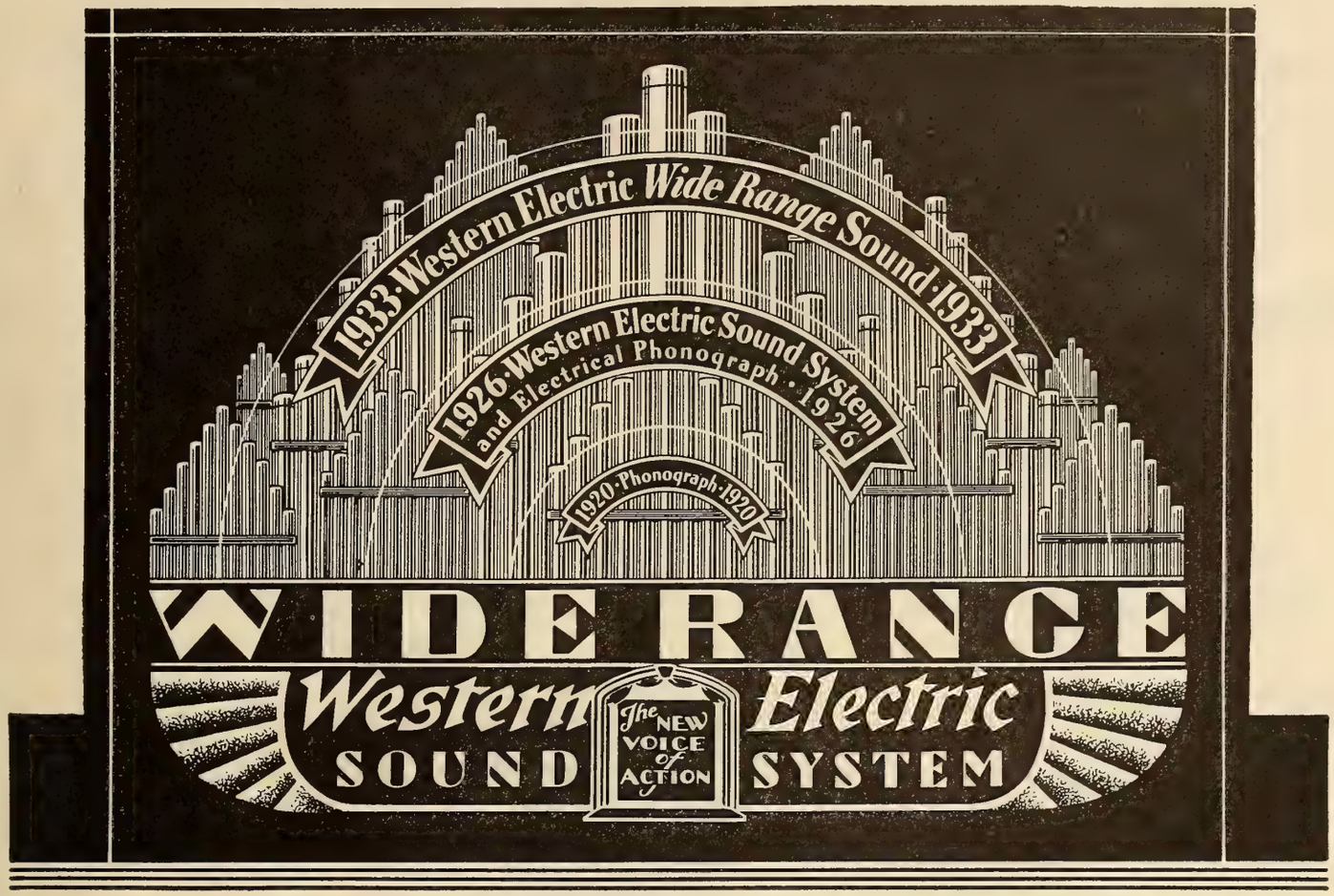
## *Miss Mayer to M-G-M*

Mary Mayer has been added to the publicity at M-G-M. Miss Mayer replaces Gladys Waterman who has resigned to say "I Do" to a non-professional next month.

## *Palaver On Research*

The Academy's Research Council and its various sub-committees will go into a huddle tonight on one of its usual monthly meetings.

New projects as well as those now in the process of development will be the chief topic of discussion.

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# GLAMOUR

**PAUL LUKAS**
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Phillip Reed, Doris Lloyd, Joseph Cawthorn. Directed by William Wyler. A B. F. Zeidman Production.

---

# LEE TRACY

GLORIA STUART, Roger Pryor, Onslow Stevens, Alec Francis, Lawrence Grant, Dorothy Granger. Directed by Edward Sedgwick. Produced by Carl Laemmle, Jr.

# I'LL TELL THE WORLD

---

# UNCERTAIN LADY

**EDWARD EVERETT HORTON**
**GENEVIEVE TOBIN**

PAUL CAVANAGH, Mary Nash, Renee Gadd, George Meeker, Dorothy Peterson, Donald Reed. Produced by Carl Laemmle, Jr. Directed by Karl Freund.

---

**BORIS KARLOFF**
**BELA LUGOSI**

David Manners, Jacqueline Wells, Andy Devine, Lucille Lund. Suggested by a story by EDGAR ALLAN POE. Produced by Carl Laemmle, Jr. Directed by Edgar Ulmer.

# THE BLACK CAT

---

# ,ITTLE MAN, WHAT NOW?

★ ★ ★ ★ ★

**MARGARET**
# SULLAVAN

DOUGLASS MONTGOMERY, Alan Hale, Hedda Hopper and many others. From Hans Fallada's best seller.

**A FRANK BORZAGE PRODUCTION**

# MPTOA Finds Hollywood A Busy Beehive

By GUS McCARTHY

Hollywood is taking lots of time out to entertain M.P.T.O.A. conventioneers. Yet play is not in any way to interfere with the more serious business of making pictures. Thus, while Hollywood, always a friendly and gracious host, entertains lavishly, probably the feature on the week will be a close-up of pictures in work.

During this week the various studios, major and independent, will have more than 40 pictures actually shooting. The schedule includes big pictures and little ones—hoped for epics as well as straightaway programmers. Dramas, comedies, romances—historical as well as modern—musicals, mystery thrillers and spectacles are being made.

What's going on and where:

## Columbia

*1438 Gower St., Off Sunset*

Four pictures working.

Robert Armstrong, Ann Sothern and Minna Gombel are featured in the newly-started "The Hell Cat."

Well along is "One Night of Love" in which Grace Moore, Tullio Carminati are starred and Lyle Talbot, Luis Alberni, Henry Armetta and Jessie Ralph are in support.

### Shooting Schedules

**Hollywood's at work while M.P.T.O.A. delegates will play.**

**More than 40 pictures are shooting. The majority of them are the wash-up on 1933-34 schedules and will reach theatres all over the land between now and the beginning of the new season.**

**Since exhibitors will play them later, it might be an idea to see who and what's in them.**

**The accompanying article tells the story.**

Started yesterday was "Black Moon," in which Jack Holt, Fay Wray and Dorothy Burgess play the leads.

Likewise, first sequences are being made on "Fire Patrol" with Tim McCoy and Evelyn Knapp topping the cast.

Walter Connolly is slated to start work on "Whom the Gods Destroy," his first starring picture, tomorrow.

## Fox

*At Pico and Tennessee*

Fox divides production between two studios, Movietone City and the Western Avenue plant. In the Westwood beauty spot, Janet Gaynor and Charlie Farrell are busy on "Change of Hearts."

On the stage where "The World Moves On" is shooting, is the British actress, Madeliene Carroll, and Madame Schumann-Heink, Reginald Denny, Stepin Fetchit and others.

A little further down the line on the "Grand Canary" set, are Warner Baxter, Marjorie Rambeau, Louise Dresser, Frank Morgan and others.

Today Jimmy Dunn and Claire Trevor will start "Always Honest."

Tomorrow "Caravan" with Charles Boyer, Jean Parker, Charlie Grapewin and Nigel Bruce featured in the cast gets going.

*At Sunset and Western*

Crossing town to Western Avenue, Will Rogers is busy on "Merry Andrew" and there Peggy Wood, Mary Carlisle, Richard Tucker are working hard, at same time getting a boot out of Will's wisecracks.

Also on the same lot, Herbert Mundin, Pat Patterson and Charles Starrett in "Call It Luck."

## General Service

*1040 N. Las Palmas Ave.*

Harold Lloyd in "Catspaw." Una Merkel, George Barbier, Grant Mitchell, Warren Hymer and Grace Bradley are in the support. Fox will release.

## M-G-M

*On Washington Blvd., Culver City*

"Operator 13," Civil War story is shooting. Marion Davies and Gary Cooper are the stars.

The much-talked of "Barretts of Wimpole Street," with Norma Shearer, Fredric March and Maureen O'Sullivan is before the cameras.

Final sequences are being made on Joan Crawford's "Sadie McKee," with Franchot Tone, Edward Arnold, Gene Raymond in the cast.

"Manhattan Melodrama" is in the middle sequences and most likely Clark Gable, Myrna Loy, William Powell, Nat Pendleton, Muriel Evans and Leo Carrillo may be seen in their working togs.

Thrills are on the stage where Jean Harlow, Lionel Barrymore, Patsy Kelly, Lewis Stone, Franchot Tone and Hale Hamilton are working in "100 Percent Pure."

Then to top things off there is "The Merry Widow" with Maurice Chevalier and Jeanette MacDonald.

With Wallace Beery and Jackie Cooper heading a star-studded cast, the "Treasure Island" company is back from location and occupying both stage and outdoor sets.

## Paramount

*At 5451 Marathon St.*

Much to see at Paramount.

Cecil DeMille is busy on "Cleopatra." Claudette Colbert, Henry Wilcoxon, Warren William, Irving Pichel, C. Aubrey Smith, Joseph Schildkraut, Arthur Hohl and Harry Beresford are going through their paces.

George Burns and Gracie Allen, assisted by Joan Marsh, Franklyn Pangborn and Guy Lombardo are in the throes of "Many Happy Returns." "Thirty Day Princess" features Sylvia Sidney, Cary Grant, Edward Arnold, Vince Barnett, Robert McWade and many others.

Important, too, looks "Half Way Decent," with Adolphe Menjou, Dorothy Dell, Charles Bickford, little Shirley Temple and Tammany Young.

Mae West is shooting on "It Ain't No Sin." No more need be said.

"She Loves Me Not" with Bing Crosby, Miriam Hopkins and Kitty Carlisle.

Genevieve Tobin, Helen Mack and Edward Everett Horton in "Kiss and Make Up."

Jack Oakie, Roscoe Karns, Alison Skipworth and Arline Judge in "Thank Your Stars."

Many exhibitors do.

"Old Fashioned Way" in which W. C. Fields is starred starts today and final sequences will be shooting on "Private Scandal," Charles R. Rogers Prod. in which Zasu Pitts, Phillips Holmes, Mary Brian, Ned Sparks and Lew Cody are featured.

## Radio

*At 780 Gower St., near Melrose*

Seven shooting here.

(1)—Wheeler and Woolsey and Thelma Todd in "Cock-Eyed Cavaliers."

(2)—Leslie Howard and Bette Davis in "Of Human Bondage."

(3)—"Sour Grapes" with Diana Wynyard, Clive Brook and Steffi Dunn.

(4)—"Virgie Winters" with Ann Harding and John Boles.

(5)—"Down to Their Last Yacht," sprawled over two stages. with plenty of girl-glamour atmosphere. The cast includes Sidney Fox, Sidney Blackmer, Polly Moran, Mary Boland, Ned Sparks, Irene Franklin and Edgar Kennedy.

(6)—"Murder on the Blackboard" with Jimmy Gleason, Bruce Cabot. Regis Toomey and Edgar Kennedy.

(7)—"Family Man" starring Richard Dix.

## United Artists

*1041 N. Formosa St.*

Little active work here.

"Bulldog Drummond Strikes Back" is winding up. Ronald Colman, Loretta Young, Warner Oland and Charles Butterworth head the cast.

## Universal

*Cahuenga Pass to Universal City*

In work are "Affairs of a Gentleman" with Paul Lukas, Leila Hyams, Lilian Bond and Dorothy Burgess and

"Little Man, What Now?" with Margaret Sullavan, Douglas Montgomery and Alan Hale.

## Warner

*Cahuenga Pass to Burbank*

"Dames" is before the cameras. Music, dancing, chorus girls and Dick Powell, Ruby Keeler, Joan Blondell, Guy Kibbee, Hugh Herbert and Zasu Pitts are interesting highlights.

Also the "Madame DuBarry" set with Dolores Del Rio, Reginald Owen, Veree Teasdale, Victor Jory should attract.

Then if the company is back from battleship location, watch Jimmy Cagney, Pat O'Brien, Gloria Stuart and Frank McHugh in "Hey, Sailor."

*Artist - Director*
*Writer - Technician*

# Do You Know Your Value? Are You Clicking?

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# Roosevelt To Discontinue Review Board

WASHINGTON, April 10.—Operations of the National Recovery Review Board are expected to be suspended after this week until President Roosevelt can decide whether to create a permanent organization, adequately staffed, to hear and act upon complaints against codes.

Although the board is now in the middle of important hearings and has others scheduled for the remainder of the month, the President will be told upon his return to Washington at the end of the week that the members of the board do not feel qualified to make specific recommendations with respect to revision of the more than 20 codes before them in the absence of technical advice from men well versed in the practices of the several industries.

The board has concluded hearings on several codes, including the film code, and certain members are of the opinion that reports should be written setting forth the deficiencies in each agreement. Others, however, take the attitude that the material laid before them by witnesses appearing at the hearings is not adequate for recommendations of such importance.

It was indicated today that Chairman Clarence W. Darrow will confer with the President upon the latter's return and lay the situation before him, together with a report outlining what the board has done and pointing out that the hearings have indicated the existence of much dissatisfaction with many codes and the need for an organization to hear and act upon criticisms.

The proposed report is expected to recommend the establishment of a permanent organization, with a staff of economists familiar with the details of the various industries. The board would use the statistical and other material of the National Recovery Administration and other Federal agencies, and would sit continuously, with such machinery as would enable quick action where needed.

As the existence of the present board draws near an end, indications appear that it was never intended by the President to be a permanent organization, but was more for the purpose of testing sentiment to determine the need for such an agency. One of these indications is the request made by President Roosevelt before he left Washington two weeks ago that the board make its report by April 15.

The intention of the President to have the Review Board operate only temporarily is seen as the reason for the sudden lack of interest in the project by Recovery Administration officials after the first flurry of excitement following its creation. So far as can be learned, Recovery Administration officials have paid no attention to the hearings, although in some instances members of the code authorities have been present, and have evinced little or no curiosity as to what the board might recommend, indicating the absence of all fear as to the effect of the board's activities upo nthe codes.

Need for a permanent organization to pass on complaints is seen by members of the board, who stated today that, while they had no opinions on the specific issues which have been raised, the testimony at the hearings indicated clearly that in many industries control is almost entirely in the hands of representatives of the largest units. This they were careful to explain, did not signify that the interests of the smaller members were ignored but did tend to show that those smaller members had little or nothing to say as to the manner in which they were governed.

### *The Big Show*

**Hollywood — maybe you'll see it and maybe you won't. But they live it—believe it or not.**

**Habits and customs unique, exhilarate some, bore others.**

**Here in this tent, a vivid conglomeration of strange people in strange scenery.**

**Anything goes if you get away with it.**

**Step right up—a living—vibrant show.**

**Filmland, the world's greatest showplace.**

**And comedy what ain't done with mirrors.**

**Hollywood—funny—sunny—salome—boloney.**

GREETINGS and BEST WISHES

M. P. T. O. A.

ALBERT LEWIS

Associate Producer

Paramount

### *Majestic in Throes*

NEW YORK, April 10.—Majestic will decide production plans and budget for next season tomorrow. The conferences which started at the home office have been shifted to the Park Central and will continue there until the meetings wind up.

### *After 'Shining Hour'*

There is a possibility M-G-M will shortly close a deal for the purchase of "The Shining Hour" by Keith Winter, current Broadway stage hit. If so it will be for Greta Garbo, who suggested the company buy it for her.

### *Phelps Re-Elected*

Lee Phelps was re-elected president of the Junior Screen Actors' Guild yesterday with no opposition. Tom O'Grady was reelected to vice-president and Edwin Baker, treasurer.

### *Hamrick Expanding*

PORTLAND, April 10.—John Hamrick, independent circuit operator in Seattle, Portland and Tacoma has taken a long-term lease on the Roxy in Seattle, and will change the name upon reopening.

### *Metro Set on "Bounty"*

M-G-M has set Wallace Berry, Clark Gable, and Robert Montgomery as the head of the all-star cast planned for "Mutiny on the Bounty." Carey Wilson and John Farrow have been assigned the adaptation.

### *Music Tinkers to Play*

Sam Coslow and Arthur Johnston, who currently have been doing the music on the new Mae West opus, "It Ain't No Sin", have been granted vacations by Paramount. Coslow leaves for Europe and Johnston goes to New York in the next couple of days. The pair have penned 20 songs within the last 20 days.

### *Stooge Comedy Series*

M-G-M is said to be negotiating with Howard, Fine and Howard, formerly known as Ted Healy's stooges, on a deal whereby the trio will work on story ideas for a series of shorts in which they will also star.

# Get Going On Reorganizing Fox Unit Soon

KANSAS CITY, April 10.—Late developments point to a start within the next 30 days toward reorganization of Fox Midland Theatre Co., which has been held up more than a year by Federal court actions brought by Herbert M. Woolf and M. B. Shanberg, former owners of the properties.

It is said that a settlement of their suit seeking to recover $500,000 is being completed and that plans are under way to resume bankruptcy proceedings where they were suddenly dropped when the litigation began. Counsel from New York representing large eastern creditors and attorneys for Fox West Coast have been in conference here.

The start of Fox Midland reorganization will find Fox Rocky Mountain Theatre Co., not hampered by court actions, well on its way toward a new deal. The latest report of the Rocky Mountain trustee indicates that on Jan. 1 reorganization had advanced to a point where of 60 houses originally listed in that company's division, only 12 remain subject to new rental deals or other disposition, the others being transferred to new subsidiaries. A few properties under lease have been turned back. Since the first of the year, it is understood similar handling of several more theatres has been completed.

Report of cash transaction for the fall and early winter filed by the Rocky Mountain trustee indicate a substantial business improvement over the previous spring and summer.

Receipts for the period beginning Aug. 20 and ending Dec. 30, 1933, the latest report filed, were $1,707,569.11, exclusive of cash on hand, while for the period April 23 to Aug. 19 the company's gross income was $1,214,274.09. Disbursements were $1,698,374.68 and $1,211,103.92 for the respective periods. The totals are for Rocky Mountain and subsidiaries, including the Midland chain, altogether comprising some 200 theatres. Office receipts are included.

### *West Illness Over*

After a two-day illness during which her picture was held up, Mae West returned to Paramount yesterday to resume her role in "It Ain't No Sin."

### *Judith Allen Cast*

Judith Allen has been assigned the leading juvenile role in W. C. Fields' starring picture at Paramount, "The Old-Fashioned Way."

### *Signs Caesar Romero*

M-G-M has signed Caesar Romero, formerly of the New York stage, to a long-term contract. His first role will be in "The Thin Man".

### *Mussbaum-Madison*

Julian Madison, who won a term contract with Paramount as a "Search for Beauty" winner, is slated to be married to Arline Mussbaum. Ceremony will be held at the Wee Kirk of the Heather in Glendale.

The actor has been currently working in "Many Happy Returns."

# FOX WEST COAST SERVICE CORPORATION

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ST. LOUIS, MO.

midwest DIVISION
January 31st 1934

Mr Terry Ramsaye, Editor,
Motion Picture Herald,
1790 Broadway,
New York City.

Dear Sir:-

Want to take this opportunity to tell you how I enjoy reading your Showman's Review column. It gives a lot of interesting information on the new product, also ideas relative to the box office possibilities. It is a valuable department for the exhibitor and an asset to the publication. Well written with intelligent information.

Thought you might enjoy hearing from someone once and awhile who appreciates your efforts in putting out a real publication for the showman of today. Newsy and meaty. Thanks.

Sincerely,

Stanley H. Chambers

Stanley Chambers Mgr;
Fox Grand Theater

Topeka,
Kansas.

*Showmen's Reviews*
in
MOTION PICTURE HERALD

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Half A Sinner"

(*Universal*)

Enjoyable and satisfying entertainment flows from this bucket of farce and fun. It's a sparkling draught right from the well of laughter.

Taken from the successful play "Alias The Deacon," modernized with shrewdness for homespun values, smart showmanship has aimed it at the masses and it completely hits the mark.

As a dignified knight riding the rods, palming himself off as a deacon, with his finer talent revealed as a card specialist, but only after persuasion, Berton Churchill prevents an attack by a hobo on a girl, Sally Blane, riding the rods disguised as a boy, and leaves the door open for Joel McCrae, another 'bo to follow her.

Arriving at the same town where Joel and Sally are in jobs and in love, the deacon immediately gets in right with the sweet ladies and in wrong with the town's promoters. Churchill, by his judicious card-cutting, aids the romance of Sally and Joel, helps the widow, Alexandria Carlisle, repossess her hotel, and saves Mickey Rooney from a whipping.

Churchill, who played the deacon innumerable times on the stage, gives a sterling well-shaded performance. McCrae and Sally Blane are an ideal romantic pair. Mickey Rooney, fresh from his kid comedies, turns in a swell job and is going places. Russell Hopton is human as the heavy. Big Boy Williams plays a dumb wrestler.

Kurt Neumann directed with fine comedy flair. Edmund Grainger is credited as associate producer.

Film's title, exploitable stuff in the production, with its human quality and spontaneous laughter, are the assets that presage good receptions at box offices.

## Welsh Off Reporter

Robert E. Welsh is understood to have resigned as managing editor of *The Hollywood Reporter*. Frank Pope, managing editor before quitting to join Paramount, succeeds.

## "The Witching Hour"

(*Paramount*)

Here's the kind of show that you have been looking for. Gripping novelty that is quality entertainment, "The Witching Hour" is both a showmanship and audience picture. As it brings to the screen fine romance, vivid drama, laugh-generating comedy, nerve-tightening suspense, stark tragedy and emotion stirring human interest, it introduces a new treatment of hypnotism as the motivating element.

Briefly the plot: Unconsciously a hypnotist, John Halliday causes Tom Brown, engaged to his daughter, Judith Allen, to commit murder. Unable to find an attorney willing to defend the boy who can give no explanation for his act, Halliday persuades Guy Standing, boyhood sweetheart of Tom's grandmother, to take the case. Impelled to accept by the vision of his dead love, Standing sets the stage in courtroom for Halliday to bring jury foreman William Frawley under his mystic spell.

As the crime is simulated, the jury acquits Brown, permitting Standing to return to his metaphysical dreams.

Admirably presented and acted, packing intriguing entertainment in sixty minutes it is a personal triumph for Standing and Halliday. Similarly, it is one for which Judith Allen, Tom Brown, Olive Tell, and William Frawley can take bows. What they do to make such an unusual subject interesting is a credit to Henry Hathaway, the director, and Salisbury Field who adapted and Anthony Veiller who wrote the scenario from Augustus Thomas' original story.

## Sedgwick to Rogers

Edward Sedgwick has been assigned to direct the Charles R. Rogers production, "Here Comes the Groom," featuring Jack Haley and Mary Boland.

## Cohn Defers Return

NEW YORK, April 10.—Harry Cohn has altered plans and will remain here for several weeks longer to confer with Jack Cohn and Nate Spingold on new production.

## Hollywood Touch

**M-G-M is sending the chimpanzee featured in "Tarzan and His Mate" on a personal appearance tour East in conjunction with the picture.**

**The chimp, said to be very temperamental about color, will have special quarters in the baggage car all done up in yellow and gold.**

## Katz Chain Seeking 6 More New Houses

NEW YORK, April 10.—Former Publix officials now identified with Monarch Theatres left for the Middle West tonight on deals which would increase the circuit by six more houses.

This is the circuit in which Sam Katz is the "silent" partner behind his brother, Harry; Milton H. Feld and David J. Chatkin.

## Beery-Gable Co-Starring

M-G-M will make "Hell Hole", based on an original story idea of a ghost city submitted by Sam Marx. Wallace Beery and Clark Gable will head the cast. Edwin Corle and George Aurbach have been assigned the script.

## "Riptide" and "Scandals" Are Best

INDIANAPOLIS, April 10.—"Riptide" and "George White's Scandals" divided box-office honors here last week. The Shearer opus went $1,000 over normal to a $5,500 take at the Palace while "Scandals" did a like splurge over routine at the Apollo with a total of $3,500.

Weather was good and grosses not far behind. Total business for the five first runs fighting it out for No. 1 place here was $24,500 as compared with an average bulk of $20,500.

Estimated takings for the week ending April 7:

**"GEORGE WHITE'S SCANDALS" (Fox)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $3,500. (Average $2,500).

**"WONDER BAR" (W. B.)**
CIRCLE—(2,600), 25c-40c, 9 days. **Gross:** $6,000. (Average $3,500).

**"THIS MAN IS MINE" (RKO)**
**"MAN OF TWO WORLDS" (RKO)**
INDIANA—(3,100), 20c-40c, 7 days. **Gross:** $3,500. (Average $4,000).

**"DARK HAZARD" (F. N.)**
LYRIC—(2,000, 20c-40c, 7 days. Vaudeville. **Gross:** $6,000. (Average $6,000).

**"RIPTIDE" (MGM)**
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $5,500. (Average $4,500).

## Find Licenses High

SPOKANE, April 10.—In protest over exhorbitant theatre licencing fees, local theatre owners aver their tax is double that charged theatres in Tacoma, Seattle and other northwestern centers.


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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 84 NEW YORK, WEDNESDAY, APRIL 11, 1934 TEN CENTS

# Kuykendall Strikes at Theatre "Master Minds"

## Higher Film Rentals Seen In the Offing

### *Added NRA Costs Cited As Main Reason*

Increased film rentals for new season's product loom as inevitable in the face of mounting production and distribution costs under the film code, in the opinion of sales representatives queried here yesterday.

Added to higher negative costs resulting from wage and employment increases under the NRA code are the separate and distinct code provisions operating to boost distribution overhead well above that of other years, it was pointed out by sales execu-

(*Continued on page* 4)

### *Delaware Tax Bill Strikes First Runs*

DOVER, April 10.—The brunt of the tax on film in Delaware will fall on the first run theatres if the bill introduced in the Delaware Legislature requiring theatres to pay a tax of 10 cents per 100 feet on film or fraction thereof, becomes a law. The bill, introduced by Representative George P. Elliott of Wilmington, has already been reported favorably in the House.

The measure provides that the tax shall be paid but once on any film and that the receipt secured in payment shall be made a part of the film

(*Continued on page* 3)

### *FTC Asks to View Chicago Film Pacts*

CHICAGO, April 10.—Local exchanges were called upon today by William Dinnen, Federal Trade Commission agent, to surrender to his office copies of certain film contracts with circuits, together with correspondence relating to protection arrangements. Exchange and circuit heads are expected to be subpoenaed shortly in the probe being fostered by the newly organized Independent Theatre Owners' Ass'n and which may take a serious aspect.

### *Fox to Pay $10,500 For Kansas Battle*

TOPEKA, April 10.—It will cost Fox theatres $10,500 for legal services in an attempt to gain the right to operate on Sunday in Kansas. The Supreme Court has held that F. W. C. and the Fox Kansas Theatre Co. must

(*Continued on page* 3)

## Delay Favored In Revamping Para. Affairs

Reorganization of Paramount Publix at this time would be "disastrous" to the favorable earnings accumulated by operations of subsidiaries within recent months, it was stated yesterday on good authority within the Paramount bankruptcy administration.

"The company still needs the protection of a trusteeship and will continue to require it until every large claim filed against the company has been settled," a spokesman declared. "To end the bankruptcy at this time would be to make the company prey to every claimant on record, all of whom would be free to attempt to realize on any and all assets of the corporation."

More than $319,000,000 in claims

(*Continued on page* 3)

## Sign Writers Close New Wage Contract

A new labor contract granting theatre sign writers a seven-hour day at the same wage rate as prevailed for the former eight-hour day was signed yesterday between contractors for theatre sign work and New York Sign Writers Union, Local 230.

The settlement represents a compromise of the union's demands for a

(*Continued on page* 22)

### *Five Secretaries of Code Boards Are Set*

Five of 12 secretaries for code boards have been appointed officially and are taking up their duties immediately. Emma Abplanalp has been assigned the Chicago job, Love B.

(*Continued on page* 4)

### *More Codes Taken Over by Rosenblatt*

WASHINGTON, April 10.—Division Administrator Sol A. Rosenblatt today was put in control of service trade codes and in the near future may be

(*Continued on page* 4)

## End of NRA Review Board Drawing Near

WASHINGTON, April 10.—Operations of the National Recovery Review Board are expected to be suspended after this week until President Roosevelt can decide whether to create a permanent organization, adequately staffed, to hear and act upon complaints.

Although the board is now in the middle of important hearings and has others scheduled for the remainder of the month, the President will be told upon his return at the end of this week that the members of the board

(*Continued on page* 4)

## No Total Set for Industrial Boards

No total of Industrial Relations Boards to be set up throughout the country by Code Authority has been determined. Campi is now concentrating on turning over the work of compliance boards to grievance boards, which will act as compliance boards on all matters other than labor.

Labor problems within the industry will be turned over to the indus-

(*Continued on page* 4)

## Campi Asks Survey Of Theatre Labor

About 200 circuit heads and officials of exhibitor organizations have been requested by Campi to make a survey of their territories on labor and wages as a result of President Roosevelt's request for increased wages and shorter hours. The questions follow:

1. Are as many persons employed

(*Continued on page* 22)

### *ITOA Board Confers Upon Code Problems*

With Louis Blumenthal as chairman, directors of the ITOA held a lengthy discussion yesterday on setups of the local clearance and zoning

(*Continued on page* 22)

### *He Prophesies Separation Of Production and Exhibition*

By RED KANN

LOS ANGELES, April 10.—Scoring "master minds" for attempts to operate theatres in all states from New York, Ed Kuykendall, as official M.P.T.O.A. spokesman today predicted the day "will soon be here when production and exhibition will be separated entirely." He drew the conclusion the divorce will improve the quality of pictures and enable exhibitors to make "much constructive progress."

Kuykendall's address was the highlight of the first business session. Reading from his text to avoid being misquoted, he talked at length and reviewed the M.P.T.O.A. objections to score charges, high bracket percentage pictures, unwarranted dirt in pictures, the code, and, in general, covered the ground traversed in the recent

(*Continued on page* 3)

## Levy Predicts 50 For Radio Program

Returning from the coast where he discussed new production with Radio executives, Jules Levy, general sales manager, stated the company plans to make about 50 pictures next season and that the annual sales convention will be held around the middle of June.

Levy conferred with home office executives yesterday when plans were gone over for the annual sales convention. He said studio officials are now working on the 1934-35 schedule and the outlook for next season is "great." He is optimistic over musicals and stated that business in Cuba and Panama is booming.

### *Report Bert Adler May Become Editor*

Reports were current yesterday Bert Adler, now associate editor of *New Movie*, will be appointed editor in two weeks and Frank McNelis will be named managing editor.

John Mitchell, western editor for Tower magazines, was tendered an informal luncheon yesterday at the M. P. Club which was attended by Adler, McNelis, Herb Crooker, Larry Gollomb, Gertrude Heller, Mary Mar-

(*Continued on page* 22)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Denis Talks to Cheesers

Armand Denis, director of "Wild Cargo," spoke before Cheese Club members yesterday and described conditions in the Far East. He said he expects to return there shortly and take photographs of the orang-pendek, an animal closest in its resemblance to a human being.

Denis expects to make additional features, but would not commit himself on future releases.

## Hirliman New President

Charles Hirliman has been elected president of Special Screen Service, succeeding Sid Blumenstock, who resigned last week.


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WHERE THE WORLD LOOKS FOR MOTION PICTURE facts

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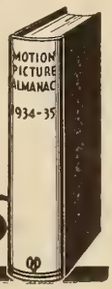




## Washington Variety Club Is Organized

WASHINGTON, April 10.—The Variety Club of Washington came into existence yesterday, as Tent No. 11 when 27 men from Baltimore and Washington met here in the Warner Club rooms. John H. Harris, national president, and founder of Tent No. 1 (Pittsburgh), was guest of honor.

John J. Payette, zone manager for Warner theatres, was selected chairman of the preliminary meeting, which was devoted to Harris' informal remarks on the founding and development of the Variety Club idea. Nat Brown was the temporary secretary.

Following the vote to create the Washington branch and to apply for a charter, it was decided to limit the local membership to 75. A formal organization committee was named by the chair. Following the meeting, the committee chose the following officers: Payette, chief barker (president); Rudolph Berger, first assistant barker; J. Lewis Rome, second assistant barker; Harry Hunter, propertyman (secretary); Sam A. Galanty, wagonman (treasurer), and Carter T. Barron, A. Julian Brylawsky, Charles Kranz, Sam Wheeler, William Saxton and Joe Morgan, canvasmen (councillors).

Before the next meeting of this committee on April 13, details regarding membership, place for quarters, dues, etc., will be completed and the final documents signed and transmitted to the national headquarters as application for a charter.

Among the others present were Harry Brown, Rodney Collier, Roscoe Drissell, William R. Fisher, James Blaine Fitzgerald, George Gill, Nat Glasser, Edward Heiber, Edward Martin, W. A. Whitney, Guy Wonders, O. J. Ratto, Sam Bach, Jerry Cohn, Hunter Perry, and George Crouch.

## Acquires Jungle Picture

World distribution rights to Harry Schenck's "Beyond Bengal," jungle film, have been acquired by Showmen's Pictures. Negotiations are now under way for the initial Broadway showing.

## Hamrick Leases Roxy

SEATTLE, April 10.—John Hamrick, independent circuit operator, has leased the Roxy, a 2,500-seat house.

# Purely Personal

SPENCER TRACY has been added to the program to be put on over WEAF and a coast-to-coast hookup by 20th Century Saturday at 7 P. M. in celebration of the company's first anniversary. The actor arrives Saturday morning.

CHARLES O'REILLY, JOHN C. FLINN, WILLIAM SUSSMAN, DAVID LOEW, JOSEPH PLUNKETT, HOWARD DIETZ, NORTON RITCHEY, LAWRENCE L. GREEN, ARTHUR BRILIANT, CREED NEEPER, EMIL JENSEN and HAROLD RODNER were spotted yesterday lunching at the M. P. Club.

SIDNEY LANFIELD, director for 20th Century, arrives in New York Friday morning on his way to England to direct the British screen version of "Sons O' Guns." He sails aboard the *Ile de France* the next day.

ROBERT HARRIS, eastern production manager for Universal, left by plane yesterday for the coast to confer on new product with CARL LAEMMLE, CARL LAEMMLE, JR., and JAMES R. GRAINGER.

I. A. ALLEN, producer of the JACKIE COOGAN featurettes for DuWorld, has arrived in town with the first print of the series. He is making his quarters at the DuWorld offices.

ESTELLE TAYLOR will step out of her usual role to make appearances at the Simplon Club, opening April 12. LOU IRWIN handled the deal.

ARCHIE MAYO is headed for New York, vacation-bound.

HARRY BUXBAUM returns tomorrow from a Miami vacation.

## To Be at M. P. Club Affair

Tamara, Hal Skelly and George Jessel have been added to the list of those to appear at the "Buffet Supper of the Stars" at the 1934 reunion of the M. P. Club on Saturday at its clubrooms.

## C. S. Jensen Recovering

PORTLAND, April 10.—Claude S. Jensen of Jensen & Von Herberg is recovering from an appendicitis operation.

## Issues on Big Board Show Rise

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30½ | 29½ | 30⅛ | + ⅝ | 1,300 |
| Consolidated Film Industries | 4⅜ | 4⅜ | 4⅜ | + ⅛ | 400 |
| Consolidated Film Industries, pfd | 16 | 16 | 16 | + ⅛ | 400 |
| Eastman Kodak | 89¾ | 89 | 89¾ | + ¼ | 900 |
| Fox Film "A" | 15¾ | 15⅜ | 15¾ | + ¼ | 1,500 |
| Keith-Albee-Orpheum, pfd. | 28 | 28 | 28 | —2 | 100 |
| Loew's, Inc. | 33½ | 33 | 33⅜ | + ⅜ | 8,000 |
| Paramount, cts. | 5¾ | 5⅜ | 5⅝ | + ⅛ | 14,400 |
| Pathe Exchange | 3⅜ | 3⅛ | 3⅜ | + ⅛ | 400 |
| Pathe Exchange "A" | 19½ | 19 | 19 | — ⅛ | 700 |
| RKO | 3⅜ | 3¼ | 3¼ | ..... | 700 |
| Warner Bros. | 7⅝ | 7¼ | 7½ | + ¼ | 10,300 |
| Warner Bros., pfd. | 25 | 25 | 25 | + ¾ | 100 |

## Universal Gains ½ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | — ⅛ | 200 |
| Universal Pictures | 5½ | 5 | 5 | + ½ | 1,200 |

## Most Bond Issues Remain Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅝ | 10 | 10⅝ | + ⅜ | 15 |
| General Theatre Equipment 6s '40, ctf | 9¼ | 9 | 9 | ..... | 14 |
| Keith B. F. 6s '46 | 67 | 67 | 67 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 99¾ | 99½ | 99½ | ..... | 30 |
| Paramount Broadway 5½s '51 | 38½ | 38 | 38 | ..... | 11 |
| Paramount F. L. 6s '47 | 51½ | 50½ | 51½ | + ½ | 2 |
| Paramount Publix 5½s '50 | 52 | 51 | 52 | ..... | 8 |
| Warner Bros. 6s '39, wd | 61⅜ | 61 | 61 | — ½ | 38 |


Spot News from Columbia

NO GREATER PRAISE

*has ever been lavished on a picture as that accorded*

"NO GREATER GLORY"

A deluge of critical raves from every town the picture has played!

"One of the finest films of its kind ever screened." —*Hartford Daily Courant*

"Beyond the usual trend of film entertainment. One of the important dramas of the year."—*Springfield Daily News*

"A lovely and moving picture . . . an event sufficiently rare." —*Springfield Union*

"The kind of a picture that should be encouraged in Hollywood." —*Springfield Daily Republican*

"NO GREATER GLORY is all that its makers say it is. There are scenes which will linger long in the memory. Enough to recommend the picture without reservation." —*Akron Times Press*

"A motion picture rare and precious. It has the beauty and power of honesty, humanity and humility." —*Akron Beacon Journal*

"An achievement which deserves a place in cinematic history with 'The Birth of A Nation', 'All Quiet on the Western Front' and those other productions which have achieved a lasting place." —*Washington Herald*

"You will thrill and laugh and weep as much as you did at 'What Price Glory' or 'All Quiet on the Western Front'. One of the most dramatic movies ever filmed." —*Washington Daily News*

*The screen's greatest emotional masterpiece,* "NO GREATER GLORY". *A Frank Borzage production based on Ferenc Molnar's world famous novel.*

# Kuykendall Hits "Master Minds" in N.Y.

(Continued from page 1)

Tri-States convention in Memphis and at the Gulf States meeting in New Orleans a few days ago.

Fred S. Meyer, national secretary, furnished the second highlight of the day. He declared that M.P.T.O.A. and Allied were both heading for the same goal, although their paths differed.

Quoting President Roosevelt, he said more teamwork was required in the effort to regulate trade practices.

### Need "Wider Vision"

"What we need is wider vision than our immediate personal gain and an attitude that shows a willingness to work together so that the benefits derived by all will be but a reflection of the benefits secured by the individual," he stated.

Admitting that the M.P.T.O.A. had failed to reach its maximum objectives, Meyer declared the record of the organization proved progress had been made. He cited the inclusion of the cancellation clause in the code and the long extended deliberations for the standard contract.

Running only 15 minutes behind schedule, the business session opened this morning with approximately 175 present in the Ambassador theatre auditorium. On the dais were Ben Berinstein, Edward G. Levey, M. E. Comerford, Fred S. Meyer, Walter Vincent, Kuykendall, Fred Wehrenberg and Jack Miller.

Crystallizing the trend of mind of many M.P.T.O.A. leaders was a banner suspended over the presidential chair calling on Hollywood to make more pictures suitable for the entire family, while on the right was another addressed to the directors which read: "If you would put as much thought and energy back of the family type picture as you do sophisticated pictures, the box-office appeal would be greater."

Mayor Shaw of Los Angeles delivered the welcoming address, saying at one point that the industry spent $135,000,000 and employed 30,000 in California last year.

### Indorse Recovery Moves

Col. Carlos Huntington, representing Governor Rolph, officially welcomed the conventioneers, with M. A. Lightman responding. Comerford then introduced Meyer, who presented a resolution endorsing the recovery activity of President Roosevelt. This was unanimously adopted.

Kuykendall's and Meyer's speeches were followed by Berinstein later. He outlined the entertainment, of which there will be plenty. This afternoon the convention repaired to the Warner studio for a full afternoon, including luncheon, and tonight the delegates attended a "Hoedown Dance" and buffet supper as guests of Universal. Wednesday morning Levy will talk on "The Theatre's Liability to Its Patrons." Louis B. Mayer will talk on production, Walter Vincent will discuss "What's Wrong with Exhibition from the Point of View of the Exhibitor?" Mrs. Thomas G. Winter's subject will be "The Public's Attitude Toward Motion Pictures," Cecil B. DeMille will talk on "How Pictures Are Put Together" and Joe Breen will have for his subject "Self Regulation in Advertising Motion Pictures."

An open forum will follow, with adjournment at 1 o'clock for a trip through the RKO and Fox studios in the afternoon, followed by a big party at M-G-M in the evening. All studios are participating.

## *O'Reilly-Weisman*

**Charles L. O'Reilly, dining and conferring with Harry Brandt and Milton C. Weisman at the M.P. Club yesterday started tongues wagging as to the import of the informal meeting.**

**Described as a casual meeting, some of the boys are trying to figure out what really was behind the get-together of the local exhibitor head rivals.**

## *Lincoln Suburb Ends Its Ban on Pictures*

Lincoln, Neb., April 10.—University Place, Lincoln suburb, where hostility to movies on Sunday or any other day has been the boast of its conservative population, is now open to films without censorship.

Prohibition against movies in the area was one of the terms upon which the suburb consented to annexation by Lincoln several years ago. Business men of the suburb recently decided they wanted their neighborhood to get some of the picture business that was going into Lincoln proper. They petitioned the City Council to revoke the ban, and the council has now completed such action.

## *Writers Want Action On Code Nominees*

Hollywood, April 10.—Immediate action in appointing writer representatives on the code executive board is urged upon Division Administrator Sol A. Rosenblatt in a wire sent by the Screen Writers' Guild of the Authors' League of America. The wire urges him to name a definite day on which he will make appointments. It warns of the "unfortunate effect upon every employe in the picture business if provisions for collective bargaining are not made effective promptly."

## *May Represent NRA*

Washington, April 10.—Although no decision has yet been made as to the NRA's representation in the I.T.O.A. labor case in the New York State Court of Appeals next week, it is possible that Walter Griffin, who appeared in the Congress Theatre case in New Jersey, will handle the matter, it was learned today.

## *O'Toole Replaces Dervin*

Timothy O'Toole has replaced J. J. Dervin, branch manager for United Artists, on the Boston clearance and zoning board as unaffiliated distributor.

# Seven Groups Hearing Most Of Problems

Los Angeles, April 10. — Seven committees meeting each afternoon will do the road work for the convention. Unless the problems before each group are viewed as national they will not reach the general convention.

These committees are: Grievances, NRA code-trade practices, legislation and taxes, resolutions, public relations and community affairs, and credentials and rules.

This is in keeping with the plan to proceed according to schedule and keep the fireworks as much in the background as possible, although Jack Miller of the Chicago Exhibitors' Ass'n. probably will unload plenty of code labor provisions on the grievance committee headed by Nat M. Williams. Other members of the committee are Harvey Lust, J. H. Michael, H. W. Harvey and Sidney Lust, with Charles Trampe of Wisconsin added.

The code-trade practices committee includes Fred S. Meyer; R. M. Clark, Morgan A. Walsh, William Benton, Walter Immerman, Roy Walker and Abe Lichtman.

On the code-labor committee are: Jack Miller, A. D. Kvool, Walter Vincent and L. L. Harmon. Legislation includes M. A. Lightman, M. E. Comerford, R. B. Wilby, W. H. Lollier, B. K. Fischer, J. E. Loth and Max Tabackman. Public relations is made up of Fred Wehrenberg, Williams, W. L. Ainsworth, W. S. Butterfield, Lust and W. P. Moran. Resolutions includes Edward G. Levey, Oscar C. Lam, Ed M. Fay, Harry Hicks, Lightman, A. C. Gutenberg, Walter Griffith and E. O. Kadane. Credentials and rules is made up of Comerford as chairman, with James J. McGuinness, Benjamin Pitts, Williams and A. F. Baker.

## *Fox to Pay $10,500 For Kansas Battle*

(Continued from page 1)

pay C. L. Kagey and Hal Black, Wichita lawyers, for bringing suit in the Federal court. The attorneys demanded a fee of $8,000 and $2,500 expenses. The court held they were entitled to the full amount.

Kagey and Black obtained an injunction in the Federal district court at Kansas City, Kan., in the fall of 1931, enjoining city officials from interfering with Sunday shows. On an appeal by the Kansas attorney general, the Circuit Court of Appeals set the order aside.

Numerous theatres began Sunday operation following issuance of the lower court's order.

## *Spokane Protests Fees*

Spokane, April 10.—Theatre men here are protesting city license fees, claiming they are double those charged in Tacoma, Seattle and other centers.

## *Block Adds Another*

Mark Block has acquired the Lyric, Hoboken, N. J. He has two other houses in Jersey.

# Delay Favored In Revamping Para. Affairs

(Continued from page 1)

were filed against Paramount Publix subsequent to its bankruptcy. Approximately $200,000,000 remain unsettled, and months will be required to dispose of the largest of these, it was said. No reorganization of the company will be advanced prior to that time, although a plan of reorganization has been in preparation for months by bondholder creditors comprising the Kuhn, Loeb-sponsored protective committee. The plan cannot be submitted to creditors, it was stated, or even given final form until the settlement of the large claims makes possible some definite knowledge of Paramount's liabilities.

## *Al Jolson Holds Up "Villa" at Criterion*

Under the glare of huge arc lights, M-G-M last night launched "Viva Villa" at the Criterion. As the picture was about to get under way, Al Jolson walked in, mobbed by autograph hunters who blocked the lobby and would not permit patrons to enter for a time.

Others attending included Ceila Villa, daughter of Pancho, viewing the picture for the first time, June Knight, William Gaxton, Thomas Meighan, Mae Murray, Adolph Zukor, Louis Shurr, C. C. Moskowitz and many other M-G-M executives.

No newsreel was shown, the picture starting at 8:55 P. M. and breaking at 11 P. M. sharp.

## *Delaware Tax Bill Strikes First Runs*

(Continued from page 1)

and shown on the screen each time the film is shown in Delaware.

According to Representative Elliott, when a picture is brought here for the first time the reel is taxed and recorded by a serial number. If the same reels are secured by a second or third run, carrying the receipt of the tax payment, the reel is free from another tax but if different reels of the same picture are secured and have not been recorded and taxed according to the serial number then a tax must be paid even if the picture has been shown in Delaware previously on different reels. This is not made clear in the bill, but is the interpretation according to its sponsor.

## *Majestic Decides Today*

Majestic franchise holders will decide today the number of pictures to be made next season and the amount to be spent. Conferences, which started at the company's home office, were moved to the Park Central yesterday and will be continued there today.

## *M-G-M Holds Erwin*

Hollywood, April 10.—M-G-M has renewed its option on Stuart Erwin. The actor is now on loan from M-G-M to Columbia for a part in "The Party's Over."

# End of NRA Review Board Drawing Near

(Continued from page 1)

do not feel qualified to make specific recommendations with respect to revision of the more than 20 codes before them in the absence of technical advice from men well-versed in the practices of the industries involved. The board has concluded hearings on several codes, including the film code, and certain members are of the opinion that reports should be written setting forth the deficiencies of each agreement. Others take the attitude the material laid before them by witnesses is not adequate for recommendations of such importance.

It was indicated today that Chairman Clarence Darrow will confer with the President upon the latter's return and lay the situation before him, together with a report outlining what the board has done and pointing out that the hearings have indicated the existence of much dissatisfaction with many codes and the need for an organization to hear and act upon criticisms.

**May Ask Permanency**

The proposed report is expected to recommend that establishment of a permanent organization with a staff of economists familiar with the details of the various industries. The board would use the statistical and other material of the NRA and other federal agencies.

As the existence of the board draws near its end indications appear that it was never intended by the President to be a permanent organization but was more for the purpose of testing sentiment to determine the need for such an agency.

The intention of the President to have the board operate only temporarily is seen as the reason for the sudden lack of interest in the project by NRA officials after the first flurry of excitement following its creation. So far as can be learned NRA officials have paid no attention to the hearings, although in some instances members of code authorities have been present, and have evinced little or no curiosity as to what the board might recommend, indicating the absence of all fear as to the effect of the board's activities upon the codes.

Need for a permanent organization to pass on complaints is seen by members of the board, who stated today that while they had no opinions on the specific issues which have been raised, the testimony indicated clearly that in many industries control is almost entirely in the hands of representatives of the largest units.

## *Para. Executives Back*

Stanley Waite, Paramount home office sales executive; Myron Sattler, Brooklyn exchange manager, and Percy Block, Philadelphia branch head, are back from vacations. Block returned yesterday from Bermuda.

## *Cohn Here Indefinitely*

Harry Cohn, president of Columbia, plans to stay in New York a few weeks discussing new production plans with his brother Jack and Nate Spingold.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Wild Gold"*

*(Fox)*

HOLLYWOOD, April 10.—"Wild Gold" has a new story angle dealing with the 1934 California gold rush and the resurrection of a small mining town. Treated lightly, it borders at times on burlesque, with the audience amused over the comedy situations and failing to appreciate the forced dramatic situations.

John Boles, Claire Trevor, Harry Green and Monroe Owsley give good performances in the top spots, while George Marshall's direction suffers at times from spotty continuity; yet the comedy situations atone for this shortcoming.

The story centers on Boles, a mining engineer, who builds dams between drinks. He meets Miss Trevor in a cabaret after a series of amusing situations, finally becomes regenerated into the ways of accomplishing something worthwhile and settled down before the final clinch with Miss Trevor, but not until she has rid herself of her wastrel husband. Intermingling throughout the story are plenty of unusual situations and action to keep the yarn moving until the climax of a dam bursting, sweeping away the town, as well as the husband. This leaves Boles and Miss Trevor free to start life anew, and all ends well, according to the screen formula.

## *"Where Sinners Meet"*

*(Radio)*

HOLLYWOOD, April 10.—Light comedy, given a satirical twist, is the essence of "Where Sinners Meet." Adapted from the popular British play, "The Dover Road," it moves to the tune of witty dialogue, smart acting and tricky situations. As the show has but one locale, the dialogue predominates. Yet, while action is held to a minimum, J. Walter Ruben's directing technique continually manages to focus interest on both story and players.

Here's the plot in brief: Clive Brook, living on Dover Road, the romantic highway for London elopers bound for the Continental Gretna Greens, sets himself up as an anti-Cupid. Gently waylaying Reginald Owen and Diana Wynyard, he ingratiatingly forces them to live with him. There they learn every-day married life is a vastly different panorama than their romantic mental meanderings have painted. Zest is added to the situation when Brook uncovers another pair of eloping lovers, Billie Burke (Owen's wife) and Alan Mowbray. Under the spell of Brook's practical experience and demonstrations husband and wife are reunited. Mowbray is delighted to escape the thralldom of wedlock, and in the end Brook succumbs to Hymen's arrows as he takes the Dover Road with Miss Wynyard.

Brook is outstanding. Miss Wynyard and Miss Burke are just as their fans like them to be, but Owen's performance steals the show. In minor roles Mowbray and Gilbert Emery are pleasing. H. W. Haneman has done a fine job in adapting and Ruben's direction preserves the full flavor of the British humor.

## *"We're Not Dressing"*

*(Paramount)*

HOLLYWOOD, April 10.—The comedy of Burns and Allen and Bing Crosby's romantic crooning to Carole Lombard, together with the specialties of Ethel Merman and Leon Errol, give certain box-office flavor and name value to "We're Not Dressing," but the entertainment jells only in spots.

The story intermingles some strange people in some queer situations. Even a bear plays its part in some laughable, some mawkish antics. The yarn has tried-and-true values, with Miss Lombard as the socialite owner of a yacht, on which Crosby is just a sailor, with Miss Lombard expressing love by verbal lashings of Bing. Because of Errol's rocky knees, the ship grounds on an island, with Bing taking command and applying the "no work, no eat" dictum, which brings Carole to terms.

The clever lunacies of Burns and Allen as two explorers researching top the picture's audience responsiveness. Crosby's warbling and romantic mood appeal. Miss Lombard doesn't get much chance to display gowns. Miss Merman evidences real possibilities. Errol does his little bit well. The tunes of Gordon and Revel have a distinctive quality with "May I?" a possible successor to "Did You Ever See a Dream Walking?" The songs, however, seem to suffer by spotting.

Norman Taurog's direction, usually admirable and inspired, is not quite that here. The production is of program calibre.

(Additional review on page 20)

# Higher Film Rentals Seen In the Offing

(Continued from page 1)

tives, some of whom cited the code's cancellation provisions as imposing an increased cost factor on distribution which, coupled with other cost increases resulting from the code, could not be met by their companies with distribution revenue remaining on the same basis as in pre-code seasons.

Any general increase in rentals or other playing terms next season is expected to go hand in hand with higher admissions which, it is felt here, will be both necessary and practicable by fall. With industrial recovery established on a fairly general scale in most key cities and further progress believed in prospect, many exhibitors, as well as distributors, believe that theatre patronage by autumn will be in a position to absorb slightly tilted admissions.

# No Total Set for Industrial Boards

(Continued from page 1)

trial boards which will be composed of labor representatives, members of the industry and the public.

Expense of these boards will be borne by Campi. The number of persons to comprise these boards has not yet been set, but as soon the grievance boards assume duties of the compliance boards, Campi will delve into the work of organizing the boards through which labor disputes will be funnelled.

## *Five Secretaries of Code Boards Are Set*

(Continued from page 1)

Harrell, Atlanta; Robert Klingensmith, Pittsburgh; Jane Holloran, Buffalo; Duke Dunbar, Denver.

All were unanimously recommended by both clearance and zoning and grievance boards in their respective cities.

PORTLAND, April 10.—Miss Ruth Doyle, former secretary of the Film Board of Trade, has accepted appointment to the clearance and zoning and grievance boards. She will also continue to act as secretary-treasurer of the Oregon Exhibitors' Ass'n.

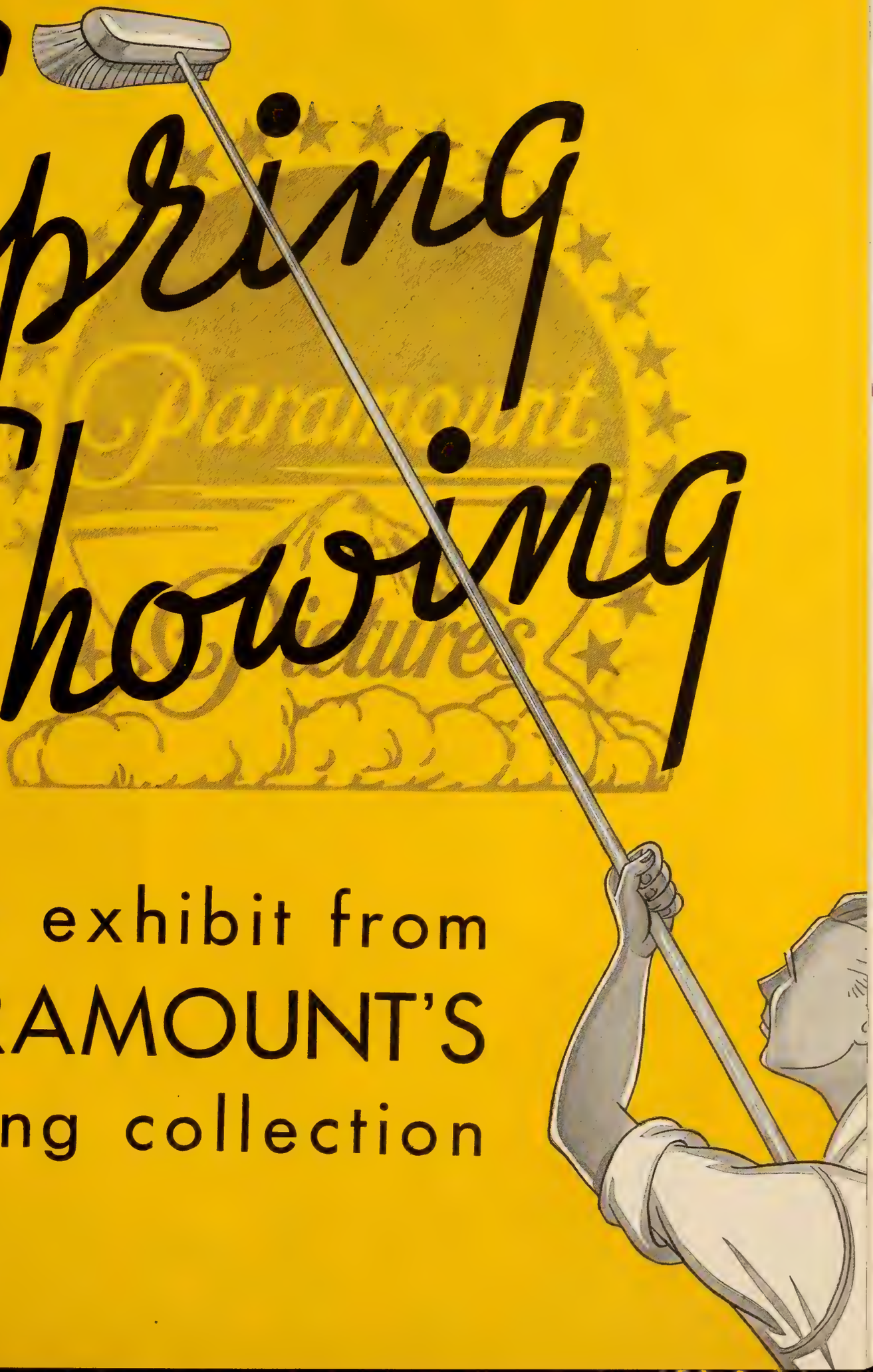
## *More Codes Taken Over by Rosenblatt*

(Continued from page 1)

placed in charge of the banking code and, possibly, the textile code. Supervision over the service trades places under Rosenblatt's charge a large number of industries, some of them among the most important in the country. In addition to the film code, he now has all the amusement codes, the garment trades and transportation.

Disposition of the banking code has not yet been finally determined, it was said today, but is expected to go to Division 5 in the near future. Transfer of the textile code to Rosenblatt is more doubtful.

# Spring Showing




• An exhibit from
PARAMOUNT'S
Spring collection

W. C. FIELDS
in "YOU'RE TELLING ME"
with
Larry "Buster" Crabbe
Joan Marsh
Adrienne Ames
Directed by Erle C. Kenton
GEORGE RAFT
in "The TRUMPET BLOWS" with
ADOLPHE MENJOU
and Frances Drake
Directed by Stephen Roberts

# "DOUBLE DOOR"

*with*

**Evelyn Venable**
**Mary Morris**
**Kent Taylor**
**Sir Guy Standing**

*Directed by Charles Vidor*

# "MELODY IN SPRING"

*with*

**Lanny Ross**
**Charlie Ruggles**
**Mary Boland**
**Ann Sothern**

*Directed by Norman McLeod*

# "WE'RE NOT DRESSING"

*with*

**BING CROSBY**

**Carole Lombard**
**George Burns & Gracie Allen**
**Ethel Merman & Leon Errol**

*Directed by Norman Taurog*

Earl Carroll's
"MURDER AT THE VANITIES"
with the
Most Beautiful Girls in the World and
Carl Brisson Victor McLaglen
Jack Oakie Kitty Carlisle
& Duke Ellington & Band
Directed by Mitchell Leisen
Damon Runyon's
"HALF-WAY DECENT"
with
Adolphe Menjou
Dorothy Dell
Charles Bickford
Shirley Temple
Directed by Alexander Hall
A B. P. Schulberg Production
SYLVIA SIDNEY
in
"THIRTY-DAY PRINCESS"
with
CARY GRANT
Directed by Marion Gering
A B. P. Schulberg Production

# MAE WEST

in

# "IT AIN'T NO SIN"

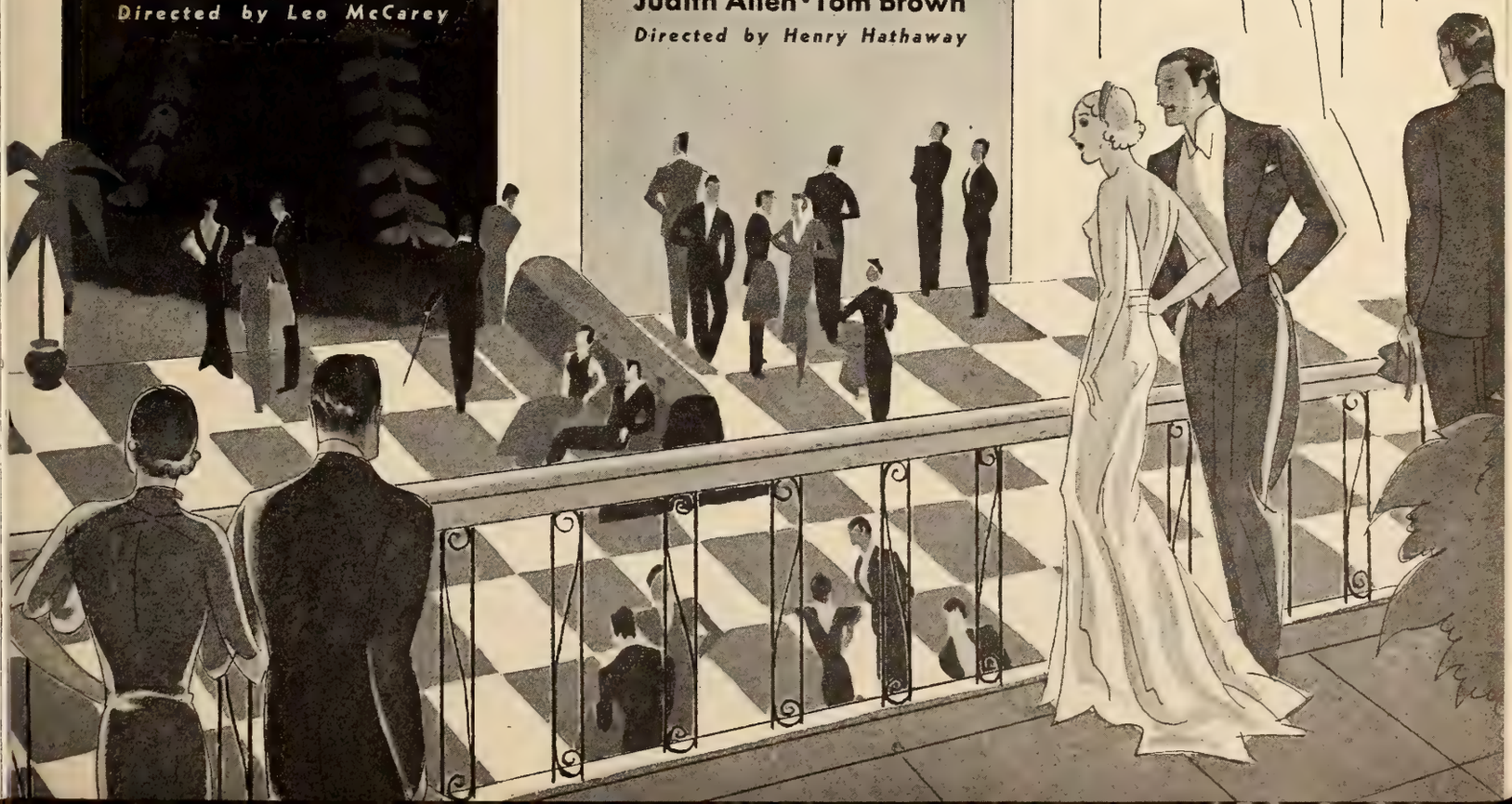
with Roger Pryor
John Mack Brown
Duke Ellington & Band
*Directed by Leo McCarey*

Augustus Thomas'

"The

# WITCHING HOUR"

with
Sir Guy Standing
John Halliday
Judith Allen • Tom Brown
*Directed by Henry Hathaway*



# "Harold" and Penner Big in Philadelphia

PHILADELPHIA, April 10.—Joe Penner set a new all-time record for the Earle last week with a cool $40,000, topping Eddie Cantor's $38,000. House was jammed all week and six shows were given daily with seven on Saturday. "Harold Teen," the film, won good comments on its own merit.

Also topnotch was "Riptide" which garnered $22,000 in its first week at the Boyd. "Bottoms Up" took $18,500 at the Fox, almost enough to land it a second week. "David Harum" was O. K. in a second run at Keith's. The rest of the houses slipped, but the total figure was a way above average.

Estimated takings for the week ending April 5:

**"PALOOKA" (U. A.)**
ALDINE—(1,300), 40c-55c-65c, 6 days, 2nd week. **Gross:** $4,000. (Average, $7,000)
**"THIS SIDE OF HEAVEN" (M-G-M) (Second Run)**
ARCADIA—(600), 25c-40c-50c, 5 days. **Gross:** $1,600. (Average, 6 days, $2,400)
**"RIPTIDE" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $22,000. (Average, $12,000)
**"HAROLD TEEN" (F. N.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Joe Penner and others. **Gross:** $40,000. (Average, $12,000)
**"BOTTOMS UP" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage: Phil Spitalny and His Queens of Melody. **Gross:** $18,500. (Average, $12,000)
**"MAN OF TWO WORLDS" (Radio)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,900. (Average, $3,500)
**"DAVID HARUM" (Fox) (Second Run)**
KEITH'S—(2,000), 25c-35c-40c, 6 days. Stage: Harold Woods and His Royal Crest Orchestra. **Gross:** $7,000. (Average, $7,000)
**"GEORGE WHITE'S SCANDALS" (Fox) (Second Week)**
LOCUST—(1,400), 30c-40c-60c, 6 days, 2nd week. **Gross:** $6,500. (Average, $7,000)
**"GAMBLING LADY" (Warners)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $12,000)
**"COME ON, MARINES" (Para.)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $6,000. (Average, $7,000)

# "Wonder," $6,000, Tops Indianapolis

INDIANAPOLIS, April 10.—Top honors went to "Wonder Bar" last week, with a gross of $6,000 at the Circle. This is up by $2,500.

"George White's Scandals" grabbed off second high gross with $3,500 at the Apollo. Business elsewhere was not startling.

Total first run business was $21,500. Average is $16,500.

Estimated takings for the week ending April 8:

**"GEORGE WHITE'S SCANDALS" (U. A.)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $3,500. (Average, $2,500)
**"WONDER BAR" (F. N.)**
CIRCLE—(2,800), 20c-40c, 9 days. **Gross:** $6,000. (Average, $3,500)
**"MAN OF TWO WORLDS" (Radio)**
**"THIS MAN IS MINE" (Radio)**
INDIANA—(3,100), 20c-40c, 7 days. **Gross:** $3,500.
**"DARK HAZARD" (F. N.)**
LYRIC—(2,000), 20c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $6,000)
**"RIP TIDE" (M-G-M)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500)

## *"Side Streets" New Title*

HOLLYWOOD, April 10. — Warners' Aline MacMahon vehicle, "Fur Coats," will be released as "Side Streets."

## *B'way Show-Window*

ASTOR — "House of Rothschild" (U. A.)—reviewed Feb. 27.
CAPITOL—"Riptide" (M-G-M)—reviewed March 22.
MAYFAIR—"I Believed in You" (Fox)—reviewed Feb. 10.
PALACE—"Good Dame" (Para.)—reviewed March 17.
PARAMOUNT—"You're Telling Me" (Para.)—reviewed March 22.
RADIO CITY MUSIC HALL—"Wild Cargo" (Radio)—reviewed March 27.
RIALTO—"Lost Patrol" (Radio)—reviewed Jan. 26.
RIVOLI—"Catherine the Great" (U. A.)—reviewed Feb. 1.
RKO CENTER—Saturday to Wednesday—"Spitfire" (Radio)—reviewed Feb. 15. Wednesday to Saturday—"Come On, Marines" (Para.)—reviewed March 2.
ROXY—"Constant Nymph" (Fox)—reviewed Jan. 24.
STRAND—"Gambling Lady" (Warners)—reviewed Feb. 16.

# "Riptide" Garners $7,350, Oklahoma

OKLAHOMA CITY, April 10.—Though the weather was bad part of last week, city first runs piled up bigger grosses than they have seen for many weeks. "Riptide" brought top money to the Criterion, taking $7,350. "Wonder Bar" grossed $5,500 for the Midwest.

"Journal of a Crime" at the Capitol flopped to the tune of $1,650. It being the only picture to fall below average last week. "Jimmy, the Gent" and "Coming Out Party," with the help of the stage show, "Blue Ridge Mountaineers," the first of the week took $1,200 over average of $2,000.

Total first run business $17,700. Average is $13,500.

Estimated takings for the week ending April 7:

**"RIPTIDE" (M-G-M)**
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $7,350. (Average, $5,000)
**"WONDER BAR" (F. N.)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $5,500. (Average, $4,000)
**"JIMMY, THE GENT" (Warner)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. "Blue Ridge Mountaineers" on stage. **Gross:** $2,500. (Average week, $2,000)
**"COMING OUT PARTY" (Fox)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $700. (Average week, $2,000)
**"JOURNAL OF A CRIME" (Warner)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,650. (Average, $2,500)

## *M-G-M Borrows March*

HOLLYWOOD, April 10. — Fredric March goes to M-G-M for the leading male role in "Barretts of Wimpole Street" on loanout from 20th Century. He is slated to do a picture for Sam Goldwyn following the M-G-M assignment as a filler during the 20th Century production lull.

## *Borg in Franchise Deals*

KANSAS CITY, April 10.—Russell C. Borg, manager of the newly organized Consolidated Film Distributors, Inc., announces that franchise deals have been closed with Amity, Astor, Progressive, Superior Talking Pictures Corp. and Celebrity Productions. Astor is releasing 12 three-reel westerns, Superior will supply feature westerns, while the deal with Celebrity is for a series of six cartoons in color.

## *Start Burlington House*

BURLINGTON, N. C., April 10.—Contract has just been let for a theatre to cost $30,000 on the lot at Front and Worth streets. M. B. Smith and John Barnwell are owners of the property.

# "Melody" and Roxy $35,000 Boston Smash

BOSTON, April 10.—Boston shattered records this week when grosses in the six first runs mounted to $119,000 with every house well above average and some coming near the high records for the year.

The Metropolitan was high for the week with "Melody in Spring," plus Roxy in person and his Gang, going $7,000 over par to $35,000. Second honors were tied between "Spitfire" at RKO Keith's and "Riptide" at Loew's Orpheum, each grossing $6,000 better than average.

"I Like It That Way" was good for $3,500 above and both the twin houses with a double bill were well over.

Ideal weather, the first real spring of the year, prevailed.

Total first run business for the week was $119,000. Average is $95,000.

Estimated takings for the week ending April 5:

**"I LIKE IT THAT WAY" (Univ.)**
BOSTON—(2,900), 25c-50c, 7 days. Stage: Clark and McCullough musical comedy. **Gross:** $19,500. (Average, $16,000)
**"GAMBLING LADY" (Warners)**
**"COME ON, MARINES" (Para.)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)
**"SPITFIRE" (Radio)**
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $22,000. (Average, $16,000)
**"RIPTIDE" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaudeville. **Gross:** $22,000. (Average, $16,000)
**"MELODY IN SPRING" (Para.)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Roxy in person and his Gang. **Gross:** $35,000. (Average, $28,000)
**"GAMBLING LADY" (Warners)**
**"COME ON, MARINES" (Para.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,500. (Average, $9,000)

# "Spitfire" Omaha Top in Dull Week

OMAHA, April 10.—Business got off to a slow start last week as a result of a snowstorm on Good Friday, but "Spitfire" was strong at $5,000 in the Brandeis. It was $250 over par.

"Riptide," on a dual bill with "Three on a Honeymoon," was a disappointment at $7,500, which is only par for the Paramount.

A stage show at the Orpheum, along with "Jimmy the Gent," got $7,250, which is only fair. The World, playing "Palooka" and "Orient Express," slipped under par at $4,250.

Total first run business was $24,000. Average is $25,750.

Estimated takings:

***Week Ending April 4:***
**"RIPTIDE" (M-G-M)**
**"THREE ON A HONEYMOON" (Fox)**
PARAMOUNT—(2,900), 25c-35c-40c, 7 days. **Gross:** $7,500. (Average, $7,500)
***Week Ending April 5:***
**"SPITFIRE" (Radio)**
BRANDEIS—(1,500), 25c-35c, 7 days. **Gross:** $5,000. (Average, $4,750)
**"JIMMY, THE GENT" (Warners)**
ORPHEUM—(3,000), 25c-35c-50c, 7 days. Stage: F. & M.'s "Laugh It Off." **Gross:** $7,250. (Average, $8,000)
**"PALOOKA" (U. A.)**
**"ORIENT EXPRESS" (Fox)**
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $4,250. (Average, $5,000)

## *Missouri House to Open*

KANSAS CITY, April 10.—Howard Meek has taken over the Rex at Maysville, Mo., long closed, and reopened it as the Plaza.

# "One Night" Pittsburgh's Top, $11,500

PITTSBURGH, April 10.—"It happened One Night" reached $11,500 at the Stanley, over normal by $2,500, but even at that it was something of a disappointment to those who had expected a big pickup following Easter.

"George White's Scandals" at the Fulton fell off after a great start, getting $3,000 on its first two days and then only $2,200 during the remainder of the week, while "Harold Teen" slipped under par at the Warner at $4,500. Joe Laurie, Jr.'s "Memory Lane Revue" helped "I Believed In You" get $6,800 at the Pitt and at the Davis, "Love Birds" and "The Countess of Monte Cristo" attracted only $2,500.

Total grosses in six first run houses were $51,500. Average is $47,500.

Estimated takings for the week ending April 7:

**"LOVE BIRDS" (Univ.)**
**"COUNTESS OF MONTE CRISTO" (Univ.)**
DAVIS—(1,700), 25c-35c, 6 days. **Gross:** $2,500. (Average, $2,500)
**"GEORGE WHITE'S SCANDALS" (Fox)**
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $5,200. (Average, $4,000)
**"NANA" (U. A.)**
PENN—(3,300), 25c-75c, 6 days. Stage: "Greenwich Village Follies" with Yorke and King. **Gross:** $21,000. (Average, $21,000)
**"I BELIEVED IN YOU" (Fox)**
PITT—(1,600), 15c-40c, 6 days. Stage: Joe Laurie, Jr.'s, "Memory Lane Revue." **Gross:** $6,800. (Average, $6,000)
**"IT HAPPENED ONE NIGHT" (Col.)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $11,500. (Average, $9,000)
**"HAROLD TEEN" (Warners)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,500. (Average, $5,000)

# "Wonder Bar" Big Grosser in Denver

DENVER, April 10.—"Wonder Bar," showing both at the Aladdin and Denver, was a heavy draw. It took $4,000 at the former, up by $1,000, and $9,000 at the latter, over par by $2,000.

"The Mystery of Mr. X," with El Brendel on the stage at the Orpheum, garnered $11,000. This is over average by $1,000.

Total first run business was $29,000. Average is $27,000.

Estimated takings for the week ending April 5:

**"WONDER BAR" (F. N.)**
ALADDIN—(1,500), 25c-50c, 7 days. **Gross:** $4,000. (Average, $3,000)
**"SHE MADE HER BED" (Para.)**
DENHAM—(1,500), 25c-40c, 3 days. **Gross:** $800.
**"EIGHT GIRLS IN A BOAT" (Para.)**
DENHAM—(1,500), 25c-40c, 2 days. **Gross:** $900.
**"MELODY IN SPRING" (Para.)**
DENHAM—(1,500), 25c-40c, 2 days to finish week, but being held another week. **Gross:** $1,800. (Average for week, $5,000)
**"WONDER BAR" (F. N.)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $7,000)
**"THE MYSTERY OF MR. X" (M-G-M)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. Stage: El Brendel. **Gross:** $11,000. (Average, $10,000)
**"EVER SINCE EVE" (Fox)**
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $500.
**"SON OF KONG" (Radio)**
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,000. (Average for week, $2,500)

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# SMILE

The delegate who has booked FOX product is having a great time. Carefree, untroubled...he knows that pictures like "Carolina," "David Harum," "George White's Scandals," and "Bottoms Up" are packing them in while he's at the Convention.

## but that's not all . .

# WHEN YOU

**You'll see what FOX was producing while you were convening...an outstanding line-up...even for FOX. You'll be glad to be home in time to take the bows from your audiences for showing these star-spangled, entertainment-packed pictures.**

*As Big as the Love of All the World!*

## ALL MEN ARE ENEMIES

**HUGH WILLIAMS, HELEN TWELVETREES, MONA BARRIE, Herbert Mundin, Una O'Connor, Halliwell Hobbes, Henry Stephenson. From Richard Aldington's international best seller. Directed by George Fitzmaurice.**

*Scotland Yard follows a trail of blood into the fatal Caroni swamp*

## MURDER IN TRINIDAD

**NIGEL BRUCE, HEATHER ANGEL, VICTOR JORY. From the novel by John W. Vandercock. Directed by Louis King.**

*As your Patrons Like Him Best!*

## WARNER BAXTER

*starring in*

## TOO MANY WOMEN

**ROSEMARY AMES, ROCHELLE HUDSON, MONA BARRIE, HERBERT MUNDIN, HENRIETTA CROSMAN. From the story "Odd Thursday" by Vera Caspary. Directed by James Flood.**

*Night club sirens and weather-beaten sourdoughs race for riches in the 1934 gold stampede*

## WILD GOLD

**JOHN BOLES, CLAIRE TREVOR, HARRY GREEN, Roger Imhof, Ruth Gillette, Monroe Owsley. Directed by George Marshall.**

# GET BACK..

*Reunited!*

**JANET GAYNOR CHARLES FARRELL**

## CHANGE OF HEART

**JAMES DUNN, GINGER ROGERS. From the novel "Manhattan Love Song" by Kathleen Norris. Directed by John C. Blystone.**

*Eight-month Broadway comedy smash of a young man whose fancy lightly turned to plain and fancy love*

## SPRINGTIME FOR HENRY

**OTTO KRUGER, NANCY CARROLL, NIGEL BRUCE, HEATHER ANGEL, HERBERT MUNDIN. From the hit play by Benn W. Levy. Directed by Frank Tuttle.**

*Racing hearts and pounding hoofs in the fastest and merriest horse race thriller ever screened*

## CALL IT LUCK

**"PAT" PATERSON, Charles Starrett, Herbert Mundin, Directed by George Marshall.**

*Gripping inside drama of New York super-gamblers where the winner stands to lose his life*

**SPENCER TRACY**

*in*

## NOW I'LL TELL

**by MRS. ARNOLD ROTHSTEIN**

**with HELEN TWELVETREES, ALICE FAYE. Directed by Edwin Burke**

**and the hit of hits!**

## STAND UP AND CHEER!

**FOX**

**THE SHOW OF 1,001 SURPRISES**

STEP OUT
WITH
UNIVERSAL
Presented by
CARL
LAEMMLE

Edna Ferber's

# GLAMOUR

**PAUL LUKAS**
**CONSTANCE CUMMINGS**

Phillip Reed, Doris Lloyd, Joseph Cawthorn. Directed by William Wyler. A B. F. Zeidman Production.

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# LEE TRACY

GLORIA STUART, Roger Pryor, Onslow Stevens, Alec Francis, Lawrence Grant, Dorothy Granger. Directed by Edward Sedgwick. Produced by Carl Laemmle, Jr.

# I'LL TELL THE WORLD

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# UNCERTAIN LADY

**EDWARD EVERETT HORTON**
**GENEVIEVE TOBIN**

PAUL CAVANAGH, Mary Nash, Renee Gadd, George Meeker, Dorothy Peterson, Donald Reed. Produced by Carl Laemmle, Jr. Directed by Karl Freund.

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**BORIS KARLOFF**
**BELA LUGOSI**

David Manners, Jacqueline Wells, Andy Devine, Lucille Lund. Suggested by a story by EDGAR ALLAN POE. Produced by Carl Laemmle, Jr. Directed by Edgar Ulmer.

# THE BLACK CAT

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# LITTLE MAN, WHAT NOW?

★ ★ ★ ★ ★

**MARGARET**
# SULLAVAN

DOUGLASS MONTGOMERY, Alan Hale, Hedda Hopper and many others. From Hans Fallada's best seller.

**A FRANK BORZAGE PRODUCTION**

SPITFIRE

LITTLE WOMEN

FLYING DOWN TO

ANN VICKERS

DOUBLE HARNESS

ONE MAN'S JOURNEY

RIGHT TO ROMANCE

# PRODUCTIONS . . .

YOU CAN BANK ON

**RKO RADIO**

IN 1934-35, TOO!

RIO
LOST PATROL
MORNING GLORY
NEY BED OF ROSES
CE HIPS, HIPS, HIPS, HO

# NOT PREDICTIONS

AS PROMISED . .
**FROM RKO RADIO**

. . and these to come

STINGAREE . . THE CRIME DOCTOR
FINISHING SCHOOL . . STRICTLY DYNAMITE
SING AND LIKE IT . . THIS MAN IS MINE
WHERE SINNERS MEET . . GREEN MANSIONS
. . OF HUMAN BONDAGE

# "Wild Cargo" Hits Top in Frisco Week

San Francisco, April 10.—"Wild Cargo," advertised as "world premiere," grabbed top dough here last week at the Golden Gate with $16,700, which is $3,700 over average. A wild animal lobby display helped the gross. Ted Lewis in person with "Countess of Monte Cristo" helped the Orpheum to click at $13,000, which is $4,000 over normal. Other high ones were the Fox, with "Social Register" at $13,000, which is $4,000 up; "Nana" at $11,500 at the United Artists, $3,500 over top, and "George White's Scandals" at the Warfield, grabbing $19,000 for normal business.

All in all, it was a most satisfactory week, and was rather expected following the lows of Holy Week.

Total first run business was $87,200. Average is $76,000.

Estimated takings:

***Week Ending April 3:***

**"WILD CARGO" (Radio)**

GOLDEN GATE—(2,800), 25c35c-40c, 7 days. Stage: Vaudeville, band. **Gross:** $16,700. (Average, $13,000)

***Week Ending April 4:***

**"COUNTESS OF MONTE CRISTO" (Univ.)**

ORPHEUM—(3,000), 15c-35c-50c, 7 days. Ted Lewis and band in person. **Gross:** $13,000. (Average, $9,000)

**"WHARF ANGEL" (Para.)**
**"HOLD THAT GIRL" (Fox)**

ST. FRANCIS—(1,400), 15c-25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $6,000)

**"NANA" (U. A.)**

UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $11,500. (Average, $8,000)

**"GEORGE WHITE'S SCANDALS" (Fox)**

WARFIELD — (2,700), 25c-35c-55c-65c-90c, 7 days. Stage: Band. **Gross:** $19,000. (Average, $19,000)

***Week Ending April 5:***

**"SOCIAL REGISTER" (Col.)**
**"WINE, WOMEN AND SONG" (Chadwick)**

FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage: Vaudeville. **Gross:** $13,000. (Average, $9,000)

**"JIMMY, THE GENT" (Warners)**
**"LAZY RIVER" (M-G-M)**

PARAMOUNT—(2,670), 15c-35c-40c-65c, 7 days. **Gross:** $10,000. (Average, $12,000)

# "Cat and Fiddle" $6,000 in Seattle

Seattle, April 10.—"The Cat and the Fiddle" at the Paramount, together with a strong anniversary and Easter stage program, put the house on the top of the heap for the week. The gross was about an average $6,000.

Total first run business was $28,750. Average is $31,500.

Estimated takings for the week ending April 6:

**"PALOOKA" (U. A.)**

BLUE MOUSE—(950), 25c-35c-50c, 9 days. **Gross:** $4,000. Average, 7 days, $4,000)

**"GEORGE WHITE'S SCANDALS" (Fox)**

FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. **Gross:** $6,000. (Average, $7,000)

**"IT HAPPENED ONE NIGHT" (Col.)**

LIBERTY—(1,800), 15c-25c-35c, 7 days, 6th week. **Gross:** $4,000. (Average, first week, $4,000)

**"GAMBLING LADY" (Warners)**

MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,750. (Average, $4,000)

**"JOURNAL OF A CRIME" (F. N.)**
**"BLOOD MONEY" (U. A.)**

ORPHEUM—(2,500), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $6,000)

**"THE CAT AND THE FIDDLE" (M-G-M)**

PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Harry Kahne & Company. **Gross:** $6,000. (Average, $6,000)

# *"Wonder Bar" a $20,000 Sensation in Cleveland*

Cleveland, April 10. — "Wonder Bar" led off the biggest Easter week here in two years. It broke opening day records at the Hippodrome and held its crowds all week. The $20,000 gross was $15,000 over average.

"Riptide" also got off to a flying start at Loew's State and topped par $5,000 on its $15,000 take.

"The House of Rothschild" had a good opening at $1.50 top at the Ohio. The $6,100 take was better than some recent roadshows, but this town balks at these prices.

Total business, excluding "The House of Rothschild," was $64,100. Average is $45,500.

Estimated takings for the week ending April 6:

**"LOVE BIRDS" (Univ.)**

ALLEN—(3,300), 25c-35c, 7 days. Stage: "Let's Go Places." **Gross:** $5,000. (Average, $5,000.

**"WONDER BAR" (Warners)**

WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $20,000. (Average, $5,000)

**"I'VE GOT YOUR NUMBER" (Warners)**
**"COUGAR" (Master Arts)**
**"LOOKING FOR A SILVER LINING" (Warners)**

WARNERS' LAKE — (800), 30c-40c, 7 days. **Gross:** $1,800. (Average, $2,500)

**"THIS MAN IS MINE" (Radio)**

RKO PALACE—(3,100), 30c-40c-60c-75c, 7 days. Stage: "Connie's Hot Chocolates." **Gross:** $18,000. (Average, $18,000)

**"RIPTIDE" (M-G-M)**

LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $15,000. (Average, $10,000)

**"COME ON, MARINES" (Para.)**
**"THE LAST ROUNDUP" (Para.)**

LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,300. (Average, $4,000)

**"THE HOUSE OF ROTHSCHILD" (U. A.)**

OHIO—(1,500), 50c-75c-$1.00-$1.50, 7 days. **Gross:** $6,100.

# "Wonder Bar" Capital Smash With $25,000

Washington, April 10. — With spring and the annual influx of Easter visitors to the capital, theatres showed one of the best weeks in recent months.

Featuring "Wonder Bar" as its screen attraction, and unreeling five complete deluxe shows, the Earle hit a new high with $25,000. Charlie Melson headlined the vaudeville.

At the Fox the combination of "George White's Scandals" and Thurston, and his daughter, Jane, failed to click off the high that was expected. The take was $20,000.

Critics' acclaim failed to put over "No Greater Glory." It took a weak $5,000 at the Metropolitan.

After going five weeks and one day, RKO-Keith's finally pulled "It Happened One Night" to make way for "Wild Cargo," which came through with $12,000.

The $17,000 for "Riptide" renewed Norma Shearer's stay at the Palace for another seven days.

Estimated takings, exclusive of tax, for the week ending April 5:

**"DAVID HARUM" (Fox)**

COLUMBIA—(1,232), 25c-40c, 7 days (return engagement). **Gross:** $5,000.

**"WONDER BAR" (F. N.)**

EARLE—(2,323), 25c-66c, 7 days. Stage show (5 extra performances). **Gross:** $25,000.

**"GEORGE WHITE'S SCANDALS" (Fox)**

FOX—(3,434), 25c-66c, 7 days. Stage show. **Gross:** $20,000.

**"NO GREATER GLORY" (Col.)**

METROPOLITAN — (1,600), 25c-40c, 6 days. **Gross:** $5,000.

**"RIPTIDE" (Para.)**

PALACE—(2,363), 25c-55c, 7 days. **Gross:** $17,000.

**"COUNTESS OF MONTE CRISTO" (Univ.)**

RIALTO—(1,800), 25c-55c, 7 days. **Gross:** $5,000.

**"WILD CARGO" (Radio)**

RKO-KEITH'S—(1,830), 25c-55c, 7 days. **Gross:** $12,000.

## *Cadman Branch Manager*

Los Angeles, April 10.—Stanley Simmons, president of Independent Film Distributors, has named R. J. Cadman as branch manager. Cadman was branch manager here for Universal for 14 years.

# "Riptide" Is $25,000 High For Chicago

Chicago, April 10.—Business was up at practically all Loop spots last week, "Riptide" at United Artists garnering the heavy take of $25,000 to easily outdistance all competition.

At the same time B. & K.'s Chicago pushed up to $33,000 with "Gambling Lady" on the screen and Lew Leslie's "Blackbirds of 1934" as the stage attraction.

Of special significance was the $15,000 hung up at the 50-cent top Roosevelt for the third Loop week of "It Happened One Night." The Gable film is being held at the Roosevelt for a fourth stanza.

Total first run business was $134,500. Average is $137,000.

Estimated takings:

***Week Ending April 5:***

**"GAMBLING LADY" (Warners)**

CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Lew Leslie's "Blackbirds of 1934." **Gross:** $33,000. (Average, $34,600)

**"DARK HAZARD" (Warners)**

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Milton Berle. **Gross:** $19,000. (Average, $23,000)

**"THIS MAN IS MINE" (Radio)**

PALACE — (2,509), 35c-50c-75c, 7 days. Charles "Buddy" Rogers and California Cavaliers, Johnny Burke and Sheila Barret on stage. **Gross:** $18,500. (Average, $22,000)

**"IT HAPPENED ONE NIGHT" (Col.) (Third Loop Week)**

ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $15,000. (Average, $11,000)

**"CROSS COUNTRY CRUISE" (Univ.)**

STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Paul Ash and gang, Jackie Heller, Tony Ca Booch and others on stage. **Gross:** $14,000. (Average, $17,000)

***Week Ending April 6:***

**"GEORGE WHITE'S SCANDALS" (Fox)**

McVICKERS—(2,284), 30c-40c-60c, 2nd week, 7 days. **Gross:** $10,000. (Average, $13,000)

**"RIPTIDE" (M-G-M)**

UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $25,000. (Average, $17,000)

## *No Tax for Children*

Des Moines, April 10.—Children's tickets are exempt from the state retail sales tax which went into effect April 1. Theatre owners have received permission to absorb the tax on children's tickets. In many cases, higher priced theatres over the states have had to lower prices to meet the tax.

# "Melody" Is Twin Cities' Hit, $14,000

Minneapolis, April 10.—Melody in Spring" was the heavy grosser here and in St. Paul last week. At the Minnesota here the $8,000 gross topped par by $500 and across the river the $6,000 take was up by $500.

"The Private Life of Henry VIII" attracted plenty of attention. In the 400-seat World here it went to $3,500 and in the 300-seat St. Paul World the $3,000 take was double normal.

Total first run business in Minneapolis was $25,000. Average is $22,000. Total St. Paul grosses were $19,500. Average is $16,000.

Estimated takings:

***Minneapolis***

***Week Ending April 5:***

**"FRONTIER MARSHAL" (Fox)**

LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

**"MELODY IN SPRING" (Para.)**

MINNESOTA—(4,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,500)

***Week Ending April 6:***

**"MEANEST GAL IN TOWN" (Radio)**

RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"GEORGE WHITE'S SCANDALS" (Fox)**

STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"PRIVATE LIFE OF HENRY VIII" (U. A.)**

WORLD—(400), 25c-75c, 7 days. **Gross:** $3,500. (Average, $2,000)

***St. Paul***

***Week Ending April 6:***

**"MELODY IN SPRING" (Para.)**

PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"GOOD DAME" (Para.)**

RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,200. (Average, $3,500)

**"SPITFIRE" (Radio)**

RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $4,800. (Average, $4,000)

**"NO MORE WOMEN" (Para.)**

TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $800)

**"SLEEPERS EAST" (Fox)**

TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average, $700)

**"PRIVATE LIFE OF HENRY VIII" (U. A.)**

WORLD—(300), 25c-75c, 7 days, 3rd week. **Gross:** $3,000. (Average, $1,500)

## *Cincy Unemployment Cut to 23 Per Cent*

Cincinnati, April 10. — Business conditions here continue on the up and up, and gradually is finding reflection in increased box-office returns.

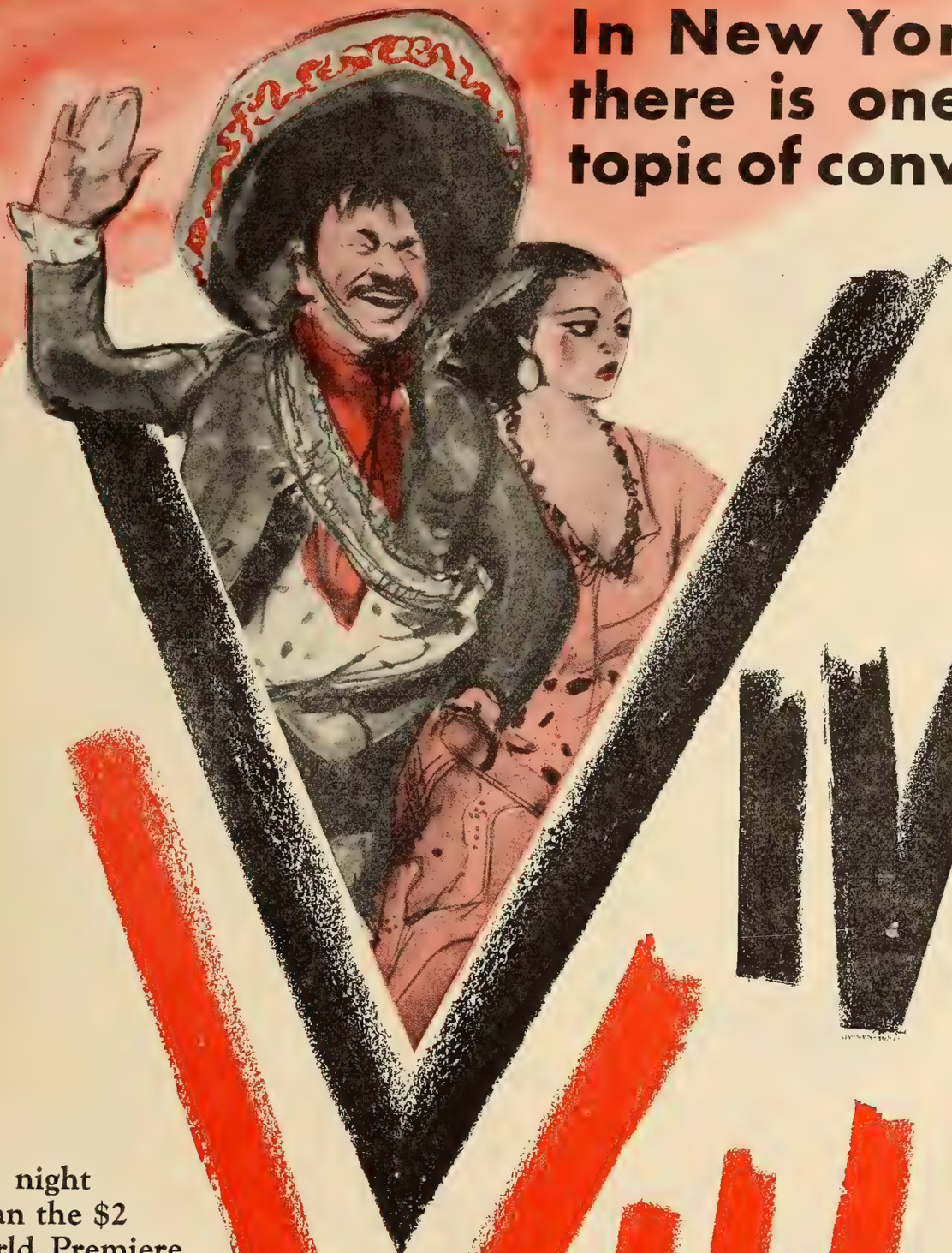
Unemployment in February was only 23 per cent of the normal employment. In other words, 77 per cent of all persons normally employed here were back at work, according to survey by the Chamber of Commerce.

From the same source it is learned that February of this year showed an increase of 47.1 per cent in the business of 18 selected industries over February 1933. There was a 12.3 per cent increase in department store sales in the same period.

## *Radio to Do West Pointer*

Hollywood, April 10.—With heavy returns pouring in from Radio's "Midshipman Jack," the studio has decided to make another government school film, this time with West Point the focal point. Bruce Cabot will again step into the top spot. Christy Cabanne, director of the first one, will again direct and Glendon Allvine will be the producer.

# In New York today there is one thrilling topic of conversation



# VIVA VILLA!

Last night began the $2 World Premiere Presentation at the Criterion Theatre on Broadway! Motion picture history is in the making!

*Viva Villa! Starring Wallace Beery. A Metro-Goldwyn-Mayer Picture. Produced by David O. Selznick. Directed by Jack Conway. Screen Play by Ben Hecht. Suggested by the book by Edgcumb Pinchon and O. B. Stade.*

LEO MARCHES ON!

## Warners' Wisconsin Managers Are Moved

MILWAUKEE, April 10.—A shift in Warner managers here brings William Geehan, formerly with Fox in Green Bay, to Warners' Retlaw theatre in Fond du Lac. He succeeds Bunny Sommers, who has been transferred to the circuit's Strand in Oshkosh, where he succeeds Burr Cline, resigned.

Tom Reilly, manager of the circuit's Granada, neighborhood house, has been transferred to Menominee, Mich., as manager of the Lloyd, succeeding Cyrus Lloyd. Mikey Kippel has been transferred from the Lake to the Granada, succeeding Reilly, while Vic Poynter has been shifted from the State to the Lake. William Exton is now managing both the Venetian and the State and Gene Arnstein, formerly at the Venetian, is now managing the Riviera and Kosciuszko. The latter house was reopened recently.

## Seitz Off to Amazon

HOLLYWOOD, April 10.—George B. Seitz, director; Harold H. Noice, author, and Joseph Cook, business manager, have left on the first leg of a 7,300-mile trip into the Amazon region to start filming "Jungle Red Man" for M-G-M. They will be gone four months and will use a native cast. Most of the action will be at Yara Wate.

# Looking 'Em Over

## "Orders Is Orders"

*(Gaumont-British)*

With James Gleason, Charlotte Greenwood and Cyril Maude in the principal roles, this tale of a Hollywood director invading the British barracks for authentic shots and turning the place topsy turvy provides countless laughs. As the director, Gleason gets over a lot of American colloquialisms, which are strange to the ears of the English.

Gleason is sent abroad to work on an epic, the story of which is changed by the director when a new idea creeps into his fertile brain. After he has managed to get the captain, Maude, to put the British army at his disposal, Gleason attempts to make a movie hero of the government official. These incidents are loaded with laughs. To top it all, Gleason, after many new ideas have been born and murdered, finally finishes his picture, but it never leaves the barracks. One of the orderlies, attempting to find out whether the film would ignite, puts a match to it and the answer spells ruin for the movie outfit.

Miss Greenwood assists Gleason in getting the captain to capitulate so that the company can get the army shots and manages to do a goodly share of the work. However, chief honors go to Gleason with Maude running a close second.

It should be all right in neighborhoods.

## DeMille Picks Another

HOLLYWOOD, April 10.—Cecil B. DeMille has gone into production of historical films in a large way, having lined up "Samson and Delilah" as a follow-up on "Cleopatra." Miriam Hopkins and Henry Wilcoxan have been assigned the feature spots.

# Short Subjects

## "Pagliacci"

*(Educational-Fox)*

William C. de Mille, who produced this and directed it, admits that it is an experiment in film technique. If it proves acceptable to the public, entire operas may be produced in this way.

Dan Gridley, Rose Tentone, Ralph Magelssen, James Montgomery and Frank Chapman, stage actors, are used to put on the scene from the opera where Canio, the clown, finds out his wife has been unfaithful, but goes out to perform as usual. The actors move about freely and use pantomime while the music is sung by operatic singers and synchronized to the players' movements, but not always with their lips. Both the vocal selections and the orchestral numbers are splendid.

Where audiences like operatic music the numbers ought to be popular. Running time, 12 mins.

## "Ceiling Whacks"

*(Warren Doane-Universal)*

Henry Armetta's work in "Ceiling Whacks" does much to retrieve this short from mediocrity. Considerably true to life is his performance of an Italian husband whose married life is made miserable by a mother-in-law who shares his home. To get its laughs the film resurrects the old one about the cutie who finds her way into a married couple's apartment while the husband is alone, forcing the fellow to do a lot of explaining when the wife returns unexpectedly and finds them together. Much of it is slapstick. Running time, 20½ mins.

## "Strange As It Seems"

*(John Hix-Universal)*

This is No. 38 of the series, and a highly entertaining and instructive one it is. Among the oddities pictured are a pet porcupine fish that eats lamb chops, the making of a Mexican Indian caviar from the eggs of water flies, the production of cochineal. But by far the most engrossing scenes are those showing the training of fleas. Running time, 9¾ mins.

## Pittsburgh Houses Fight Time Change

PITTSBURGH, April 10. — Meeting with Mayor William V. McNair here, a committee of showmen including Harry Kalmine, zone manager for Warners; Joe Feldman, advertising director; Mike Cullen, Loew's city manager, and Secretary Herrington of the M.P.T.O.A., registered a vigorous protest against daylight savings time, which goes into effect here April 29 for five months.

The mayor told them he would like to sound out public opinion first and the theatre owners offered to sponsor a referendum among patrons, to which the mayor agreed.

## Iowa Tax Brings on Changes in Scales

DES MOINES, April 10.—Several theatres in Des Moines and over the state are announcing changes in price schedules simultaneously with the going into effect of the state retail sales tax of two per cent. For the greater part, the trend is downward as to admission prices, despite the absorption of the sales tax.

The Des Moines and Paramount theatres here have set their schedules at 26c, 36c and 41c for the Des Moines and 21c, 26c and 36c for the Paramount. The Spencer at Spencer, Iowa, reduced from 40c to 35c, according to Manager Gettier. The Grand at Eldora has changed to two feature pictures on Friday and Saturday nights instead of 15c shows and will charge 26c, including the state tax.

## M-G-M Holds Three Players, Director

HOLLYWOOD, April 10.—M-G-M has handed out four new contracts to three actresses and one director.

Maureen O'Sullivan gets a new long-termer and will go into a third "Tarzan" picture, also "Barretts of Wimpole Street," following which she will make a trip to Ireland.

May Clarke, Karen Morely and May Robson were also given extended tickets, the latter two going into "The Shining Hour" and "No More Ladies," respectively.

W. S. Van Dyke, now directing "Manhattan Melodrama," was also given a new long-termer.

## War Film Brought Back

PITTSBURGH, April 10.—Although it played here several months ago at the Davis, the war film "Forgotten Men" has been brought back to the first run Fulton by Mort Shea on the strength of a couple of test dates in his Ohio houses. It is believed the recent newspaper enthusiasm over uncensored war pictures has revived interest.

## Denver Favors Dunbar

DENVER, April 10.—Duke Dunbar, secretary of the Film Board, has been unanimously recommended as secretary of the local code boards. A tentative budget also has been decided upon. The first meeting of the boards to hear complaints will be held April 17 and 18.

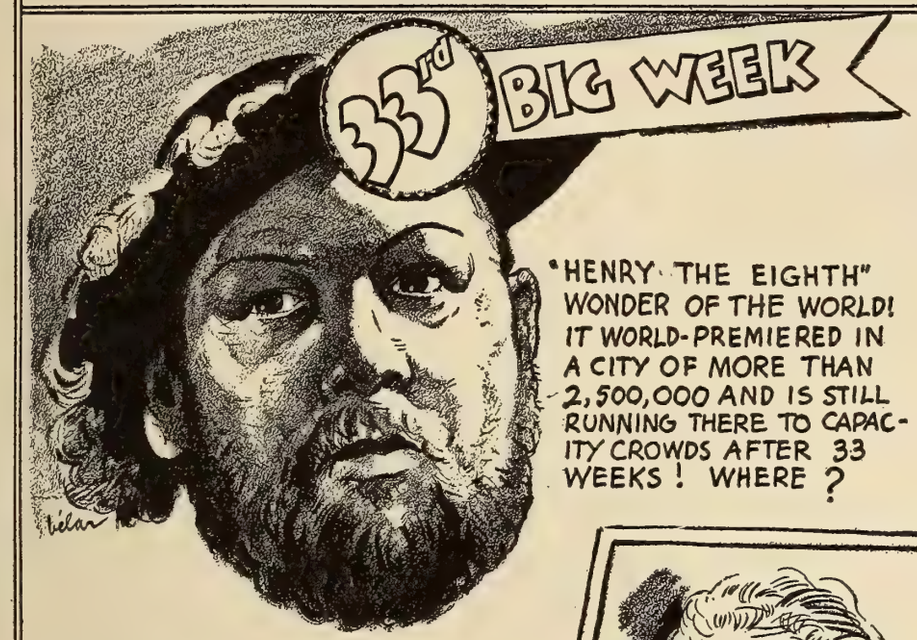
## Takes Over Dallas House

DALLAS, April 10.—J. S. Groves has taken over the Uptown and intends to install a cooling system and operate the house throughout the year. A film-stage presentation policy will be tried.

# Drawing Them In

by Gosh

© UNITED ARTISTS CORP.




"HENRY THE EIGHTH" WONDER OF THE WORLD! IT WORLD-PREMIERED IN A CITY OF MORE THAN 2,500,000 AND IS STILL RUNNING THERE TO CAPACITY CROWDS AFTER 33 WEEKS! WHERE?

NOT ONE OF THE MILLIONS WHO HAVE SEEN

"BROADWAY THRU A KEYHOLE"

HAVE EVER SEEN BROADWAY THROUGH A KEYHOLE!

"ROMAN SCANDALS"

BROKE MORE RECORDS THAN THE WORLD'S LARGEST PHONOGRAPH COMPANY ....AND THEY'VE BROKEN PLENTY!

(Waxing Facetious)

ALTHOUGH SIX WORLD-FAMOUS ARTISTS DREW THE SENSATIONAL AD CAMPAIGN FOR "GALLANT LADY"

ANN HARDING — WHO IS *NOT* AN ARTIST — OUTDREW THEM ALL!

FREDRIC MARCH PLAYS A DUEL ROLE IN "THE FIREBRAND"

YET HE PLAYS ONLY ONE PART!

(Oh, so you know how to spell?)

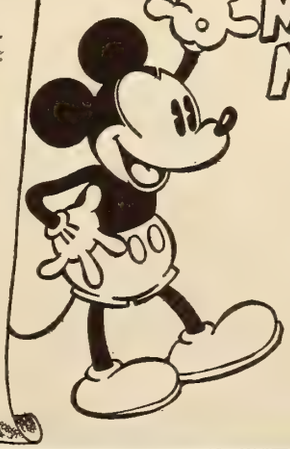
**UNITED ARTISTS**

THE HOUSE OF ROTHSCHILD
NANA
HENRY THE EIGHTH
GALLANT LADY
THE BOWERY
BROADWAY THRU A KEYHOLE

PALOOKA
THE MASQUERADER
CATHERINE THE GREAT
MOULIN ROUGE
ROMAN SCANDALS
LOOKING FOR TROUBLE
SILLY SYMPHONIES

ANSWER TO YESTERDAY'S PUZZLER:

ALL WALT DISNEY'S SILLY SYMPHONIES ARE "PRESENTED BY MICKEY MOUSE"



WHO HAS, OF COURSE, NEVER SEEN ONE!

(But try and find Anyone else who hasn't)

## Sign Writers Close New Wage Contract

(Continued from page 1)

seven-hour day with an increase from $13.20 per day to $14.70. The union, however, retains the right to ask a 10 per cent wage increase next Sept. 15. A spokesman for the local said yesterday that the increase was waived at this time because of the imminence of decreased theatre advertising for the summer season. With the fixing of new advertising budgets and schedules next fall, it was said, the union would be in a more advantageous position to negotiate for an increase then.

Union sign writers will continue working on the basis of a four-day week, as has been their practice for the past several months, in order to apportion available work among members, it was stated. Division of the work gives members a minimum of two days and a maximum of four days work per week.

The settlement averted a strike of the theatre sign writers who have been marking time since April 1, the date on which their old contract expired.

### Pick Charlotte Again

CHARLOTTE, N. C., April 10.—This city again has been selected as the place for holding the midwinter convention of the Carolina M. P. T. O. The meeting will be held in December on dates yet to be selected.

## Variety Club Chatter

### Cleveland

CLEVELAND, April 10.—Variety Club of Cleveland has closed its membership list. It now has its full quota. In addition, it has as many associate and non-resident members as it can accommodate. Plans are in the making for a Variety golf tournament to take place as soon as the weather permits.

SALLY RAND, on this week's RKO Palace bill, was the guest of honor at the Monday Variety luncheon. GEORGE ROBERTS and I. J. SCHMERTZ of Fox were "kings" for the day.

### Buffalo

BUFFALO, April 10.—HARRY A. SEED and JOHN SITTERLE of the Warner exchange are "kings for the day" for the next luncheon of the Buffalo tent, to be held April 16. Entertainment will be furnished by talent from the "Greenwich Village Follies," which then will be current at the Great Lakes.

PERT KELTON and GEORGIE PRICE, who will be headlining the revue in Shea's Buffalo, also will entertain.

There were 161 barkers and guests present at the first luncheon, with TED O'SHEA of M-G-M and VINCE MCFAUL, general manager for Shea, as "kings for the day."

LOU BREESE, conductor at Shea's Buffalo, obliged with a banjo solo; GERTRUDE LUTZI, soprano, sang, being accompanied at the piano by MOE BALSAM.

BOB ROBINSON, master of ceremonies for "A Century of Progress Revue," did the ballyhoo for his Great Lakes company. These included: FRANCIS ARBELLA, JOHN THIEL, PAUL BACHELOR, KANICHKA, and HENRY BURKE.

ROBINSON was made an honorary associate member, as was ROBERT BOASBERG, secretary to Mayor GEORGE J. ZIMMERMANN.

MICHAEL SHEA was made honorary president of the Buffalo tent.

STANLEY MEYERS, former master of ceremonies at the old Lafayette, was a guest at the first luncheon.

DAVE MILLER, chief barker of the Buffalo Variety Club, helped the Albany tent to get organized last week.

### Albany

ALBANY, April 10.—C. H. BUCKLEY heads the new Variety Club unit here. It is tent No. 9. Other officers are: RALPH PIELOW, first assistant chief barker; NATE SAUBER, second assistant chief barker; ABE STONE, wagon man; C. R. HALLIGAN, property man, and C. H. JOHNSTON, TONY RYAN, JACK SWARTOUT, RAY SMITH and HENRY FRIEDER, canvas man.

Speakers at the first meeting at the DeWitt Clinton were: DAVID MILLER, head of the Buffalo club; JAMES K. BALMER of Pittsburgh and ALBERT K. ROWEWELL of Pittsburgh.

First luncheon meeting will be held Monday. Sixty charter members are expected.

### Pittsburgh

PITTSBURGH, April 10.—JOHN H. HARRIS, chief barker nationally of the Variety Club, returned from his visit in California just in time to attend the opening of another Variety Club Tent in Washington, D. C.

HARRY A. ROSS, president of the Ross Federal Service, was a Pittsburgh visitor last week. Ross is making a tour of his offices throughout the midwest.

JIMMY BALMER represented the national organization of the Variety Club when he participated in the opening of the Albany Tent several days ago.

M. R. CLARK and LES IRWIN were visitors, for a few hours last week, of HARRY GOLDSTEIN, Paramount branch manager.

TOMMY RIGGS and BERNIE ARMSTRONG have plans set for their Radio luncheon next Wednesday.

### Warnerites Act Tonight

The Warner Club Players and Glee Club will put on their first show tonight at the Warner home office. Included on the program are Harry Delf's "Any Family" and a dramatization of scenes from "Ever in My Heart." In the cast of the former will be Marie Carroll, William Toles, Mac Fried, Ruth Horne and Sam Hertz. Players in the latter will be Grace Walsh, Ruth Goldberg, Etty Phillips, Sol Reiner, Rudy Hagen, Hy Blaustein, Steve Loewer, Herbert Pornhagen, Al Trojack and Theodore Hammer. Arthur Leonard has done the staging.

## Campi Asks Survey Of Theatre Labor

(Continued from page 1)

in theatres, outside of artists, at the present time as were employed in the same theatres in 1929?

2. Is the standard of wage scale paid to employes in theatres at the present time in excess of, or less than, the standard of wage scale paid for the same kind of service as in 1929?

3. Are total weekly payrolls at present in excess of, or less than, in 1929?

Harold S. Bareford already has asked studio heads for an analysis on production and George J. Schaefer is asking the Hays organization for a summary on distribution. In addition to these men, Charles L. O'Reilly is on the committee recently appointed by Campi to make an industry recapitulation on labor and wages.

## Union Calls Strike At Brooklyn Tivoli

A strike was called at the Tivoli, Brooklyn, yesterday by Theatre and Amusement Employes Union, Local 118, resulting in the withdrawal from the house of approximately 10 employes, mostly cleaners and janitors. The Tivoli, some time ago, was ordered by the NRA Regional Labor Board here to reinstate an employe allegedly discharged for union activities, but failed to do so, and last Saturday, it is charged by the union, the theatre discharged a second employe. The union demands reinstatement of both employes and a "closed" shop at the theatre.

Charles C. Levey, head of Local 118, said yesterday that new charges were being filed with the Regional Labor Board alleging cleaners employed in RKO theatres were being worked 10 to 12 hours per week in excess of the labor provisions of the film code.

Labor complaints against Manhattan Playhouses were reported to have been sent to Washington yesterday by Nathan Straus, Jr., head of the State Emergency Council.

## ITOA Board Confers Upon Code Problems

(Continued from page 1)

and grievance boards but took no action. The session was adjourned until later in the week.

It was admitted that because individual members did not sign the code nothing could be done about filing grievances and protests to schedules of the clearance and zoning boards.

The topic will be discussed today at the general meeting at the Astor.

## Report Bert Adler May Become Editor

(Continued from page 1)

shall, Lucille Babcock, Catherine McNelis, Marie Featherstone, Ruth Raphael, Betty Lenahan, Alma Masony, Fred Bullock, Arch Reeve, Earle Wingart, Aileen St. John Brenon, Hazel Flynn, J. H. McFarland, Arnold Van Leer, Tessie Michaels, Hortense Schorr, Elliott McManus, Harold Rodner and Paul Gulick.

Mitchell leaves by air for the coast Tuesday.

*Book by Mail or Wire Direct from*

Gaumont British
Picture Corporation of America

**226 WEST 42nd ST., NEW YORK**

*West of the Rockies*
FILMARTE THEATRE BLDG:, 1224 Vine St., Hollywood

**Playing to outstanding business for RKO — SKOURAS — FOX — PARAMOUNT PUBLIX and many other live-wire showmen throughout the country.**

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The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 85 | NEW YORK, THURSDAY, APRIL 12, 1934 | TEN CENTS

# Mayer Takes Hot Shot At Production Critics

## Boards in 31 Cities Ready In Two Weeks

### *Campi Expects Some to Start in Few Days*

Campi expects to have code boards established in 31 cities within the next two weeks, it was stated yesterday, with several of the offices probably set up and in operation within the next week. Recommendations for quarters have been submitted by all boards which already have held informal meetings.

An office of Code Authority will be opened in Hollywood immediately, Pat Casey and Mrs. Mabel Kinney, the latter of the California State Labor Board, having been appointed by Cam-

(*Continued on page* 18)

## Ten More of Board Secretaries Named

Ten more code board secretaries were announced yesterday by Campi, bringing the number up to 15. Mrs. Georgia Moffet has been given the post for Cleveland; Ben Koneg, Milwaukee; Mrs. Mabel Dietz, Minneapolis; Rowena Foley, San Francisco; Mrs. Walter Griffith, Charlotte; Minnie A. Kopple, Charlotte; Grace Gannon, Kansas City; Harry P. Lander, New Haven; Alice Juergens, Cincin-

(*Continued on page* 18)

## *Exchange Heads Get Cancellation Rules*

Branch managers of all distribution companies have been sent letters by Campi notifying them officially of the 10 per cent cancellation privileges to be granted exhibitors in good standing

(*Continued on page* 18)

### *Pick Milwaukee*

**Los Angeles, April 11.—The M.P.T.O.A. board of directors in a private session today selected Milwaukee as the scene of the 1935 convention, probably to be held in May. This is a victory for, and a source of personal satisfaction to, Fred S. Meyer, whose Wisconsin delegation has been barraging the delegates here with boosts for the beer city.**

## Hits Mothers For Laxity in Picking Films

Los Angeles, April 11.—Mothers who fail to guide the film tastes of their children were blamed for a share of the criticism leveled at films in an address by Mrs. Thomas G. Winter, head of the Studio Relations Department of the Producers' Assn., in an address before the M. P. T. O. A. convention at its second day's session today.

In a recent Chicago survey, she said, only 155 children of 10,052 questioned had had any guidance from their parents in choosing films. Mrs. Winter said she could "hardly imagine a

(*Continued on page* 18)

## Review Board Ends Its Code Hearings

Washington, April 11.—With the failure of William C. Elliott, president of the I. A. T. S. E., to appear to answer charges made last week by Murray Harston of New York, the National Recovery Review Board today closed its investigation of the film code.

Despite well based reports that the board was about to pass out of the picture, Chairman Clarence G. Darrow continued working on his report, with the aid of Charles Edward Russell.

Study of the voluminous testimony taken during the hearings is disclosing little on which recommendations for revision of the code can be based, it was indicated in board circles.

## *Decision Reserved In Elms-Fox Suit*

Supreme Court Justice Albert Conway at St. George, S. I., yesterday reserved decision on the application of John D. Elms for an order requiring William Fox to submit to an examination before trial in the suit of Elms to recover $2,011,000 from Fox. The motion was not opposed by Fox, but he submitted through counsel a

(*Continued on page* 6)

### *Commend Daily*

**Los Angeles, April 11.—*Motion Picture Daily* today was accorded official praise from M.P.T.O.A. for publishing its special Los Angeles editions during the convention.**

**"We commend *Motion Picture Daily* for its constructive and enterprising endeavor," Ed Kuykendall, M.P.T.O.A. president, stated as the second business session came to a close this afternoon. "We are all cognizant of the effort and are deeply appreciative. All at the meetings have commented upon this publishing ingenuity."**

## Breen Blames Industry Ills Upon Bad Ads

Los Angeles, April 11.—"Much of the inimical legislation and efforts to control the industry have been inspired by the wrong type of picture advertising," Joseph I. Breen of the Association of M. P. Producers, stated

(*Continued on page* 18)

## *License Fee Raise To $500 Suggested*

Theatre license fee increase from $150 to $500 per year is provided for in a bill proposed to the Board of Aldermen by Alderman Baum, Fusionist. The measure is designed to add $650,000 to the city revenue.

The idea is to make the theatre license fees the same as those for "common shows" — merry-go-rounds, carnivals, etc.

## *Pending Legislation Up at ITOA Session*

Bills before the legislature which provide for an operator for each machine in a booth, an increase in license fees and a boost in permit fees for

(*Continued on page* 6)

## *Tells MPTOA Delegates They Know Nothing Of Studio Job*

By RED KANN

Los Angeles, April 11.—Louis B. Mayer sailed into M. P. T. O. A. delegates today, hitting at them for criticizing production when they know nothing about problems which studios face. He described it as impossible, even for all studios combined, to turn out a hit a week and ended a two-fisted speech with an exhortation for tolerance.

"We are quick to condemn; we are impulsive. Everything must be done over night," he said. "You asked for a hit a week—just like that, and you criticized something you didn't know anything about. If you really wanted to see production, you would have appointed rotating committees to visit the studios. Then the right to criticism would have been yours."

Mayer covered a wide variety of subjects, ranging from double and

(*Continued on page* 16)

## Opportunity Faces Showmen—O'Toole

Los Angeles, April 11.—Since the last M. P. T. O. A. convention the industry has undergone a complete "evolution" and a great opportunity now faces exhibitors to "make things right," it was stated in the report of M. J. O'Toole, M. P. T. O. A. secretary, which was read at the morning session of the convention today.

"Our industry is being reorganized," he said. "Our position has always

(*Continued on page* 16)

## *Ohio 3% Sales Tax Is Defeated Again*

Columbus, April 11.—The three per cent sales tax bill has been defeated in the House for the third time within a year. The vote was 59 to

(*Continued on page* 6)

### *MPTOA Pictures*

**A full page of M.P.T.O.A. convention pictures will be found on page 15.**

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## S. R. O. at M. P. Club

It was S.R.O. at the M. P. Club at lunch time yesterday, for the first time since its reorganization. Among those jamming the dining room were Phil Reisman, Gabriel Hess, Gus Edwards, A. J. Barbano, Eugene Picker, Jacobo Glucksman, J. A. Koerpel, Joe Vergesslich, William Ferguson, Edward Schnitzer, Harry Shiffman, Edward Golden, M. J. Kandel and Earl Sweigart of Philadelphia.

## Lovejoy Eastman Prexy

ROCHESTER, April 11.—William G. Stuber has been elected chairman of the board of the Eastman Kodak Co., while Frank W. Lovejoy has been named to the presidency, the post formerly held by Stuber. Lovejoy had been senior vice-president.

## "Richelieu" for Arliss

HOLLYWOOD, April 11.—George Arliss' next for 20th Century will be "Richelieu." It will be made when he returns in the fall from his European vacation.

## Kent Starts West Today

S. R. Kent, president of Fox, leaves for the coast today to confer with studio executives on new product.


**BEN BLUE**
*Under Contract*
WARNER BROS.
VITAPHONE STUDIO
Now Making Personal
Appearances in England
*Direction of*
JOE RIVKIN — Leo Morrison Agency


## Decision Reserved On Big Para. Claim

A $1,000,000 claim for alleged damages said to have resulted from an anti-trust law violation by Paramount Publix, which had been disallowed and expunged by Referee Henry K. Davis, was reviewed yesterday by Federal Judge William Bondy in U. S. District Court here on the petition of the claimant, the Strand Amusement Co., Portland, Me. Judge Bondy reserved decision on Paramount's motion to expunge the claim, contending that no judgment against Paramount had ever been obtained by Strand Amusement Co.

Referee Davis yesterday heard 12 claims against Paramount filed by general creditors for small amounts. The bulk of the small claims were disallowed or expunged.

## Bottle in Desk May Cost Manager License

TORONTO, April 11.—Because the police found a bottle of whisky in his desk, civic officials have asked the Ontario government to cancel the theatre license of Abraham Appleby, proprietor of the Roxy. This is another angle of an uplift crusade. Police raided the theatre on March 17.

## Hummell Joins Mountan

D. J. Mountan, president of Showmen's Pictures, Inc., has named Howard S. Hummell as sales manager for Harry Schenck's "Beyond Bengal." Larry Jacobs is handling advertising and exploitation.

## Marcus Joins Gaumont

Arthur Lee has appointed Nathan Marcus representative for Gaumont-British in Albany and Buffalo. Marcus formerly was sales representative for Columbia in the same territories for three years.

## Millard Ochs Married

MORRISTOWN, N. J., April 11.—Millard Ochs, son of Lee Ochs, was married tonight to Marion Louise Kellerby at her home here. They will sail for Havana Saturday.

## Detroit Price Jump General on Sunday

DETROIT, April 11.—With most of the theatres in the city having adopted the Allied-sponsored plan for a general rise in admission prices and with the few remaining houses having agreed to adopt the plan beginning Sunday, the plan will be in general operation on that date.

First runs, under the plan, raise their prices 10 cents from opening to 1 P. M. and maintain their present schedule thereafter. Subsequent runs raise five and 10 cents.

Protection will be based solely on price charged, the schedule being practically the same as that now in effect in Chicago.

## Shamrock Pictures Corp. Reorganized

Reorganization of Shamrock Pictures Corp. was completed yesterday at a special meeting of stockholders.

Officers were elected as follows: President, B. C. Fassio; vice-president, Walter E. Rodda; secretary, Paul A. Hartwig; treasurer, Standish T. Cox. These men were also named directors and they will serve until the annual meeting.

Production plans for the coming season were set, it was stated, and will be announced the latter part of the month.

## Du Maurier Dead at 61

LONDON, April 11.—Sir Gerald Du Maurier, famous English stage and screen star, died here today at the age of 61. He recently appeared in "Escape", "I Was a Spy" and "Catherine the Great."

## George L. Wynn Dead

ATLANTA, April 11.—George L. Wynn, 51, owner and manager of the Alamo, Newman, Ga., is dead after a 10-day illness. He leaves a widow and five daughters.

## "U" Changes a Title

HOLLYWOOD, April 11.—Universal has changed the title of "Dangerous to Women" to "The Devil's Pay Day."

## K-A-O Pfd. Up 2 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30⅜ | 29 | 29 | —1⅛ | 1,200 |
| Consolidated Film Industries | 4⅜ | 4⅜ | 4⅜ | ..... | 100 |
| Consolidated Film Industries, pfd | 16⅜ | 16⅛ | 16⅛ | + ⅛ | 1,000 |
| Eastman Kodak | 90¾ | 90 | 90¾ | +1 | 900 |
| Fox Film "A" | 16 | 15½ | 15½ | — ¼ | 700 |
| Keith-Albee-Orpheum, pfd. | 30 | 30 | 30 | +2 | 100 |
| Loew's, Inc. | 34¼ | 33¼ | 33⅞ | + ½ | 24,500 |
| Loew's, Inc., pfd | 96 | 95½ | 95½ | + ½ | 200 |
| Paramount, cts. | 5¾ | 5½ | 5⅝ | ..... | 5,900 |
| Pathe Exchange | 3⅜ | 3⅛ | 3⅛ | — ¼ | 1,900 |
| Pathe Exchange "A" | 19¾ | 19 | 19½ | + ½ | 2,900 |
| RKO | 3½ | 3⅜ | 3⅜ | + ⅛ | 2,500 |
| Warner Bros. | 7⅝ | 7⅜ | 7½ | ..... | 5,600 |
| WarnerBros., pfd. | 24⅞ | 24⅞ | 24⅞ | — ⅛ | 100 |

## Technicolor Rises ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | ..... | 500 |
| Technicolor | 8½ | 8½ | 8½ | + ¼ | 100 |
| Trans Lux | 2⅜ | 2⅜ | 2⅜ | ..... | 300 |

## Bond Market Advances

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10¼ | 10¼ | 10⅝ | ..... | 24 |
| General Theatre Equipment 6s '40, ctf | 9⅛ | 9⅛ | 9⅛ | + ⅛ | 4 |
| Keith B. F. 6s '46 | 67 | 67 | 67 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 99⅝ | 99½ | 99⅝ | + ⅛ | 20 |
| Paramount Broadway 5½s '51 | 38½ | 38 | 38½ | + ½ | 18 |
| Paramount F. L. 6s '47 | 53 | 51½ | 53 | +1½ | 31 |
| Paramount Publix 5½s '50 | 53 | 51½ | 52¾ | + ¾ | 52 |
| Pathe 7s '37, ww | 94 | 93⅝ | 94 | +1½ | 9 |
| Warner Bros. 6s '39, wd | 61⅜ | 59¾ | 60 | —1 | 73 |

## Purely Personal

LOU GUIMOND, publicity director for Gaumont British of America, engineered the first all-British double feature program in this country at the Broadway, Springfield, Mass., which billed "Orders Is Orders" and "The Ghoul" on the same program.

EDDIE GARR, now appearing at the Central Park Casino, expects to leave soon for the coast to work in pictures. The deal has been handled by LOU IRWIN.

EDDIE CANTOR will leave for the coast next Monday. He will start another musical for SAMUEL GOLDWYN about June 1.

MORT BLUMENSTOCK leaves tonight with AL JOLSON for Baltimore to attend the opening of "Wonder Bar" at the Stanley.

HELEN CHANDLER is here from Hollywood after appearing in RICHARD BARTHELMESS' last picture for Warners.

MARY PICKFORD leaves today for Philadelphia. She will open at the Earle tomorrow in "The Church Mouse."

B. A. ROLFE will take over the baton at the Paramount next week as guest conductor.

Mr. and Mrs. CON CONRAD checked out of the Warwick yesterday for Hollywood.

DOROTHY MACKAILL, JUNE KNIGHT and EILEEN PERCY are at the Ritz Tower.

MILDRED SMITH, HUNT STROMBERG's secretary, is in town for a brief vacation.

ARCHIE MAYO arrives from the coast any day now.

SPENCER TRACY is due in town Saturday.

## M-G-M Plans Not Set

M-G-M has not yet decided on plans for entering the stage production field, J. Robert Rubin stated yesterday.

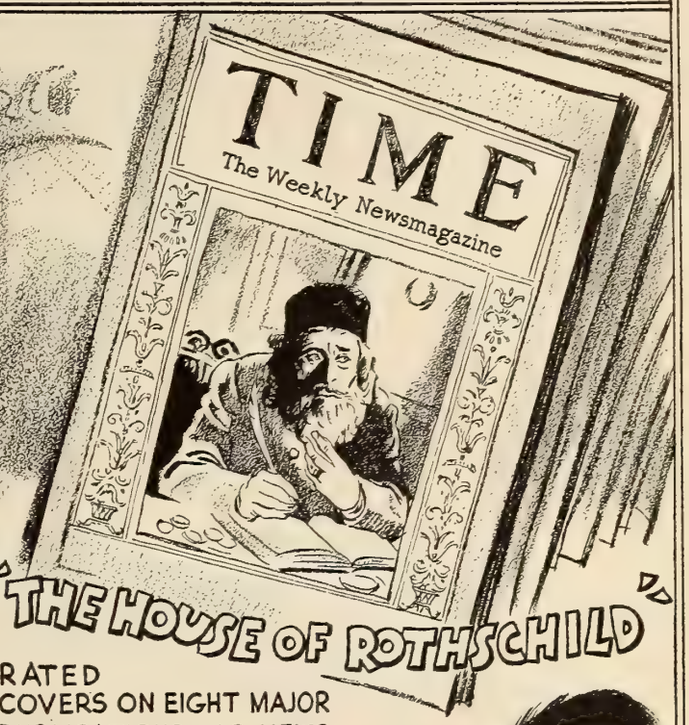

MOTION PICTURE ALMANAC
1934-35
NOW IN PREPARATION
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00

# Drawing Them In *by Gosh*

© UNITED ARTISTS Corp.

PICTURES RELEASED THRU UNITED ARTISTS THIS SEASON WILL BE SEEN BY MORE PEOPLE THAN INHABIT THE LARGEST COUNTRY IN THE WORLD!

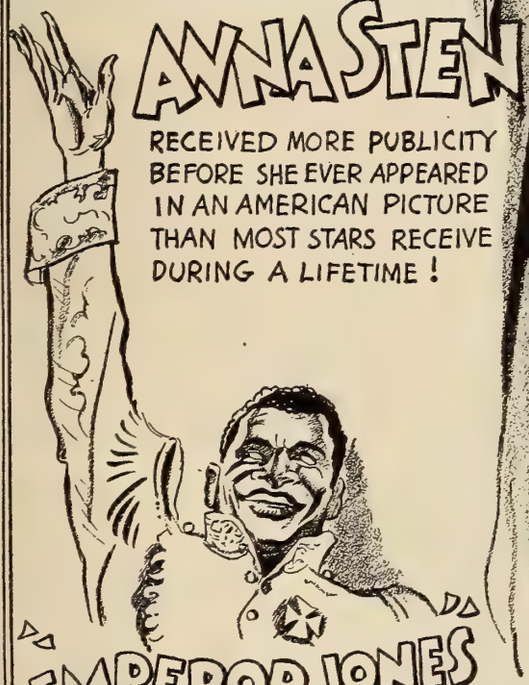
(And such nice people)




"THE HOUSE OF ROTHSCHILD"

RATED COVERS ON EIGHT MAJOR PUBLICATIONS ··· **AS NEWS**

(No Cover Charge!)



ANNA STEN

RECEIVED MORE PUBLICITY BEFORE SHE EVER APPEARED IN AN AMERICAN PICTURE THAN MOST STARS RECEIVE DURING A LIFETIME!

OF THE MILLIONS WHO SAW

CONSTANCE BENNETT IN "MOULIN ROUGE"

ONLY ONE REALIZED THAT SHE PLAYED ***THREE*** ROLES INSTEAD OF ***TWO***, AS ADVERTISED! IT WAS NEWS EVEN TO THE PRODUCERS!

"EMPEROR JONES"

WAS IN THE BLACK BEFORE IT PLAYED A SINGLE THEATRE — YET IT HAS PLAYED THOUSANDS!

"THE BOWERY"

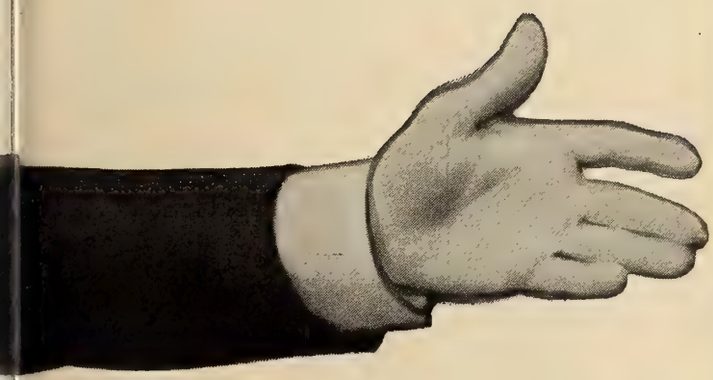
WHICH SHATTERED ALL RECORDS, HAS PLAYED EVERYWHERE IN THE WORLD — EXCEPT THE BOWERY!

LAST YEAR EXHIBITORS WERE TRYING TO KEEP THE **BIG BAD WOLF** FROM THE DOOR. NOW THEY'RE FIGHTING EACH OTHER TO GET HIM **INTO** THEIR HOUSES

WALT DISNEY'S BIG BAD WOLF OF COURSE!

. . . . . GREAT N
SHOWMAN WHO'
WITH WARNER B
"20
MILLION
SWEETHEA
—"a new high fo
. . . sizzling wit
stant surprises.
will be pre-rel
APR
Watch for st
nation-wide p
sensational no
WAR
*Jimmy Starr in Los Angeles
Herald-Express, March 24.
A First National Picture.
Vitagraph, Inc., Distributors

WS FOR EVERY
MADE MONEY
DS.' MUSICALS!



# ARTS"

ovelty in cinematic musicals
ttraction, unusual angles, con-
nd bound-to-be song hits"*—
eleased for special engagements

RIL 21ST

string news soon about
promotion plans, including
novelty advance trailer, from

ER BROS.

WITH THIS AMAZING LIST OF RADIO AND SCREEN NAMES

DICK POWELL

GINGER ROGERS

PAT O'BRIEN

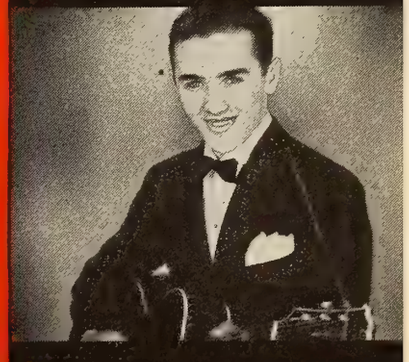
4 MILLS BROS.

TED FIORITO & BAND

ALLEN JENKINS

3 RADIO ROGUES

"MUZZY" MARCELLINO



THE 3 DEBUTANTES

JOSEPH CAWTHORN

Songs by WARREN & DUBIN

Directed by RAY ENRIGHT

## Decision Reserved In Elms-Fox Suit

(Continued from page 1)

petition that the order require the examination be made at his home, Woodmere, L. I.

Elms, who lives in West New Brighton, S. I., charges in his suit that he invented a device which would give to films the full scope of the screen in any theatre and that in addition would give them the illusion of depth and perspective. Fox, he alleges in his affidavit, agreed to finance and develop this invention. In his affidavit Elms declares that Fox paid him $50,000, agreed to organize the Revo Film Corp. and to give Elms 49 per cent of the stock. Fox also was to supply the necessary financial backing, the complaint states.

The contract was not carried out, Elms states in his affidavit, because at about the time his invention was perfected sound pictures gained a vogue and theatres had purchased equipment for the old type limited size pictures. The equipment for sound for his invention, Elms stated in his affidavit, would have involved considerable more expense. For this reason, Elms alleges Fox failed to live up to the contract.

## Pending Legislation Up at ITOA Session

(Continued from page 1)

electric signs for local theatres was discussed at a general meeting of the I.T.O.A. yesterday. Leo Justin presided in the absence of Harry Brandt, who is ill.

A resume was given on the National Recovery Review Board hearings in Washington. No mention was made of the local clearance and zoning and grievance boards' selections. A report on this is expected from the board of directors at the next meeting.

## Ohio 3% Sales Tax Is Defeated Again

(Continued from page 1)

48. There may be a slight chance for subsequent favorable action in the Senate.

Defeat of the measure removes the possibility of an early repeal of the 10 per cent admission tax.

## KAO Has Loss for 1933

Annual report of the Keith-Albee-Orpheum Corp. for the year ending Dec. 31, 1933, shows a net loss of $642,293. Profit before deduction for depreciation, amortization and other charges was $1,404,123. KAO's operating income from admissions and rents was $13,612,674 for the year, and operating costs were $12,208,551.

## Zanuck to Go Abroad

Hollywood, April 11. — Darryl Zanuck and his family leave May 7 on a two-month business and pleasure trip abroad. He will visit for the first time United Artists foreign exchanges. At Capetown he plans to hunt big game.

## Home from the Orient

Hollywood, April 11.—Henry Ginsberg, Roach general manager, returned today from an eight-week tour of the Orient.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Half a Sinner"

*(Universal)*

Hollywood, April 11.—Enjoyable and satisfying entertainment flows from this bucket of farce and fun. It's a sparkling draught right from the well of laughter.

Taken from the successful play, "Alias, the Deacon," modernized with shrewdness for homespun values, smart showmanship has aimed it at the masses and it hits the mark.

As a dignified knight riding the rods and palming himself off as a deacon, with his finer talent revealed as a card specialist, but only after persuasion, Berton Churchill prevents an attack by a hobo on a girl, Sally Blane, riding the rods disguised as a boy, and leaves the door open for another 'bo, Joel McCrea, to follow her.

Arriving at the same town where Joel and Sally are in jobs and in love, the deacon immediately gets in right with sweet ladies and in wrong with the town's promoters. Churchill, by his judicious card-cutting, aids the romance of Sally and Joel, helps Widow Alexandria Carlisle to repossess her hotel and saves Mickey Rooney from a whipping.

Churchill, who played the deacon innumerable times on the stage, gives a sterling, well-shaded performance. McCrea and Sally Blane are an ideal romantic pair. Mickey Rooney, fresh from his kid comedies, turns in a swell job and is going places. Russell Hopton is a human heavy. Big Boy Williams plays a dumb wrestler.

Kurt Neumann directed with a fine comedy flair. Edmund Grainger is credited as associate producer.

The film's title, exploitable stuff in the production, with its human quality and spontaneous laughter, are assets that presage good receptions at box-offices.

## "The Witching Hour"

*(Paramount)*

Hollywood, April 11.—Here's the kind of a show you have been looking for—gripping novelty that is quality entertainment. "The Witching Hour" is both showmanship and an audience picture. It brings to the screen fine romance, vivid drama, laugh-generating comedy, nerve-tightening suspense, stark tragedy, emotion-stirring human interest. It introduces a treatment of hypnotism as the motivating element.

The plot in brief: Unconsciously a hypnotist, John Halliday causes Tom Brown, engaged to his daughter, Judith Allen, to commit murder. Unable to find an attorney willing to defend the boy, who can give no explanation for his act, Halliday persuades Guy Standing, boyhood sweetheart of Tom's grandmother, to take the case. Impelled to accept by a vision of his dead love, Standing sets the stage in a courtroom for Halliday to bring the jury foreman, William Frawley, under his mystic spell. As the crime is simulated, the jury acquits Brown, permitting Standing to return to his metaphysical dreams.

Admirably presented and acted and packing intriguing drama into 60 minutes, it is a personal triumph for Standing and Halliday. Similarly, it is one for which Judith Allen, Tom Brown, Olive Tell and William Frawley can take bows. What they do to make such an unusual subject interesting is also a credit to Henry Hathaway, director, and Salisbury Field, who adapted it, and Anthony Veiller, who wrote the scenario from Augustus Thomas' play.

*"Looking for Trouble," yesterday morning's opener at the Rivoli, was reviewed from Hollywood by wire on Jan. 23.*

*"As the Earth Turns," last night's opener at the Strand, was reviewed on Feb. 15.*

## Pittsburgh Date for "Rothschild" Re-Set

Pittsburgh, April 11.—After pulling the picture's date at the Penn, with a view to roadshowing it here, United Artists has decided against a two-a-day showing locally for "The House of Rothschild," and it opens at the Penn May 4 at regular prices.

Following one week at the Penn, the film will be moved to Loew's Aldine for an extended run at the same prices. The Aldine will reopen just for this engagement.

## Connecticut Houses Helping Labor Fund

Bridgeport, April 11.—Manager of the Poli here and the Capitol in New London, who are making possible the presentation of three midnight vaudeville programs, sponsored by the Connecticut Federation of Labor, have received acknowledgment of their services from John J. Egan, secretary of the federation.

Proceeds are to supply funds for the expenses of an old age pension fund campaign.

## First of a Russian Film Series Arrives

First of a series of pictures on Soviet Russia produced by American Group, Inc., which operates under a franchise from the Russian monopolies, has been received in this country and a second shipment is expected within the next 10 days, Fitelson & Mayers, attorneys for the American organization, reported yesterday.

A new camera crew leaves here for the Soviet Union within two weeks to begin work on third picture of the series, it was said. No distribution arrangements for the series have been completed yet. The American producing organization is headed by William Osgood Field, formerly with FitzPatrick and the University Film Foundation; L. K. Bigelow of Natick, Mass., formerly of FitzPatrick and the film department of the Metropolitan Museum of Art; J. Withrow, Jr., of Columbus, and Arthur Menken, formerly of Pathe News. Henry Shapiro, former tourist bureau operator in Russia, is the organization's representative in that country.

## Portland Board First To Start on Zoning

Portland, April 11.—Work of code boards has finally gotten under way with the local clearance and zoning group the first in the country to sit down and attempt to work out new schedules under the code.

Following an all day and night session of the board, members failed to reach a decision on clearance for downtown houses. It probably will be necessary for first runs to give greater concessions to second runs, allowing them to maintain present price schedules.

Indications point to additional semi-weekly sessions and impartial members are expected to be called in to make final and equitable decisions.

## Hamrick's Five-Cent Plan

Portland, April 11.—John Hamrick will reopen the Playhouse with pictures at a new low of five cents with four changes weekly. Twin bills will prevail, he says.

Five-cent admissions are a violation of present contracts and whether John Hamrick will be permitted by distributors to go ahead with his plan is doubted in many quarters. Most contracts today call for a minimum admission of 15 cents, but some permit 10-cent matinees.

## New Majestic Plans Set

Majestic franchise holders were practically set last night on 16 pictures for next season as the three-day convention neared an end. Titles and a producer agreed upon early this morning will be announced today by Herman Gluckman, president, who acted as chairman.

## Flash Reviews

*Love Birds*— . . . there are any number of situations productive of considerable laughter. . . .

*The Fighting Ranger*—When this picture was caught both youngsters and adults seemed perfectly happy. . . .

*These films will be reviewed in full in a later issue of* Motion Picture Daily

Whistle it! Hum it! Shout it! The Spring Song that sends a thrill of happiness throughout the industry! Happy Days are Here Again—Thanks to—

*(please dance on . . . ! )*

# FIRST COMES R

**NORMA SHEARER, ROBERT MONTGOMERY in "RIPTIDE" with Herbert Marshall, Mrs. Patrick Campbell.** *Written and Directed by* **EDMUND GOULDING.** *Presented by* **IRVING. G. THALBERG!**

# IPTIDE!

## Even STRANGERS MAY KISS Their Records Goodbye!

They don't make bouquets large enough to convey Leo's appreciation to Miss Shearer, to Messrs. Montgomery and Marshall...to Director Goulding and to producer Irving G. Thalberg.

## HERE'S JUST THE MERRY BEGINNING!

*(Have YOU arranged for Extra Playing Time?)*

**NEW YORK**
Beating everything in sight Held over 2nd week!

**PHILADELPHIA**
Biggest mid-week opening in 3 years!

**BALTIMORE**
S. R. O. signs for Shearer fans!

**BOSTON**
Biggest first three days in two years!

**COLUMBUS**
Beats everything except "Tugboat Annie" record-holder!

**RICHMOND**
Beats everything except "Tugboat Annie."

**ROCHESTER**
Terrific business for Shearer's greatest!

**WASHINGTON**
Within reach of house record! And going strong!

**SYRACUSE**
Sensational reception! S. R. O. here!

**MEMPHIS**
Beat "Tugboat Annie."

**EVANSVILLE**
Best opening on the books!

**DES MOINES**
Biggest house has had except "Tugboat Annie"

**NEW ORLEANS**
Beats "Tugboat Annie" and "Dinner at 8."

**NASHVILLE**
Beats "Tugboat Annie" and "Dancing Lady." Sensational!

And the telegrams pour in from Akron, Canton, Cleveland, Providence, Springfield, Houston, Kansas City, Indianapolis, St. Louis, Omaha, Louisville...and all around the map it's "Riptide Wrecks Records!"

## IT'S IN THE AIR!

**M-G-M has the hits!**

*(Please continue—)*

While the great stage hit **"Men In White"** packs them in on Broadway in its 8th Big Month, M-G-M gives it to you on the screen in thrilling picturization.

"Oh, Dr. Gable, you're such a comfort to me!"

**CLARK GABLE** and **MYRNA LOY** in **"MEN IN WHITE"** will be such a comfort to your box-office, too!

EVERYTHING NEW BUT HIS LOVE CALL!
When you hear that unique cry of Johnny Weissmuller in "TARZAN AND HIS MATE" it's a signal to prepare for the Big Showmanship Special of the Year!

IT'S IN THE AIR! M-G-M HAS THE HITS!
(Let's go on—)

dear
Dancing
Lady -
it is my
privilege
and
honor to
tell the
showmen
of the
world
that
Joan
Crawford
in
"Sadie
McKee"
is the
most
sensational
picture
you
have ever
made for
Leo of
M. G. M.

# WE'RE TIPPING YOU OFF!

It's one of the first photographs to come from the M-G-M Studio on "OPERATOR 13." We print it here because we want you to get acquainted with the next picture from MARION DAVIES. You're going to hear plenty about it. A thrilling love story of Civil War Days. Of course that's GARY COOPER with Marion! Take a tip!

## IT'S IN THE AIR!

***M-G-M has the hits!***

—and you know what's the

**BIGGEST PICTUR IN 10 YEARS!**

*(You can guess without turning over the page—*

# VIVA VILLA!

The Biggest Smash hit since "Big Parade." Sensational World Premiere at Criterion Theatre, N.Y., playing Twice Daily.

SADIE McKEE
OPERATOR 13
TARZAN AND HIS MATE
MEN IN WHITE
RIPTIDE
VIVA VILLA

**IT'S IN THE AIR! M-G-M HAS THE HITS!**

**WALLACE BEERY in "VIVA VILLA!"**
*Produced by* **David O. Selznick.**
*Directed by* **Jack Conway.**
*Screen play by* **Ben Hecht.**
*Suggested by the book by* **Edgcumb Pinchon** *and* **O. B. Stade**

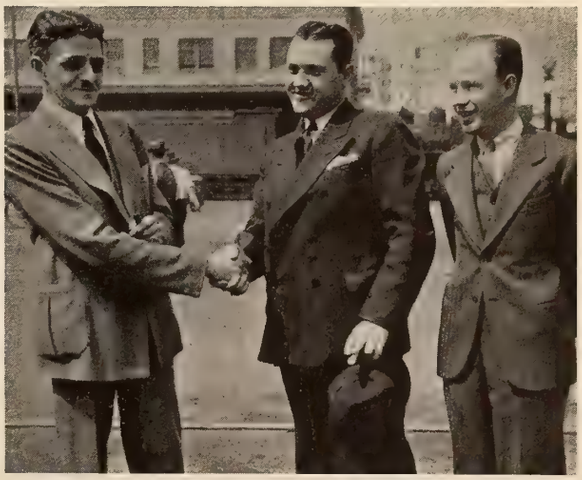
# *Los Angeles Station Becomes Busy Spot As MPTOA Arrives*

*As They Poured Off MPTOA Special*

*Ben Berinstein Greets Ed Kuykendall*

*Some of Washington Delegates*

*Pat Garyn, Walter Immerman, Jack Miller, Harvey Day*



*F. S. Meyer, W. J. Heineman, Eddie Cook*

# Mayer Takes Hot Shot at Coast Critics

(Continued from page 1)

triple bills, which, he said, "will wreck the business over a period of years," to an exposition of his idea that local autonomy in theatre operation should prevail.

He concentrated his barrage on a defense of Hollywood, its methods and record.

"'Make fine pictures and forget the code. The code and its restrictions are hurting the business,' was what a well known director told me at the Academy one night," Mayer continued. "Because I liked him and respected his opinion, I hired him and then asked how many millions he would require to supply the formula for producing only great attractions."

Mayer drew an analogy between the stage producer making five plays per year and M-G-M, which delivers one film weekly.

"They wanted me to talk on what's wrong with exhibition," he said. "I've been out of it for 20 years, so how could I? Therefore, I declined with thanks, because I did not propose coming here to insult you."

### Admits Producer Faults

Mayer admitted producers had many counts on which they could be criticized. Since he was the only producer talking here, the conclusion was that Mayer was at least the informal spokesman for all Hollywood and was answering outside attacks when he admitted there were many counts on which producers could be criticized. At the same time, he argued, they were improving, trying new ideas and eager for appreciation of the job they are trying to do.

"We don't understand each other. How else could there be anything but dissension?"

He excoriated exhibitors for trying to beat down prices. He blamed them for forcing producers into theatres, saying it was that "or the ocean," and they elected theatres. He charged exhibitors with sitting around "awaiting Springtime" and trade paper inserts in colors to govern their buying and with deciding what they'll pay each distributor in point of rental. This prelude led to one of the big laughs which threatened Mayer with the loss of his audience. It came when he said: "You decide you'll pay Paramount $7.50 and Metro, $6.50." The guffaws drowned out what followed.

Dipping into block booking, Mayer accused exhibitors who wanted the practice discontinued with scheming to avoid playing new pictures.

"What do you expect me to do with those you don't play," he asked, "swallow them? You are not looking ahead and you are not allowing for improvement in quality which must come."

Mayer was once for Federal censorship in the hope it would rout out all other types of censorship, he revealed, but dropped the idea when he discovered this would not follow.

### Cecil B. DeMille Talks

Cecil B. DeMille took the rostrum and urged exhibitors to remember nobody deliberately makes poor pictures. "Trends mean nothing," he said. "It is whether the picture is good or bad that counts. Thousands of people crowded into scenes have nothing to do with the case. You've heard it said Hollywood is crowded. Hollywood is a desert when you're looking for brains. The brains are here, but they're all tied up."

Following up on Mayer's references to production travail, DeMille said he had canvassed every producer in Hollywood on "The Sign of the Cross" and closed with Paramount, not because of a picture which all other producers refused to touch because of its religious angle, but more because, according to DeMille, Emanuel Cohen had faith in its sponsor.

DeMille made a strong argument for proper planning of production and emphasized it with sketches and indirect sales arguments on "Cleopatra," ranging all the way from headdress to bathtub styles in that production.

### Hits Publicity on Grosses

Publication of box office grosses was scored by Mrs. Thomas G. Winter, past president of the General Federation of Women's Clubs, in her address to the delegates and by Kuykendall, who, registering his objections to the practice, expressed the hope that the convention would adopt a resolution opposing it. Mrs. Winter said that publication of the reports "helps no one because they long since have lost their power and are beneficial to no one."

Edward G. Levey, M. P. T. O. A. counsel, of New Haven, Conn., followed with an address covered elsewhere in this issue in which he outlined various legal responsibilities of theatres and their operators under circumstances which recur frequently.

In a well-fashioned, five-minute speech, Joseph I. Breen of the Association of M. P. Producers, sketched progress made in cleaning up the industry's advertising and urged exhibitors to cooperate.

Between the lavish entertainment program and open stretches of reporting to designated points, plus night life in Hollywood, the convention schedule gradually is beginning to crack. This will make it necessary to go into another day, Friday and probably into Saturday. Walter Vincent was slated to talk on "What Is the Matter with Production from the Point of View of the Exhibitor," but his address was set back to Thursday, and it looks as if it may be a rebuttal of points advanced by Mayer and DeMille, chiefly the former. In the afternoon the delegates took a choice of visiting Fox or RKO tonight, and at the hour of going to press the assembled hordes were socializing at the M-G-M studio as the guests of all the major studios.

## *Wires Code Defense*

**Los Angeles, April 11.—Division Administrator Sol A. Rosenblatt in a wire to Ed Kuykendall from Washington today expressed belief the code was entitled to a fair trial and recognized it was not perfect. "I believe, however, the code marks a constructive advance in the motion picture industry," he said.**

# The Pay-Off

*Los Angeles, April 11.*

THE old, old argument over publication of box-office reports which made its appearance at the M. P. T. O. A. convention today was merely a repetition of the fallacious argument that the practice encourages adverse legislation. On that ground Ed Kuykendall voiced his disapproval and expressed his wish that the convention go strongly on record against the practice. It probably will.

▲

KUYKENDALL declared that reports on grosses "are beneficial to none." We challenge that statement and ask him exactly what there is to this industry beyond product and what it does at the box-office.

▼

MOTION PICTURE DAILY's system, giving grosses alongside of each reporting theatre's average business, reduces to an irreducible zero the favorite argument which some exhibitors conjure in their minds about unfriendly lawmakers.

This publication runs cash theatre reports and will continue to do so on the theory, well recognized now, that the information is vital trade news to which the men who pay their money for pictures are entitled, and, moreover, want.

KANN

## *Bernhard in Pittsburgh*

PITTSBURGH, April 11.—Joe Bernhard and I. J. Hoffman, heads of the Warner theatre circuit, were both in town yesterday for all-day conferences with Harry Kalmine, zone manager, and all of his district managers. Summer policies and other changes were determined, although no announcements are expected for a week or so.

## *Trop Gets "White Heat"*

J. D. Trop has closed a deal with William Fiske, 3rd, president of Seven Seas Corp., to take over distribution of "White Heat" which was produced on the Island of Kauai in Hawaii.

# Opportunity Faces Showmen—O'Toole

(Continued from page 1)

been that certain conditions were not right before. Now that the way is open wide for us to participate on an equality in all negotiations, let us make things right. Every exhibitor should pay as much attention to the rebuilding of this industry as he would to the building of a theatre for himself. This now is his industry just as much as it may be the industry of any other person and he should carefully watch all that may be going on and object where he finds situations out of harmony with his interests and always help to advance everything in a constructive way."

O'Toole said exhibitors now have the greatest possible opportunities to extend public service work of the theatres.

"The entire nation is undergoing a radical transformation and exhibitors can help materially to advance and develop conditions of vital concern to all the people by making sensible use of their theatres and their screens. After all," he declared, "no exhibitor makes money in depressions, or what he may call bad times. Such conditions always mean poor business and the most selfish and necessary considerations should impel him to do everything possible to make the community prosperous so his theatre income will always be assured."

## *Levey Warns Owners On Their Liability*

LOS ANGELES, April 11.—Warning that exhibitors should keep their theatres in first class condition for their own protection was issued by Edward G. Levey of New Haven, general counsel for the M. P. T. O. A., in an address at today's convention session on the subject: "The Theatre's Liability to its Patrons."

"The general rule with almost no dissent appears to be that the owner of a theatre is required to use reasonable care to keep his premises, appliances and amusement devices in a reasonably safe condition for persons attending the theatre," he said. "This applies to the following: falling rails of balconies, tripping over an umbrella placed in an aisle by a patron, tripping over carpets, slipping in toilet rooms, etc.

"There is of recent origin a rule of law which holds the owner of the theatre responsible in damages for injuries arising from that which he might reasonably have anticipated. Another important problem is occasioned by a court ruling that the owner or lessor of a theatre is responsible for damage done to patrons of the theatre even though such damage arises out of the negligence of an independent contractor or lessee."

## *Mayer Lauds Hays*

**Los Angeles, April 11.—"Will Hays has done an enormously good job. I don't know where we would be without him. This is not personal with me. We don't get along so well, but I respect the job he is doing," declared Louis B. Mayer today before the M.P.T.O.A. convention.**

"AN INSTITUTION AS GREAT AS THE INDUSTRY IT SERVES"

# FILM PRINTING

# THANKS TO OUR ENGINEERS AND CHEMISTS

At Consolidated the old order of "try, try again" has given way to scientific methods that guarantee the right results the first time and uniformity *all* the time. All *our* "trial and error" is confined to completely equipped research laboratories where skilled chemical and mechanical engineers constantly draw on the wonders of modern chemistry and machinery to improve the already fine quality of "Certified Prints".

Guess-work and chance results have been entirely eliminated. Elaborate machinery, Consolidated designed and built, and used exclusively at Consolidated Park, has been set up to *control* quality. Operating conditions are always technically perfect, regulated by a costly air-conditioning plant. Negatives are carefully vacuum and dry cleaned after each print is made. That is why the last print is as good as the first and the negative in perfect condition when returned to the producer.

Only at Consolidated Park can be found the miraculous machines that take negatives and raw stock at one end and at the other deliver the completed print—untouched by human hands throughout the entire operation.

## SAFEGUARD YOUR INVESTMENT

**Cut-price prints mean cut-price quality—inferior materials carelessly processed on obsolete equipment—poor screen results.**

It doesn't pay to jeopardize your entire investment for the few pennies saved on cut-price prints. *Make sure of good results.* Send your productions to the screen on "Certified Prints." They're made by *science* to provide the finest possible expression of the sound and action in your negative. Twenty-one years' experience and a loyal devotion to the highest ideals of service are always evident in every frame of "Certified Prints."

**CONSOLIDATED FILM INDUSTRIES, INC.**

NEW YORK HOLLYWOOD

1934-35

First in the field to announce a complete program of Eight Liberty Specials for 1934-35.

*NOW COMPLETED*

"CHEATERS"
*starring*
BILL BOYD
DOROTHY MACKAILL
JUNE COLLYER

"When Strangers Meet"
*starring*
RICHARD CROMWELL
ARLINE JUDGE

"TAKE THE STAND"
*starring*
JACK LARUE
THELMA TODD
GAIL PATRICK
RUSSELL HOPTON

"NO RANSOM"
*starring*
PHILLIPS HOLMES
LEILA HYAMS
JACK LARUE
ROBERT McWADE

*IN PRODUCTION*

"Strange Honeymoon"
*starring*
MARIAN NIXON
NEIL HAMILTON

*IN PREPARATION*

"Two Heads on a Pillow"
"School for Girls"
"Without Children"

LIBERTY PICTURES CORP.
M. H. HOFFMAN, Pres.
BUDD ROGERS, Gen. Sales Mgr.
1776 Broadway COl. 5-1784


### *Prize Winner*

**Hollywood, April 11.—Any M. P. T. O. A. visitors who imagine they hold an exclusive on prize marquee "boners" are told here that this appeared on a local double feature sign board the other night:**

**"DESIGN FOR LIVING"**
**with**
**"8 GIRLS IN A BOAT"**

# Boards in 31 Cities Ready In Two Weeks

(*Continued from page* 1)

pi as a committee of two to handle the matter. Activities of the coast office will include the studio labor committee, the extra standing committee, the committee on agencies, the free lance committee and all work of Code Authority in connection with the code as provided in Article 4, Part 1.

A paid secretary will be appointed following recommendation by the various Hollywood groups. The appointment will be approved by Campi.

## Ten More of Board Secretaries Named

(*Continued from page* 1)

nati; Mrs. Alma Walton, Memphis.

Appointed Tuesday were: Emma Ablanalp, Chicago; Love B. Harrell, Atlanta; Jane Holloran, Buffalo; Duke Dunbar, Denver; Ruth Doyle, Portland.

Members of the Boston boards met Tuesday, but could not agree unanimously on a secretary. They will meet again later in the week. Personnel of the New York, Philadelphia and New Orleans boards have not gotten together yet on the first informal meeting, but local board members meet today at the Campi offices to organize. The members of the clearance and zoning board meet in the morning, while the grievance group congregates in the afternoon.

## *Pittsburgh Boards Pick New Secretary*

PITTSBURGH, April 11.—The code boards held their second meeting here yesterday and voted to establish headquarters in the Grant Building. Members also nominated Miss Emaline Fineberg, former secretary of the Pittsburgh Film Board of Trade and now in the M-G-M office, for the post of secretary.

Robert Klingensmith had previously been nominated for this post, but he asked to be permitted to hold his present position and board members here demanded a full-time employe.

## *Delay 'Unknown Blonde'*

Opening of "The Unknown Blonde" at the Globe has been postponed from April 16 to April 23.

# Breen Blames Industry Ills Upon Bad Ads

(*Continued from page* 1)

today in his address to the M.P.T.O.A. convention in session here.

He urged upon exhibitors their cooperation in furthering the clean-up movement begun by the major companies last fall in New York and described the progress to date as "so far, so good."

Breen said: "No single phase of the business is likely to be as productive of more public good will than is suggested by the right kind of advertising. The industry always accepts, but has not always fulfilled that responsibility.

Tracing the formation of the Advertising Advisory Council last fall, he declared the difficulty with the original advertising code adopted some years back revolved around the question of what constituted uniform interpretation of it.

"That interpretation was made and progress has been pronounced since then," he added.

Breen urged exhibitors to use as much advertising matter prepared by major companies as possible, pointing out that all of it is first approved and its composition represents the combined advertising brain power of the industry. If exhibitors write their own copy, he continued, they are urged to consult with other exhibitors on it in an effort to avoid publication of copy inimical to the industry.

## *Detroit Boards Set $570 Month Budget*

DETROIT, April 11.—Local zoning and clearance and grievance board members have recommended to the Code Authority that Detroit offices be housed in the Francis Palms Building, where the State theatre is situated, and also has submitted for approval a budget of $570 a month.

Elliott S. Kinney, who has been approved as secretary, is a native of Bay City, Mich., where he was born in 1905. He came to Detroit in 1924 as assistant to H. M. Richey, general manager of Allied Theatres of Michigan, a position he resigns to accept the secretaryship.

## *Exchange Heads Get Cancellation Rules*

(*Continued from page* 1)

who have complied with all provisions of the code.

A second letter also has been sent asking all film exchanges to notify Campi headquarters when exhibitors make requests for cancellations. These must not be granted until Code Authority advises branch heads that the exhibitors are in good standing.

## *Metzger Seeks Judgeship*

INDIANAPOLIS, April 11.—Charles R. Metzger, exhibitor, and attorney for Associated Theatre Owners of Indiana since 1927, is running for office for the first time. He seeks the post of judge of the Marion County Juvenile Court.

# Hits Mothers For Laxity in Picking Films

(*Continued from page* 1)

more scathing indictment of American mothers than these mere bald figures.

"While we recognize the tremendous adult mass as the major audience—the audience for whom pictures are made and the audience that must be satisfied—we women cannot help interpreting the motion picture problem largely in terms of child life, 'though, personally, I believe that greater danger lies with the adolescent than with the child."

Touching on what she considers an all-important subject—"Who is responsible for the quality of pictures?"—Mrs. Winter said that the question revolves around the well-worn answer of all purveyors to popular taste in newspapers, radio and in pictures—'we give the public what it wants.'

### Sees Some Fallacy

"I believe there is a bit of a fallacy here," she said. "Every newspaper has its own policy. It feeds its readers with such selected news and such editorial comment as promotes its own points of view. It tries to create the want that it supplies. All these popular forms are really leaders and moulders, yet among them pictures are unique since the whole range of film does to a great extent spread before the public a great variety, as if it said, 'What will you choose?'"

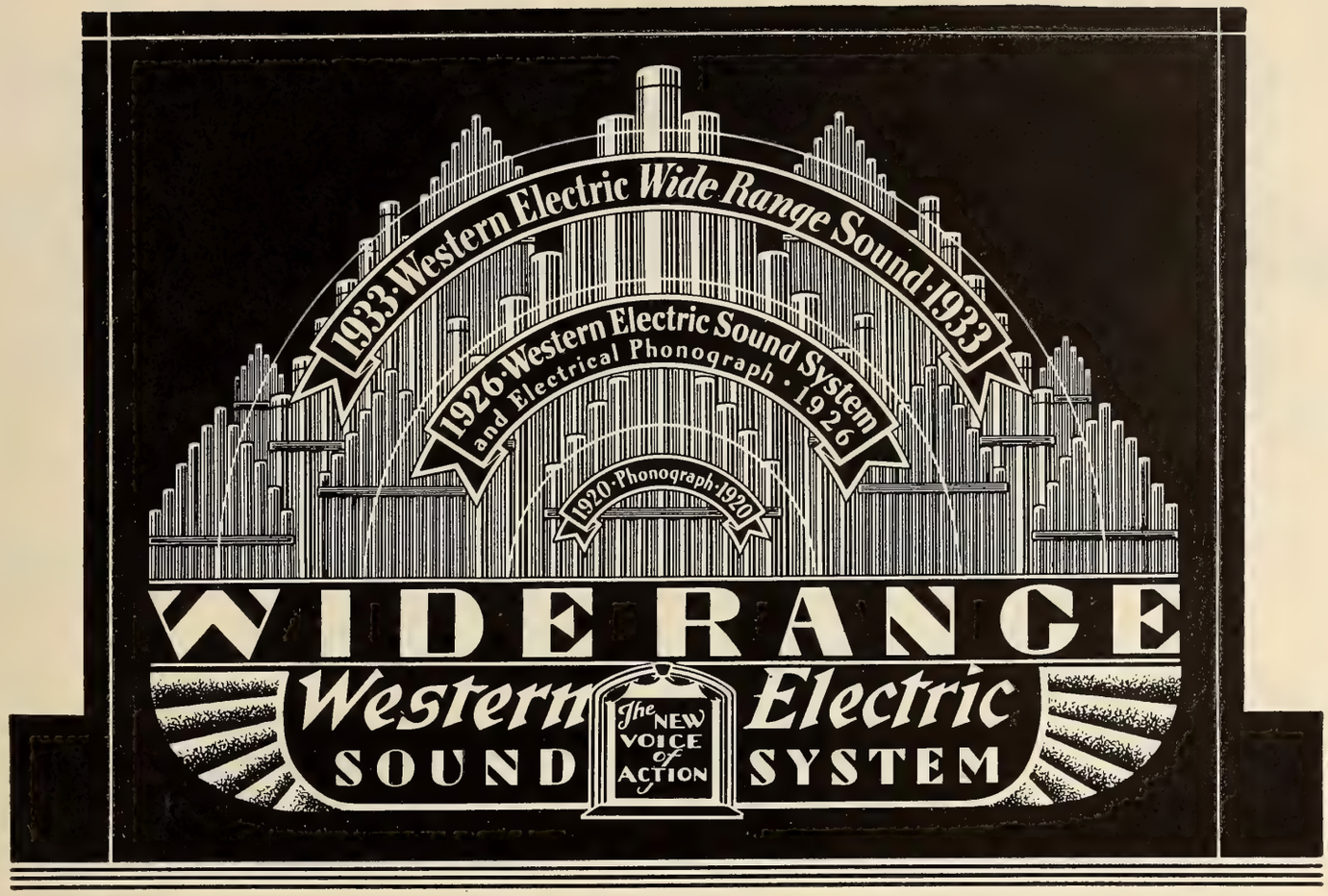
Intimating that the film is "no worse" than any other of the arts, Mrs. Winter pointed out that the great majority of best-selling books, on which pictures are based, are "filled with vicious sex suggestions or with lawlessness.

"Almost all of the plays on the New York stage are filled with dirt. Modern painting exults in greenish nude bodies. Popular music emphasizes loose sex emotion. Obnoxious as are many of the themes and scenes in the pictures, in almost every case they have had to be cleaned up from their literary source because the many-millioned audience is, after all, largely decent—more decent than the so-called intelligentsia.

### Doubts Law Can Help

"Naturally we begin to wonder if law can help the situation. But law never did and never can create. It can lop off objectionable features here and there. It never yet produced morals. If the motion picture, or any other form of expression, is going to serve civilization," she maintained, "it needs genius and beauty and idealism and insight and human appeal. None of these come to order. In fact, they wither as soon as you try to put them under control."

In conclusion, Mrs. Winter said: "We believe it is true the public that considers the motion picture its business is growing greater day by day, and that we have opened all the channels by which it can say, 'This and this was good—good drama, good human reaction, good laughter. We'll stand by it,' leading toward that fulfillment which shall make the motion picture what it ought to be—the little drama of all the world."



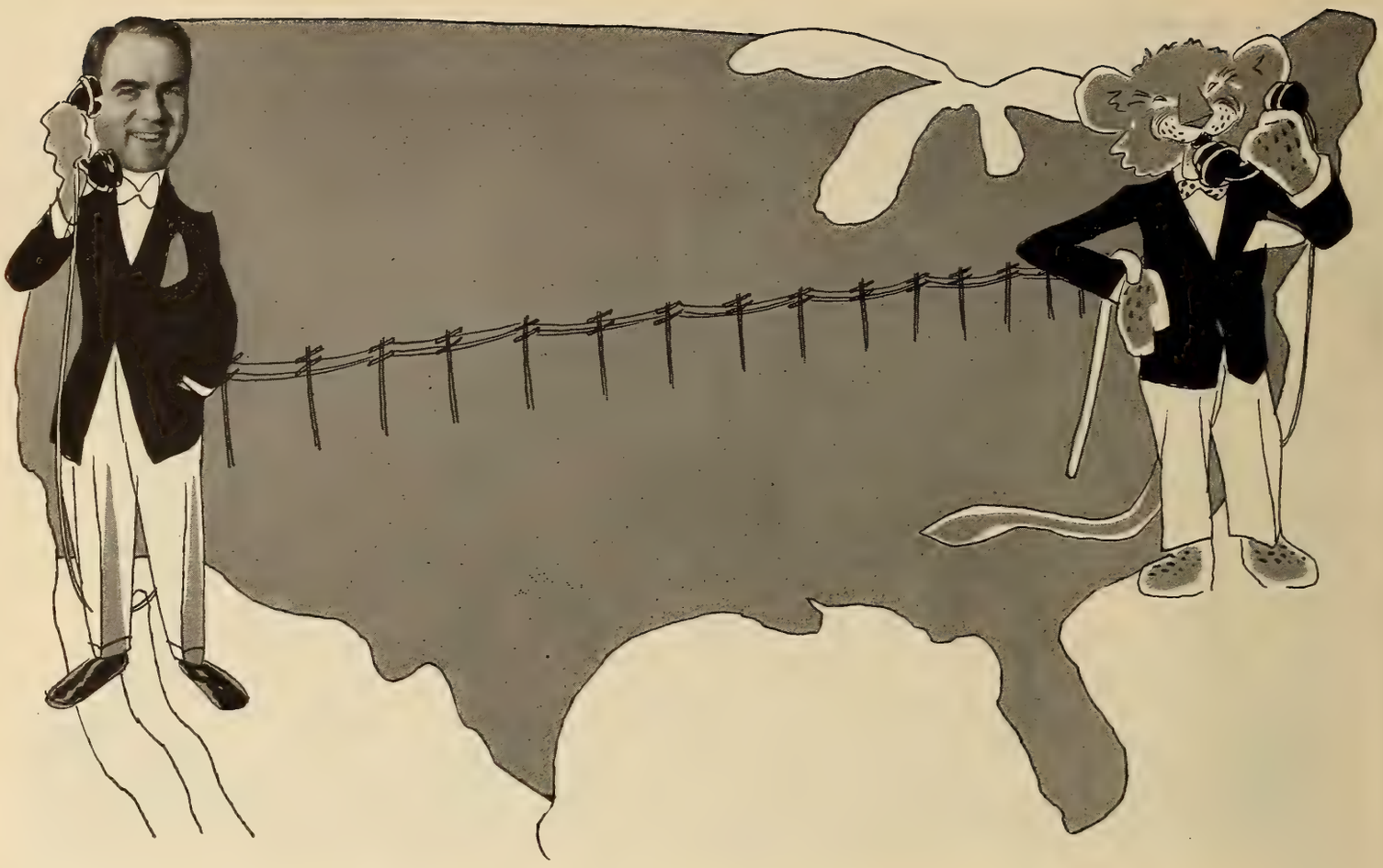

# WIDE RANGE★ emphasizes the recognized leadership of Western Electric in sound recording and reproduction.

★ WIDE RANGE, as applied to sound recording and reproduction, was originated by Western Electric and is by all tests unmatched in quality and performance.

***Electrical Research Products Inc.***

250 West 57th Street, New York, N. Y.

*Northern Electric in Canada*



# "Hello Hal–Leo speaking–

Tell the boys at the M.P.T.O.A. Convention that Hal Roach Comedies have enjoyed their biggest year of all time. They've got to be good to do that!"

LEO MARCHES ON!

**LAUREL-HARDY • Thelma TODD – Patsy KELLY • OUR GANG**
**CHARLEY CHASE • ALL STAR COMEDIES • MUSICAL COMEDIES**

M. P. T. O. A. Convention Issue

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35, NO. 85 | LOS ANGELES, THURSDAY, APRIL 12, 1934 | TEN CENTS

# MAYER DEFENDS HOLLYWOOD; ASKS EXHIBITORS TOLERANCE

## Coast Office For Campi Is Set to Start

### *Casey and Mrs. Kinney Named in Charge*

NEW YORK, April 11.—Campi will open an office in Hollywood at once and today named Pat Casey, studio labor contact representative for major producers, and Mrs. Mabel Kinney, chairman of the extras' code committee, as its western representatives.

Campi headquarters west will house committees having to do with free lance players, labor, extras and agents.

With this development, Campi declared today the 31 grievance and 31 clearance and zoning boards in key cities will be operating in their offices and functioning generally in two weeks.

The extras' code and grievance committee met here last night and reviewed 57 complaints, 34 of which were dated prior to March 10 at which time the committee was started. These are being referred to Washington for a ruling. Two of the complaints were referred to the State Labor Board and the balance will be referred to the studios to get their side of the complaint before they can be adjudicated.

### *Reports Majors Are Fighting Stock Law*

New York flash late last night reported several major companies are enlisting their selling forces in the field to combat the passage of the Fletcher-Rayburn bill to supervise securities issues by having their employes and salesmen forward remonstrances to their congressmen and senators.

### *A New Low*

PORTLAND, April 11.—John Hamrick has taken over the Playhouse on a feature policy, four changes a week and a nickel admission.

## 'Changes Told Cancellations Are in Effect

### *But Campi First Will Pass On Merits*

NEW YORK, April 11.—In the mail to several hundred exchange managers up and down the land went today an official letter on Campi stationery notifying branch heads that the 10 per cent cancellation privilege under the code is now in operation.

There was removed thereby the final vestiges of distributor opposition to the ruling, originally made weeks ago by Division Administrator Sol A. Rosenblatt but objected to thereafter by major distributors.

The cancellation clause, retroactive

(Continued on Page 24)

### *Not Exclusive*

**Those funny lines on theatre marquees happen everywhere. Visiting exhibitors who think they hold an exclusive on prize boners are told now that this appeared on a local marquee the other night:**

**DESIGN FOR LIVING with 8 GIRLS IN A BOAT.**

### *Review Board Shuts Down on Film Code*

WASHINGTON, April 11.—With the failure of William C. Elliott, of the I. A. T. S. E., to appear to answer charges made last week by Murray Harston of New York, the National Recovery Review Board today closed its investigation of the code. Despite well-based reports that the board was about to die, Chairman Darrow continued working on his report.

## *Film Board Secretaries in Same Posts on Code Boards*

NEW YORK, April 11.—Additional substantiation to reports first published many weeks ago that, wherever possible, Film Board secretaries would be named to the secretaryships of key city boards under the code developed today when Campi—Code Authority of the Motion Picture Industry—announced 10 new appointments of which at least six were Film Board attaches. This makes a total of 15. The official list follows:

*Charlotte*—Mrs. Walter Griffith.
*Cincinnati*—Alice Juergens.
*Cleveland*—Georgia M. Moffett.
*Kansas City*—Grace Gannon.
*Los Angeles*—Minnie A. Kopple.
*Milwaukee*—Ben Koenig.

(Continued on Page 2)

### *Convention Endorses M. P. Daily*

*Motion Picture Daily* yesterday was accorded official praise from the M.P.T.O.A. for publishing special Los Angeles editions, of which this is the third, during the convention.

"We commend *Motion Picture Daily* for its constructive and enterprising endeavor," stated President Ed Kuykendall as the second business session came to a close. "We are all cognizant of the effort and are deeply appreciative.

"All at the meetings have commented upon this publishing ingenuity."

## *But Claims Showmen Foster Major Evils In Industry*

By RED KANN

Louis B. Mayer came to the defense of Hollywood yesterday.

Sailing into the assembled M. P. T. O. A. delegates, hitting at them for criticizing production when they knew nothing about the problems facing the studios, he declared flatly it was impossible for all of the Hollywood studios combined to deliver a guaranteed hit every week of the year's 52 and ended with a petition for more tolerance.

"We are quick to condemn. We are impulsive. Everything must be done overnight," he said. "You ask us to give you a hit a week just like that and criticize something you don't know anything about." If you really wanted to see and learn about production, you would have appointed rotating committees to visit the studios. Then the right of criticism would have been yours."

Mayer covered a variety of subjects, touching on one to leave it and pick up at another point. He cited the incident involving a director whom he did not name. "Make fine pictures and forget the code and its restrictions," the M-G-M vice-president said this man had told him. Mayer said he had hired him later because he respected his opinion. "How many millions do you want to deliver a formula for producing only great attractions?"

Taking for granted that the answer was obvious, the speaker proceeded further and drew the well-known analogy between the stage producer who thinks he is doing well turning out five good plays a year and a company like M-G-M which exhibitors, he continued, expect to turn out 52.

(Continued on Page 3)

### *Nay, Nay!*

Cecil B. De Mille is said to have ordered two horses replaced on the "Cleopatra" set because they "nayed" his instructions.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *Kent Off for Coast*

NEW YORK, April 11.—Sidney R. Kent, president of Fox, leaves for Hollywood Thursday.

## *Has No Stage Plans*

NEW YORK, April 11.—J. Robert Rubin, vice-president of M-G-M, today declared the company was entertaining no plans to enter stage production, as reported.

## *Tracy, N. Y.-Bound*

Spencer Tracy left for New York last night for a two weeks' vacation, his first in a year. He will return April 20 to prepare for his next Fox picture, "Marie Gallant," which is scheduled for production April 23.

## *Independents Meet*

CINCINNATI, April 11.—The recently-formed Independent Theatre Owners of Ohio have just completed a regional meeting at the Sherry-Netherland. The proposed sales tax, defeated in the House at Columbus today, was discussed.

## *Dunn-Temple Teamed*

Fox is reported negotiating a deal with John V. A. Weaver, husband of Peggy Wood, to write an original in which the studio will star Jimmy Dunn and Shirley Temple. Decision to make a picture starring Dunn and Temple is said to be based on the outstanding song and dance number executed by the pair in Fox' "Stand Up and Cheer."

# The Pay-Off

THE old, old argument over publication of box-office reports which made its appearance at the M.P.T.O.A. convention yesterday was merely a repetition of the fallacious argument that the practice encourages adverse legislation.

On that ground, Ed Kuykendall voiced his disapproval and expressed his wish the convention goes strongly on record against the practice. It probably will.

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KANN

# *Code Not 100% But Rates Fair Trial, Says Rosenblatt*

"No document, born of the toils and travails which this code has witnessed, could possibly be perfect," stated Division Administrator Sol A. Rosenblatt in a wire to President Ed Kuykendall of the M.P.T.O.A. yesterday in which the NRA official expressed it as his opinion that the document is entitled to a fair trial.

He said:

"I regret exceedingly that I am unable to be present with you at your first national convention following your loyal adherence and support of the motion picture industry code. I am the first to recognize that, because the code represents the first united effort on behalf of all three divisions of the industry, that no document, born of the toils and travail which this code has witnessed, could possibly be perfect.

"I believe, however, that the code marks a constructive advance in the motion picture industry, that it is entitled to a fair trial and that we will be better able to judge of its force for good in the near future than we are yet able to do. I am highly gratified with the attitude of the industry generally, and of your organization particularly, with respect to the code, and I pledge you all that as experience demonstrats the necessity for the same, that which may require change will be so accomplished.

"I further pledge you, on behalf of the Code Authority, which to this time has functioned efficiently and constructively, that it will continue to so function in a spirit of utter fairness and impartiality to all concerned. I sincerely trust that your convention will be the great success which it deserves to be, and hope that you will find me at all times in the future ready to be of service, and with the administration's assistance, to be helpful and cooperative in the settlement of your numerous and vexatious problems."

## *Universal Up 2 On Big Board*

NEW YORK, April 11.

| | High | Low | Close | Chg. | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 30⅜ | 29 | 29 | —1⅛ | 1200 |
| Consolidated Film | 4⅜ | 4⅜ | 4⅜ | ..... | 100 |
| Consolidated Film, Pfd. | 16⅜ | 16⅛ | 16⅛ | +⅛ | 1000 |
| Eastman Kodak | 90¾ | 90 | 90¾ | +1 | 900 |
| Fox Film | 16 | 15½ | 15½ | —¼ | 700 |
| Keith Pfd. | 30 | 30 | 30 | + 2 | 200 |
| Loew's, Inc. | 34¼ | 33¼ | 33⅞ | +½ | 23400 |
| Loew's, Inc., Pfd. | 96 | 95½ | 95½ | +½ | 200 |
| Paramount cts | 5¾ | 5½ | 5⅝ | ..... | 6100 |
| Pathe | 3⅜ | 3⅛ | 3⅛ | —¼ | 1800 |
| Pathe A. | 19¾ | 19 | 19½ | +½ | 2600 |
| RKO | 3½ | 3⅜ | 3⅜ | +⅛ | 2600 |
| Universal Pictures | 46½ | 44 | 46½ | + 2 | 40 |
| Warner Bros. | 7⅝ | 7⅜ | 7½ | ..... | 5600 |

## *Bond Trading Fairly Heavy*

| | High | Low | Close | Sales |
|---|---|---|---|---|
| General Theatre 6s '40 | 10⅝ | 10⅛ | 10⅝ | 23 |
| General Theatre 6s '40 | 9¼ | 9 | 9 | 24 |
| Keith B. F. 6s '46 | 67 | 67 | 67 | 3 |
| Loew's, Inc. 6s '41 | 99¾ | 99½ | 99½ | 25 |
| Paramount Broadway 5½ '51 | 38½ | 38 | 38 | 11 |
| Paramount F. L. 6s '47 | 51½ | 50½ | 51½ | 2 |
| Paramount Publix 5½ '50 | 52 | 51 | 52 | 6 |
| Warner Bros. 6s '49 | 61⅜ | 61 | 61 | 34 |

# Film Boards' Secretaries In Code Posts

(*Continued from Page* 1)

*Minneapolis*—Mabel Dietz.
*San Francisco*—Rowena Foley.
*Memphis*—Alma Walton.
*New Haven*—Harry P. Lander.

BOSTON, April 11.—Code boards held an informal meeting here Tuesday, but members failed to arrive at a unanimous selection for secretary. Another session will be held later in the week.

NEW YORK, April 11.—The grievance and clearance and zoning boards for New York are scheduled to meet at Campi headquarters tomorrow.

PHILADELPHIA, April 11.—No meeting of code boards has been held here as yet, but anticipation is this will take place shortly.

PORTLAND, ORE., April 11.—Following an all day and all night session, the local zoning board today failed to reach any decision on clearance schedules.

NEW ORLEANS, April 11.—This Southern city is yet to get itself completely organized under code operation. While its boards have been named by Campi a number of weeks ago, organization work remains to be ironed out.

PITTSBURGH, April 11.—Emmaline Fineberg, former secretary of the Film Board, has been nominated for the secretaryship of the local code boards in place of Robert Klingensmith, although the latter may get the appointment. Code headquarters will be maintained in the Grant Building.

DETROIT, April 11.—Elliott S. Kinney has been named code board secretary here and has filed his resignation as assistant to H. M. Richey, general manager of Allied Theatres of Michigan. Local boards have asked Campi to approve leasing of Suite 219 in the Francis Palm Building in which the State Theatre is located. Monthly budget has been set at $750, but this is subject to Campi approval.

## *Toledo Perking Up; Business Improves*

TOLEDO, April 11.—That business is definitely improving in this sector is indicated by the increase in bank deposits.

A survey shows local deposits have increased $10,000,000 since December. Banks at Akron report an increase at the rate of $1,000,000 monthly during the first quarter of this year.

The improvement is general throughout the territory, and is being reflected in a pickup in theatre attendance.

## *Variety Clubs Loom Here and In 'Frisco*

KANSAS CITY, April 11.—Organization of Variety Clubs is under way in Los Angeles and San Francisco, it was said here by John H. Harris, national president, en route to Pittsburgh from a California vacation.

# Making Merry On Fox Movietone Lot

Exhibitors get close-up of shadow figures they've been playing just to get an idea of how it feels. Fox supplied the necessaries, including food.

Neighbors at the studios. A Pasadena theatre group camera-ed at Fox yesterday. Left to right: George Haines, Terry McDaniel, Mrs. Haines, Harry Hicks and Mrs. Hicks.

## Mayer Defends Hollyw'd; For More Amity

(Continued from Page 1)

"They asked me to talk on what I thought was wrong with exhibition. How can I after being out of it for 20 years? I declined with thanks because I didn't want to come here and insult you. Everyone seems to have two businesses these days, anyway, his own and the picture business," he continued.

Mayer readily conceded that there were many counts on which producers could be castigated, but, at the same time, he argued they were improving, trying new ideas and anxious for an understanding of what they were endeavoring to accomplish at the hands of the theatre owner.

"We don't understand each other. How else could there be anything but dissension?", he asked. As he got warmer, so did his remarks.

Mayer excoriated exhibitors for trying to beat down prices.

He blamed them for forcing producers into the theatre field, saying it was that "or the ocean for producers and they elected theatres."

He charged exhibitors with sitting around, awaiting springtime and attractive trade paper inserts to govern and determine their buying and to make them decide what they proposed paying the distributor by way of rental.

One of the big laughs that threatened Mayer with the loss of his audience developed when he hurled this at the assembled showmen:

"You decide you'll pay Paramount $7.50 and Metro $6.50 and let it go at that."

What caused the howl immediately thereafter might not have been entirely clear, but several exhibitors were heard mumbling something or other that sounded like a reference to 25, 30, 35 and up percentage pictures.

As a matter of fact, in his defense of Hollywood, Mayer implied exhibitors were responsible for everything that was wrong. He continued to let his barbs loose regardless of the direction and made the direct charge exhibitors had gotten together to "figure out how to wreck the business." He failed to mention the year.

On block booking, he said this:

"Elimination of it may be the way out. I don't say it's the only sales medium. But you don't want block booking so that you can escape playing the bad pictures. What do you expect me to do with them, swallow them?", he continued.

He was once for Federal censorship on the theory it would eliminate the "other 49 brands" and then found it wouldn't work that way. Thereafter, he was off the governmental censoring idea.

It was in his discussion of censorship and the travail it heaps on the producers' collective heads that Mayer paid a sterling tribute to Will H. Hays who,, incidentally, arrived in Hollywood from the East last night.

"He has done an enormously good job. I don't know where we'd be without him. And that's not personal with me because we don't get along very well. I do, however, respect the job he's doing."

Introduced by Ed Kuykendall as the "Honorable Cecil B. De Mille" whose topic was "How Pictures Were Put Together," the director's first remark-snappy—was:

"I've been trying to find out myself for 20 years."

Fortified by sketches and much pre-production data on "Cleopatra," his current Paramount picture on behalf of which De Mille put across an indirect, but nevertheless effective sales talk, he had this to say,

"In the making of pictures we don't start to make bad pictures. They don't pay. The inception of the idea is the first thing. What are you going to make? What do people want? This is the problem. Take for instance the tremendous hit of Henry VIII. Now you want all the Henrys.

"When I first wanted to make 'The Sign of the Cross,' which is now in its third million of gross receipts, I went around to every producer, both in this country and in England with the script in my hand. All said there had been too many religious pictures and they didn't want to make another at this time. They said that the public and the exhibitors did not want religious pictures, did not know why, but just didn't want them.

### It's Milwaukee

**The strenuous campaign waged under the aegis of Fred S. Meyer to land the 1935 M.P.T.O.A. convention for Milwaukee has been crowned with success. The directors, in private session yesterday, so voted.**

**Door - knob throwaways, stickers, et al, have been flooding the Ambassador and, for all of it, the Meyer delegation from Wisconsin has been responsible.**

### He Couldn't Spell It

**Ed Kuykendall's address at the all-studio fiesta for the M.P.T.O.A. visitors last night had one particularly humorous crack among many.**

**He related of the meeting in the Ambassador hotel lobby of Louis B. Mayer and Walter Vincent, who hadn't met in 11 years.**

**"Walter," said Mayer, "I'm tickled to see you again. Why don't you write me once in awhile and tell me how you like M-G-M pictures."**

**"Well, Louie," said Walter, "I've been trying to drop you a line on the subject for five or six months, but I get stuck every time. I can't find out how to spell PPPPPHHHHHHHTTTTTTTT!"**

**The gang roared. So did Leo!**

## Brains, Ready And Free, Our Need-De Mille

"In this picture I had Charles Laughton. He went back to England and played in 'Henry VIII.' After that there was a landslide of costume pictures, some good, some bad. However the audiences became tired of them. You can't follow a trend that way. Some people will say because some fail that they are no good. If they fail, it is because the pictures themselves were not good pictures.

"You've heard Hollywood is crowded. Hollywood is a desert when you're looking for brains. They're here, but they're tied up."

Discussing further his success in the production of pictures with a religious theme, De Mille said,

'Ten Commandments' is in its fifth million. 'The King of Kings' is approaching its fourth and 'Ben Hur' is in its seventh."

De Mille, uncertain of the receipts of "Ben Hur" turned to Mayer who supplied the figure.

"That," said De Mille, "proves what Louis Mayer said about exhibitors paying Paramount $7.50 and only $6.50 to Metro."

Mrs. Thomas G. Winter, former president of the General Federation of Women's Clubs and now head of the public relations committee of the Ass'n of M. P. Producers, made a pronouncedly favorable impression.

"Something extraordinary is happening in motion picture audiences just now." She said, in part:

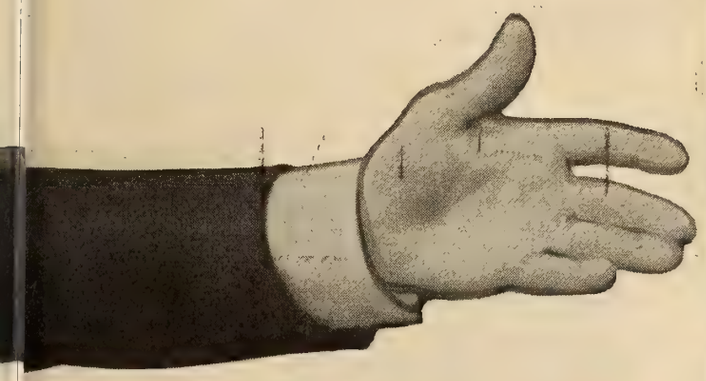
"They are no longer just an audience of so many people. They are transforming themselves into a public—a public that is organized, vocal with many voices some of which are conflicting—a public that is critical and that bestirs itself concerning pictures more than it does about any other of its leisure hour interests. Pictures have suddenly become an issue.

"The public relations people face two great problems and the two are

(Continued on Page 15)

*Jimmy Starr in Los Angeles Herald-Express, March 24. A First National Picture. Vitagraph, Inc., Distributors

NEWS FOR EVERY
'S MADE MONEY
RS.' MUSICALS!



# ARTS"

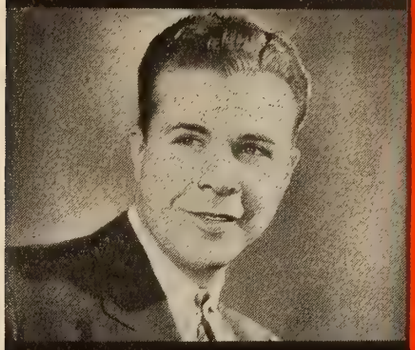
ovelty in cinematic musicals
ction, unusual angles, con-
nd bound-to-be song hits"*—
sed for special engagements

## IL 21ST

ring news soon about
motion plans, including
lty advance trailer, from

## ER BROS.

DICK POWELL



PAT O'BRIEN

TED FIORITO & BAND

3 RADIO ROGUES

THE 3 DEBUTANTES

Songs by WARREN & DUBIN

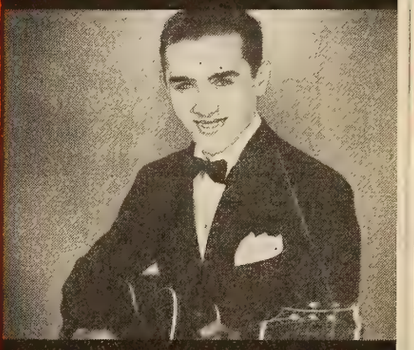
WITH THIS AMAZING LIST OF RADIO AND SCREEN NAMES

GINGER ROGERS

4 MILLS BROS.

ALLEN JENKINS

"MUZZY" MARCELLINO



JOSEPH CAWTHORN

Directed by RAY ENRIGHT

# Radio Stars Regale MPTO Sightseers

By MILTON WATT

About 100 theatre men turned out for a very swelegant buffet luncheon at RKO yesterday, the balance of the congregation trekking to the larger Fox plant at Westwood for their beer and pretzels.

The RKO buffet held sway in the studio's radio broadcasting stage, where several roast turkeys, a few prime ribs of beef, potato salad, beer and assorted sandwiches aided in putting the visitors on a firm basis of living again, following the preceding hectic "hoedown" at Universal the night before.

Jan Rubini and an excellent 10 piece orchestra wafted plaintive melodies into the surrounding ozone, making the M. P. T. O. A. delegates forget that they ever had to struggle through a pressbook or that two so distinctively opposite worldly influences could be hatched out of the same incubator.

Mrs. Rubini, blonde and beautiful, sang semi-classical ballads under the nom-de-plume of Adele Crane, which tugged maliciously at the heartstrings of the visiting firemen—the ballads, not the nom-de-plume. Rubini himself, offered a violin solo at the request of the delegates and their wives, who, as time went on through wining and dining, arrived at that sensitive stage of sentimentality, where music is both a solace and an inspiration.

Following the mysterious disappearance of several cases of beer, several exhibitors took to waltzing, clogging and public speaking, which led to the start of a general tour around the lot.

In groups of 15, the visitors toured, stopping to watch Jimmy Gleason and Edna May Oliver cavort in a comedy vein on the "Murder on the Blackboard" set.

A good time was had by each and sundry, with Radio rating a bouquet for a Class A afternoon's entertainment.

# *Did You Miss?*

By VICTOR M. SHAPIRO

NOW that homeward-bound you're about to go bouncing, have you that jittery feeling, a whole-souled longing for Sunny Californ-eye-aye? Is your spirit suffused with gentle nostalgia as the balm of relaxation sets in, and you think back of the things you wanted to do and didn't?

Recall, or do you, those winings, and them dinings, the proclamations that didn't proc, those talks and squawks, and that pet idea of yours that never came out of committee, and are you sore?

So to round out the picture, at great research we have prepared a list of the good times, the good places, and the good things you missed, just to make you feel worse.

From whispers whirled around the nooks and crannies, you were here on a sort of sailor's holiday. A sailor boy, you know, when on shore leave, hires a rowboat and rows all day.

▲

SO YOU paraded to every theatre and shooting-gallery in town and saw every picture you could lay eyes to. It's your own fault, sailor. But the things you missed are the things to worry about. But you will come back. The climate gets you. And then you can have fun in the Golden Open.

Did you miss the drive up Magnetic Hill, the steepest hill in Hollywood? Did you start up, take your foot off the gas and still keep going up? It ain't done by mirrors, either. It ain't done at all any more. The old hill's just a real estate subdivision now. So you didn't miss much.

But did you miss Peter the Hermit, the kindly old guy who walks around Hollywood with long hair and short pants. You could have visited him up in the hills where he holds seances for you to commune with spirits. If you missed that, you missed a show.

Did you visit Hollywood's greatest Library, where beautiful blondes hand out books of art, science, music and poetry. If you didn't miss the Library, you met Madame B., the head librarian. She's a book lover, too, with plenty of new books, and—has she got circulation, or don't you care much for books?

Did you go to the turtle races, the flea circus, the burlesk shows, where the girls burl and sometimes esk? If you missed that, dun't esk, just boil.

▲

DID you go to the Back Fence, where those boys with long hair cavort with them girls of short, where the air is perfumed, and the color scheme is redolent, too? Here you could have seen performers from the Great Lake regions, Lake Erie and Lake Huron being amply represented. If you missed these goings on, you didn't miss a thing. The dump's been closed for months.

Did you miss the Amusement Parks, where by throwing a baseball and hitting a red disk, you release a lever that rolls a girl out of bed? So you missed that, didja? What will the wife say? If she asks, tell here there wasn't any such thing at the park, but it used to be. But

(Continued on Page 15)

# Social Whirl Runs On; Fox Throws Party

By JEANNETTE MEEHAN

"Stand Up and Cheer" for Fox.

Exhibitors cheered yesterday after a lunch and a visit about the Movietone plant, including a chance to watch Warner Baxter at work on Jesse L. Lasky's production, "Grand Canary."

Fox even worked in a little of the "Cisco Kid" atmosphere with a Mexican string music, which brought out the Spanish in J. M. Young . . . John Boles, Rosemary Ames, Herbert Mundin, Hugh Williams, Pat Paterson, Claire Trevor, Jimmy Dunn, Mona Barrie, Heather Angel, Nigel Bruce, Ketti Gallian, Suzanne Kaaren, Blanca Vischer, Joe Cook, Mitchell and Durante, Charles Boyer, and Drue Layton, who brought along her enormous Great Dane, were among those signing autographs . . . Ann Remijas has more star signatures now than any one of the convention . . . Louis Zions wanted to ride home with the motor cycle cop . . . M. A. Lightman held a conference with Matt Jackson . . . Mrs. Walter Immerman thought the studio resembled a museum—but she didn't say what KIND of a museum . . . Mrs. Fred Meyer drank her beer like a soldier . . . as they all did.

Came four o'clock but no one wanted to leave, especially the women who were watching Mr. Baxter. But Fox generously herded them off in time for them to "prepare" for the general studio party at M-G-M last night.

## Big Banquet Tops The Show Tonight

Tonight's official banquet at the Ambassador climaxes the 14th annual M. P. T. O. A. convention.

Ben Berinstein and his various subcommittee workers have prepared a surprise event for the evening that is slated to top all former entertainment.

Will Rogers takes the "mike" as master of ceremonies.

# *All Smiles for the Universal Cameraman*

**Conventioneers pose with "Uncle Carl" Laemmle at Tuesday night's "hoedown dance." Principally Wisconsin and local color are principals in this shot.**

**The Fred Meyers of Milwaukee, old friends of Laemmle's. Left to right: Mrs. Meyer, the Universal president, Delphine Meyer, and her "pappy," Fred S.**

Whistle it! Hum it! Shout it! The Spring Song that sends a thrill of happiness throughout the industry! Happy Days are Here Again—Thanks to—

*(please dance on . . . ! )*

# FIRST COMES R

**NORMA SHEARER, ROBERT MONTGOMERY in "RIPTIDE" with Herbert Marshall, Mrs. Patrick Campbell.** *Written and Directed by* **EDMUND GOULDING.** *Presented by* **IRVING. G. THALBERG!**

# IPTIDE!

## Even **STRANGERS MAY KISS** Their Records Goodbye

They don't make bouquets large enough to convey Leo's appreciation to Miss Shearer, to Messrs. Montgomery and Marshall . . . to Director Goulding and to producer Irving G. Thalberg.

## HERE'S JUST THE MERRY BEGINNING!

***(Have YOU arranged for Extra Playing Time?)***

**NEW YORK**
Beating everything in sight Held over 2nd week!

**PHILADELPHIA**
Biggest mid-week opening in 3 years!

**BALTIMORE**
S. R. O. signs for Shearer fans!

**BOSTON**
Biggest first three days in two years!

**COLUMBUS**
Beats everything except "Tugboat Annie" record-holder!

**RICHMOND**
Beats everything except "Tugboat Annie."

**ROCHESTER**
Terrific business for Shearer's greatest!

**WASHINGTON**
Within reach of house record! And going strong!

**SYRACUSE**
Sensational reception! S. R. O. here!

**MEMPHIS**
Beat "Tugboat Annie."

**EVANSVILLE**
Best opening on the books!

**DES MOINES**
Biggest house has had except "Tugboat Annie"

**NEW ORLEANS**
Beats "Tugboat Annie" and "Dinner at 8."

**NASHVILLE**
Beats "Tugboat Annie" and "Dancing Lady." Sensational!

And the telegrams pour in from Akron, Canton, Cleveland, Providence, Springfield, Houston, Kansas City, Indianapolis, St. Louis, Omaha, Louisville...and all around the map it's "Riptide Wrecks Records!"

## IT'S IN THE AIR!

**M-G-M has the hits!**

***(Please continue—)***

While the great stage hit **"Men In White"** packs them in on Broadway in its 8th Big Month, M-G-M gives it to you on the screen in thrilling picturization.

**"Oh, Dr. Gable, you're such a comfort to me!"**

**CLARK GABLE** and **MYRNA LOY** in **"MEN IN WHITE"** will be such a comfort to your box-office, too!

# EVERYTHING NEW BUT HIS LOVE CALL!

When you hear that unique cry of Johnny Weissmuller in **"TARZAN AND HIS MATE"** it's a signal to prepare for the Big Showmanship Special of the Year!

IT'S IN THE AIR! M-G-M HAS THE HITS!

*(Let's go on—)*

dear
Dancing
Lady -
it is my
privilege
and
honor to
tell the
showmen
of the
world
that
Joan
Crawford
in
"Sadie
McKee"
is the
most
sensational
picture
you
have ever
made for
Leo of
M. G. M.

# WE'RE TIPPING YOU OFF!

It's one of the first photographs to come from the M-G-M Studio on "OPERATOR 13." We print it here because we want you to get acquainted with the next picture from MARION DAVIES. You're going to hear plenty about it. A thrilling love story of Civil War Days. Of course that's GARY COOPER with Marion! Take a tip!

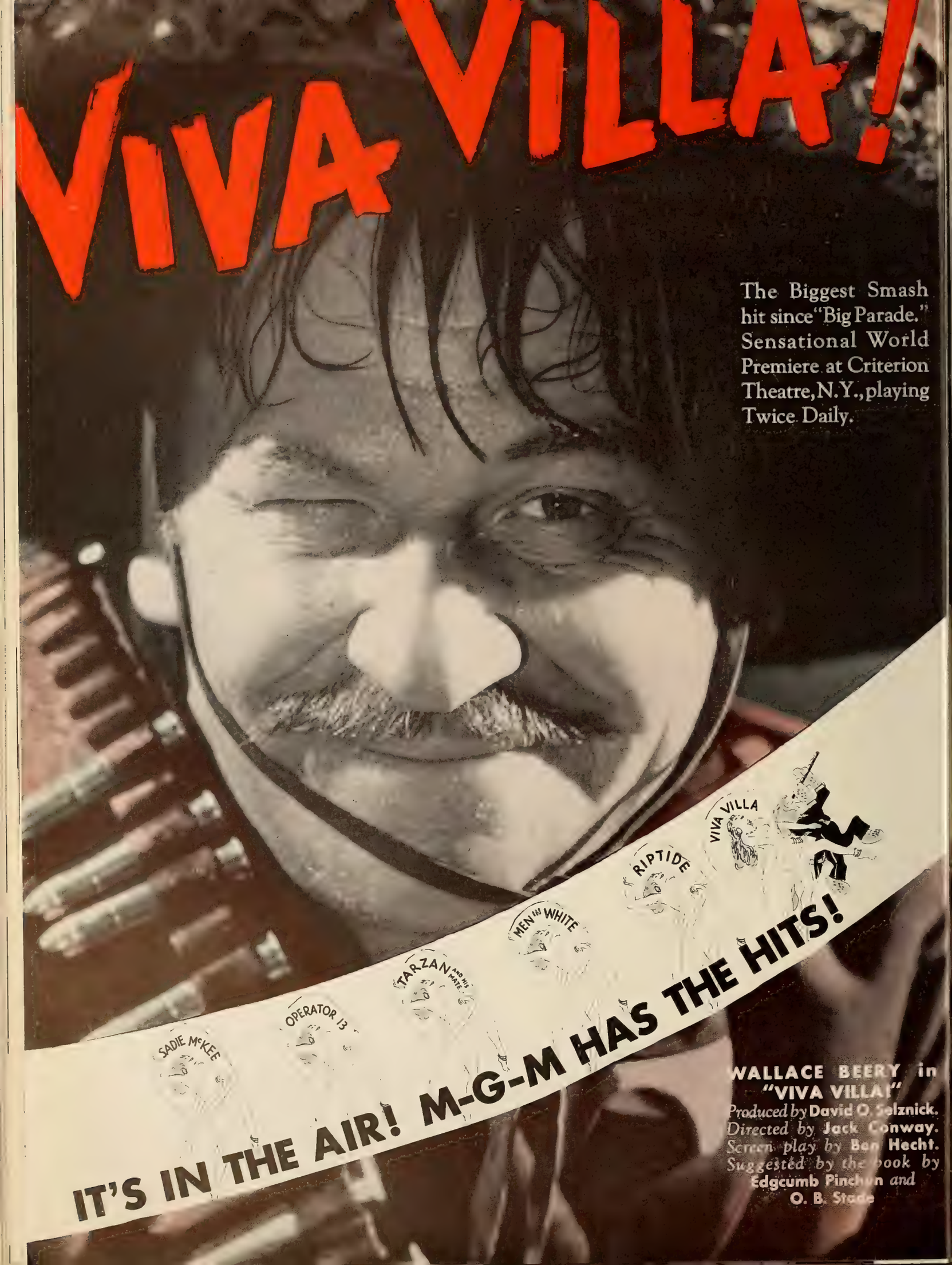
## IT'S IN THE AIR!

***M-G-M has the hits!***

—and you know what's the

**BIGGEST PICTURE IN 10 YEARS!**

(*You can guess without turning over the page—*)


VIVA VILLA!
The Biggest Smash hit since "Big Parade." Sensational World Premiere at Criterion Theatre, N.Y., playing Twice Daily.
VIVA VILLA
RIPTIDE
MEN IN WHITE
TARZAN AND HIS MATE
OPERATOR 13
SADIE McKEE
IT'S IN THE AIR! M-G-M HAS THE HITS!
WALLACE BEERY in "VIVA VILLA!"
Produced by David O. Selznick.
Directed by Jack Conway.
Screen play by Ben Hecht.
Suggested by the book by Edgcumb Pinchon and O. B. Stade

# Breen Urges Exhibitors To Clean Ads

(Continued from Page 3)

linked. The first is the public point of view. How can fine standards of demand be created, how can those standards be continually raised, how can those standards be made known and effective to the makers of the pictures.

"The second is the producers' side —how can such genius and originality and idealism as lie fallow in the studios be given both stimulus and support by the public and so become parts of the very creative elements in the making of pictures.

"We are not just foolish critics who ignore facts. We know that the first job of the commercial theatre is entertainment. If it does not entertain, people are going to stay away. There is no use in making pictures for empty houses. Audiences are never going to a theatre from a sense of duty or a desire to uplift themselves. When the emphasis topples over from pleasure toward instruction, theatres will close up," she stated.

"Much inimical legislation and effort to control the industry have been inspired by the wrong type of theatre advertising," declared Joseph I. Breen, of the Ass'n of M. P. Producers. He urged upon exhibitors cooperation in furthering the clean-up movement begun by major companies in New York last fall. He described the process to date as "so far, so good."

"No single phase of the business is likely to be as productive of more public goodwill than is suggested by the right kind of advertising," he remarked. "The industry always accepts, but has not always fulfilled that responsibility."

He told of the original advertising code and said the difficulty over it had revolved around a lack of what he called "uniform interpretation."

"That interpretation has been made and the progress has been pronounced since then," he added.

Breen urged exhibitors to use as much of the advertising material supplied them by the major companies as they can, pointing out it comes to them approved and passed by the best advertising brains in the industry. "If you write your own, as many of you do," he continued, "I petition you to check with other exhibitors in an effort to avoid copy that may be inimical to the industry."

The remaining speaker of the day was Edgar B. Levy of Connecticut. He is general counsel of the M. P. T. O. A. and went into a semi-legal dissertation on the liability of the theatre to its patrons.

Lawrence Cobb, chairman of the ways and means committee of the California legislature urged exhibitors to cultivate their lawmakers and cited some of the many unfriendly bills aimed at the industry in this state every year.

Between lavish entertainment programs and the open stretches which separate designated points, plus night life in Hollywood, the convention schedule is gradually beginning to slip. This made it necessary to extend the deliberations one extra day, while the possibility is not remote that the meetings will dip into Saturday as well.

Walter Vincent, slated to talk yesterday on "What's the Matter With Production from the Point of View of an Exhibitor" was set back until today to permit scheduled visits to the RKO and Fox Movietone City plants in the afternoon. Vincent's impending address carries the earmarks of a rebuttal of the charges Mayer made during yesterday's session.

Last night, the major studios combined as hosts and threw an elaborate party for the conventioners on the M-G-M- lot.

Today's scheduled speakers include Sheriff Gene Biscaluiz who will talk on "What Motion Pictures Mean in Aid of Law Enforcement"; W. L. Ainsworth of the Garrick, Fond du Lac, who will talk on "What the Code Means to the Country Town Exhibitor"; and Morgan Walsh of Redwood-Midland Theatres, San Francisco, who will take the same subject from the viewpoint of the metropolitan exhibitor.

The open forum, which will follow Jack Miller's talk on the labor provisions of the code, is potentially interesting as may be some of the resolutions to be presented by the committee drawing them.

Tonight the piece d'resistance is the banquet at the Ambassador with Will Rogers as master of ceremonies and Hollywood ermine flying in the breezes.

## Kuykendall Against Box-Office Reports

Ed Kuykendall, M.P.T.O.A. president, yesterday voiced his opposition to published box-office reports and expressed the hope the convention will resolute strongly against this practice. "They do not help because they long since have lost their power and are beneficial to one," he said. He predicated his argument on the theory such published material draws the fire of lawmakers seeking new avenues of revenue.

## *Hollywood*

**Meet Bubbles Branfmuir, 1811 Argyle Street, age 14.**

**Jerry is the goose's name. "He's feminine gender," says Bubbles, "and is four years old."**

**Jerry follows Bubbles like Mary's little lamb, wherever she doth go. Jerry is a one-girl goose—doesn't like boys or men—understands traffic signals—stops at red—goes at green. Eats anything geese eat.**

# *Did You Miss?*

(Continued from Page 6)

tell her you did throw baseballs at a spot that sprung a pig squealing and sliding down a chute. Then ask her who is anyhow interested in pork at an exhibitor's convention? If you tell her that, you'll be telling the truth, so she won't believe you, anyhoe.

Did you visit the Alligator Farms, the Ostrich Farms and the ranch where they grow Chinchillas?

Did you see the Lion Farm, with the Lion Tamer? Did the wife call you a Lion baboon when you told her?

Did you meet the nudists playing poker, the Yogis playing tag and the Lonesome clubs playing tiddle-dee-winks?

▲

DID you run into the cults and isms that extol no denomination, but accept bills of all denominations?

Did you miss Lupe and Johnny at the fights—they're better than the scrappers in the ring. Did you see Mae West pitching in a baseball match? Has she got curves?

So if you missed all these jolly spots and people, you had a lousy time and you deserve it, you brought it on yourself.

And as you're reading this, mayhap, soft dreams of a starry blonde may cause you to pause and wonder if you should have given her that teeny-weeny kiss she asked for, at least to remember "the great beeg zibitor from Gezump."

And as you cogitate about what you missed and ruminate about who you kissed, and x-ray yourself, try this question before your mirror:

"Should I be glad that I kissed the Miss, or be sorry that I missed the Kiss?" And if the wife pops in while you're talking to yourself, just lie like a gentleman.

# MPTOA Feted By Leo, Host For Studios

By JOE BICARB

Another long, loud and triumphant roar from Leo, who roared on behalf of all the producers.

As Will Rogers so aptly put it, the affair elite for the M. P. T. O. A. held last night at MGM looked like a successful dress rehearsal for tonight's banquet at the Ambassador.

Festivities opened with Manhattans, Louis B. Mayer and chicken a la royal, which grabbed first billing over the customary squab (maybe they're out of season).

The "brain trust" group, lined up three deep at the head of the stage gigantic (trimmed with drops from a Joan Crawford opus) consisted of Hal Wallis, Sam Briskin, Walter Vincent, E. H. Allen, B. B. Kahane, Jack Warner, Winfield Sheehan, Harold Lloyd, Hal Roach, Irving Thalberg, Al Kaufman, and Ed Kuykendall, Fred Wehrenberg, M. A. Lightman, Ben Berinstein, Fred Meyers, officers of the M. P. T. O. A.

Mayer extended a high gear welcome to the delegates, which he concluded with soulful regrets that he was forced to turn Washington over to Warner.

Followed the introduction of stars and talent from each respective studio with Pete Smith at the "mike," assisted by Leo Carillo, MGM, Dick Powell, Warners, Joe Cunningham, Fox, Charlie Murray—George Sidney, Columbia, Ned Sparks, Radio, and Ben Bernie, Paramount.

To make sure that there was "no strain on the silken threads of diplomacy," stars and studios were introduced and presented in alphabetical order.

Among those contributing to the evening's entertainment were Jeannette MacDonald, Mitzi Green, Shirley Ross, Arthur Jarrett, Irene Franklin, Stepin Fetchit, Marjorie White, Mitchell and Durant, Mack Gordon and Harry Revel, Joe Morrisson, Earl Oxford, the Albertina Rasch girls and the Busby Berkeley chorus.

Ben Bernie, in introducing the Paramount personalities, thought he spotted Walter Winchell in the audience and realizing his grave error wound up with "pardon me, madam."

Will Rogers, sitting down with the folks, was called upon by Mayer. Without referring to previous allusions of Republican or Democratic nature, Rogers stated:

"I only got one gag for tonight. I'm saving them all for tomorrow night. The reason I'm not sitting up there with the brain trust is because at present the brain trust is being investigated."

Mayer revealed that the party was really the 10th anniversary of his and Irving Thalberg's business relationship. Happily, the delegates' welcome party occurred at the right time so all the studios could chip in their part.

Even though other studios had to come across, the party was worth it. The occasion, well planned and executed to give the delegates an eyeful of Hollywood's aplomb, should put a new coat of gilt on the good feeling of the exhibitors for Hollywood hospitality.

# 31 States Turned Out for Parleys

## Four Corners Of the Land On the Roster

Official registration of theatre men and women attending the M. P. T. O. A. convention shows 31 states and Canada are represented.

Geographically, the roster breaks down as follows:

### Alabama

Mack Jackson, Strand, Alexander City.

### Arizona

L. E. Schneider, Lyric, Yuma.

### Arkansas

O. W., Mrs. McCutcheon and Betty McCutcheon, Ritz, Blytheville.
Ann Stevens Potter, Ritz, Blytheville.
Joe and Mrs. Bradshaw, Imperial, Forrest City.
L. F. and Mrs. Haven, Imperial, Forrest City.
B. V. MacDougald, Amusen, Monticello.
R. A. Cartwright, Gem, Osceola.
Mrs. Emma Cox, Gem, Osceola.
H. D. Wharton, Pastime, Warren.

### California

S. L. and Mrs. Gillette, Arcadia, Arcadia.
W. E. Falk, Lorin, Berkeley.
Jack and Mrs. Patridge, California, Coalinga.
Mrs. M. H. Seeger, Downey, Downey.
Frank and Mrs. Valuskis, Downey, Downey.
C. E. Pease, Harvey Amusement Co., Exeter.
J. B. Lima, State, Libemore.
Miss Fern Ainsworth, Congress, Long Beach.
Jesse E. Jones, Les, Long Beach.
Dave Rector, Ebell, Long Beach.
A. Alperstein, Melrose, Los Angeles.
Mrs. R. W. Allison, Los Angeles.
Mrs. Arthur Aronson, Los Angeles.
L. L. Bard, Bards, Los Angeles.
Dave Bershon, Leimert, Los Angeles.
H. W. Chotner, Parisian and Ravena, Los Angeles.
S. S. Cohen, Orpheum, Los Angeles.
Mrs. S. W. DeCarlson, Los Angeles.
W. J. and Mrs. Edwards, Jr., Edwards Theatre, Los Angeles.
W. D. Fisher, Home, Los Angeles.
Walter Futter, Futter Studio, Los Angeles.
Robert L. Grosh, Los Angeles.
P. J. Greenbaum, Castle, Los Angeles.
Ralph Grunauer, Balboa, Los Angeles.
Robert and Miss Gumbiner, Tower and Cameo, Los Angeles.
Charles W. Handley, Fox West Coast Theatres, Los Angeles.
S. Lazarus, Million Dollar, Los Angeles.
W. H. Lollier, Fox West Coast Theatres, Los Angeles.
G. A. Metzger, Fairfax, Los Angeles.
F. L. Metzler, Fox West Coast Theatres, Los Angeles.
Mrs. Joseph Ostrow, Los Angeles.
Boris and Mrs. Posner, Pico, Los Angeles.
R. B. Price, Bank of America, Los Angeles.
Mike Rosenberg, Princ. Ths., Los Angeles.
J. F. and Mrs. Schwab, Fox West Coast Theatres, Los Angeles.
Harry Srere, Roxy, Los Angeles.
G. L. and Mrs. Smith, Cosmo, Los Angeles.
Harry Vinnicof, Million Dollar, Los Angeles.
R. D. Whitson, Huntley's, Los Angeles.
W. W. Whitson, Vista, Los Angeles.
Jules Wolf, Lincoln, Los Angeles.
J. M. Young, Hollywood Theatre, Los Angeles.
R. F. and Mrs. Mellinger, Egyptian, Maywood.
A. Blanco, Mt. View, Mountain View.
G. R. Dutton, Mt. View, Mountain View.
L. Borg, Fox, Napa.
Arthur and Mrs. Barnett, Rex, Oakland.
A. C. Karski, Grand Lake, Oakland.
R. Lippet, Uptown, Oakland.
John Peters, Granada, Oakland.
Gordon Young, Strand, Oakland.
F. J. Gruber, Strand, Ocean Beach.
Jesse C. Young, Washington, Pasadena.
J. W. Di Stasio, Liberty, Sacramento.
R. P. Jamison, Cartere, San Diego.
J. Blumenfeld, Blumenfeld, San Francisco.
Armand S. Cohen, New Fillmore, San Francisco.
Clive Church, New Potrero, San Francisco.
Mary Clark, San Francisco.
T. W. Gilboy, S. F. Theatres, San Francisco.
Aaron Goldberg, A. Goldberg Theatres, San Francisco.
Henry Goldenberg, Fox Theatres, San Francisco.
L. S. Hamm, I. T. O., San Francisco.
Mark Harrison, Plaza, San Francisco.
R. W. Harvey, Harvey Amusement Co., San Francisco.
H. V. Harvey, Harvey Amusement Co., San Francisco.
Mrs. Francis Helm, Peterson Theatres, San Francisco.
Ben Levin, Roosevelt, San Francisco.
H. S. and Mrs. Levin, Avenue, San Francisco.
Samuel C. Levin, S. F. Theatres, San Francisco.
Samuel H. Levin, S. F. Theatres, San Francisco.
R. A. and Mrs. McNeil, Golden State, San Francisco.
George M. Mann, I. T. O., San Francisco.
Mark M. Morris, Jr., S. F. Theatres, San Francisco.
Mike Naify, T & D Jr. Enterprises, San Francisco.
Dick Nasser, Nasser Theatres, San Francisco.
Elias Nasser, Nasser Theatres, San Francisco.
George Nasser, Nasser Theatres, San Francisco.
James Nasser, Nasser Theatres, San Francisco.
Chas. E. and Mrs. Petersen, Petersen Theatres, San Francisco.
Harry and Mrs. Sacks, Haight & Irving, San Francisco.
C. V. Taylor, T & D Jr. Enterprises, San Francisco.
Morgan A. Walsh, T & D, San Francisco.
Erick Wilson, Blumfeld Theatres, San Francisco.
Mrs. B. R. Wolf, San Francisco.
Dan Tocchini, Cline, Santa Rosa.
J. L. and Mrs. Seiter, Selma, Selma.
James Dodge, Mission, Ventura.
Mrs. S. Harvey, Pajaro, Watsonville.
Mrs. J. A. Harvey, Pajaro, Watsonville.
J. A. Harvey, Pajaro, Watsonville.

### Colorado

John C. and Mrs. and Betty Anderson, Cover & U. S. A., Fort Morgan.

### Connecticut

Max Tabackman, Rivoli, Cameo and Apollo, New Haven.
Edward G. and Mrs. Levy, counsel T. O., New Haven.

### District of Columbia

C. H. Olive, Princesa, Washington.
A. E. and Mrs. Lichtman, Lincoln, Washington.
Sidney and Mrs. Lust, Sidney Lust Theatres, Washington.
Nathan A. Stiefel, Howard, Washington.
Louis Zions, Howard, Washington.

### Georgia

Mrs. R. E. Andrews, Lawrence Amusement Co., Rome.
O. C. Lam, DeSoto, Rome.
J. H. Lam, DeSoto, Rome.
Lawrence Proctor, Lawrence Amusement Co., Rome.
Nat M. Williams, Rose, Thomasville.
Wellingham Wood, Strand, Washington.

### Illinois

I. E. and Mrs. Berkson, State, Chicago.
R. C. and Mrs. Cluster, Lyric, Salem.
Geo. N., Mrs. and Shirley Gollos, Ray and Hyde Park, Chicago.
C. O. Harrison, Marshall Square, Chicago.
Walter and Mrs. Immerman and Mrs. John Immerman, B. & K., Chicago.
W. and Mrs. Kolb, Chicago.
Jack Miller, president Exhibitors' Association of Chicago.
Harry and Mrs. Nelson, Harry Nelson, Jr., Park, Chicago.
Beatrice Newmark, Chicago.
Emily Remijas, Galic, Chicago.
Anna E. Remijas, Acadia, Chicago.
Lester Retchin, Howard, Chicago.
Grant A. Shaffer, Forrest, Forrest Park.
Leonard Stahl, Adelphi, Chicago.
L. Sussman, Adelphi, Chicago.
Phil Tague, Mryn Mawr, Chicago.
S. Tague, Calo, Chicago.

### Idaho

S. H. and Mrs. Rich, The Rich, Montpelier.

### Indiana

Tom Ward, Palace, Fort Wayne.

### Kansas

Chas. H. and Mrs. Baron, Barns and Kansas, Pratt.
Mrs. T. H. Slothower, State, Wichita.

### Michigan

Samuel and Mrs. Ackerman, East Side, Detroit.
William Kimmel, Westend, Detroit.
Allen and Mrs. Johnson, Royal, Grand Rapids.
J. R. and Mrs. Denniston, Family and Dixie, Monroe.

### Massachusetts

James J. and Mrs. McGinness, Allied Theatres, Boston.
Edmund J. McGinness, Allied Theatres, Boston.

### Mississippi

O. L. Bremer, Fort, Fort Atkins.

### Missouri

Mrs. Wm. A. Collins, Regal, Elvins.
Fred Wehrenberg, Wehrenberg circuit, St. Louis.
Victor B. Thien, Palm, St. Louis.
Margie Miller, Mackline, St. Louis.
J. B. Luken, Mackline, St. Louis.
Howard Kaltfell, Pauline, St. Louis.
Walter Koefeldt, Commonwealth Theatres, Inc., Kansas City.

### Nebraska

C. E. Williams, Park, Omaha.
Walter Creal, Beacon, Omaha.

### New Jersey

Harry and Mrs. Roth, Allied Theatres, Morristown.

### New Mexico

E. John and Mrs. Greer, Lensic, Santa Fe.
Art Hurley, Princess, Tucumcari.
J. T. Whalen, Palace, Lovington.

### North Carolina

J. E. Simpson, Lyric, Gastonia.
Walter and Mrs. Walter Griffith, Moor, Charlotte.
J. M. and Mrs. Gregg, Criterion, Charlotte.
J. E. and Mrs. Massie, Colonial, Waynesville.

### North Dakota

J. F. and Mrs. Cubberley, Paramount, Bismark.

### New York

W. H. Robson, Rialto, Albion.
Jules H. and Mrs. Michael, Regent, Buffalo.
M. W. and Mrs. Peterson, Palace, Jamestown.
L. S. Bolognino, Consolidated Amuse. Enterprise, New York.
Walter and Mrs. Vincent, Wilmer and Vincent circuit, New York.
Wm. E. and Mrs. Benton, Congress, Saratoga.

### Ohio

Orpha Harmon, Knickerbocker Amusement Co., Columbus.
C. A. and Mrs. MacDonald, Southland, Columbus.

### Oklahoma

R. M. and Mrs. Clark, Griffith Amusement Co., Oklahoma City.
J. C. and Mrs. Hunter, Ritz, Tulsa.
P. R. and Mrs. Isley, Sowestern Theatres, Tulsa.
Ed. Kadane, Ramona, Frederick.
Mary Kiper, Strand, Tulsa.
Hazel McCoy, Strand, Tulsa.
W. P. and Mrs. Moran, Sowestern Theaters, Inc., Oklahoma City.
Fred C. and Mrs. Smith and daughter, Plaza, Tulsa.

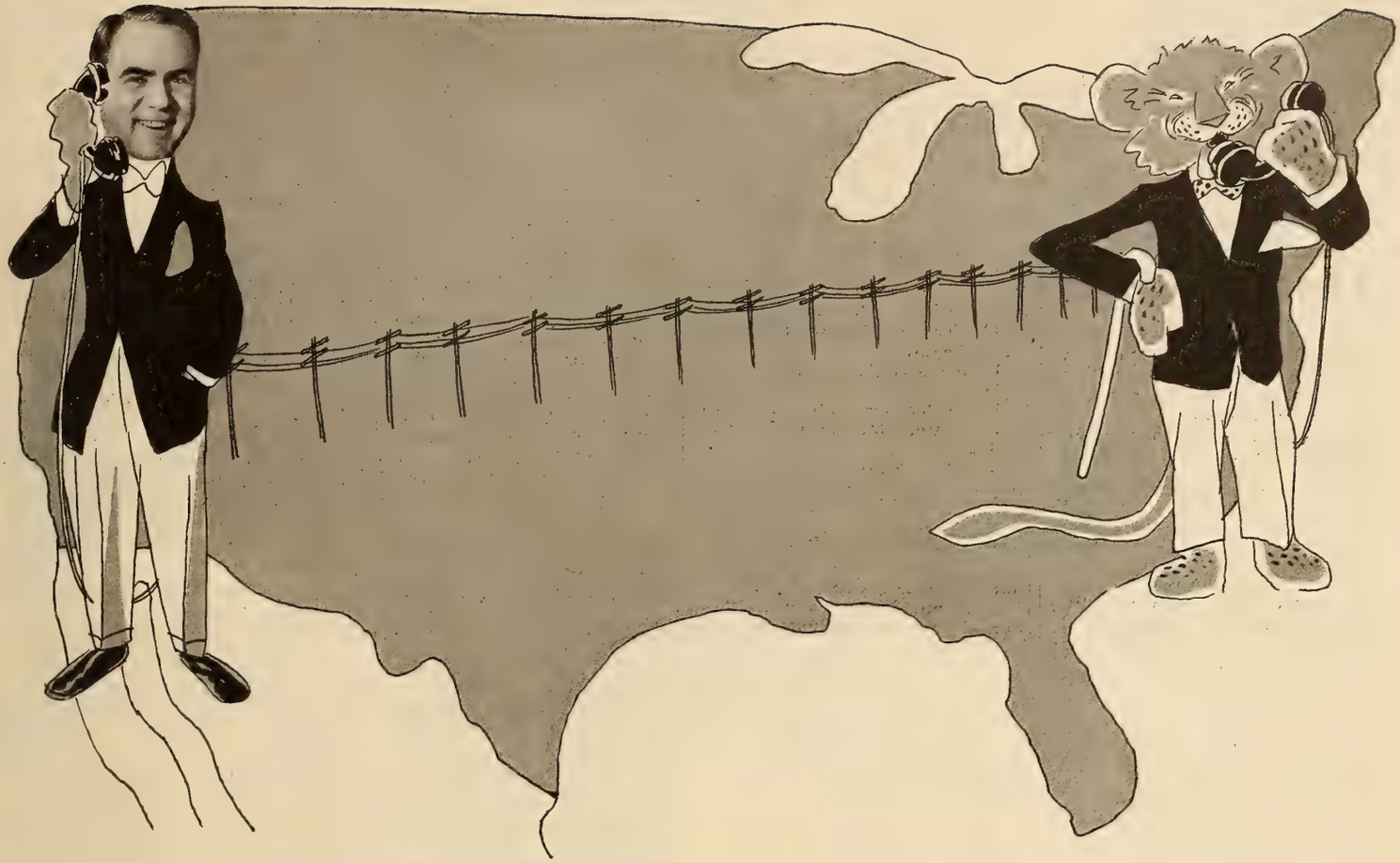
### Oregon

Mrs. Frank Weaver, Klamath Falls.

(Continued on Page 26)

### Battle's on Mother

**Following the report out of the East that the code hearings may be reopened in Washington, one of the exhibitors who spent his first day here promoting a job as songwriter at one of the studios, said "If I don't get the studio job, I'll write the theme song for the code hearings, dedicate it to Sol Rosenblatt and title it 'We'll Be Campi Tonight on the Old Tent Grounds,' with a chorus titled 'Many Are the Hearts That Are Weary Tonight As We're Campi on the Old Tent Grounds — Hey, Hey.'"**



# "Hello Hal–Leo speaking–

Tell the boys at the M.P.T.O.A. Convention that Hal Roach Comedies have enjoyed their biggest year of all time. They've got to be good to do that!"

LEO MARCHES ON!

**LAUREL-HARDY • Thelma TODD – Patsy KELLY • OUR GANG**
**CHARLEY CHASE • ALL STAR COMEDIES • MUSICAL COMEDIES**

*The industry's guide in theatre operation and planning. Practical—stimulating, too! You owe it to your investment to carefully read —and to file—each issue of*

# Better Theatres

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AIR CONDITIONING

E OF OBSTACLES — By ROBERT O. BOLLER

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The Question:

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Colored Light on the Appearance of Colored Objects

STRUCTING THEATRE ADVERTISI

Putting the Ad

SMALL THEATRES — By BEN SCHLANG

What today's methods and market offer for improving the theatre, outlined by an eminent designer of screen theatres

MODERN PROJECTION

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BRASS SPEAKERS

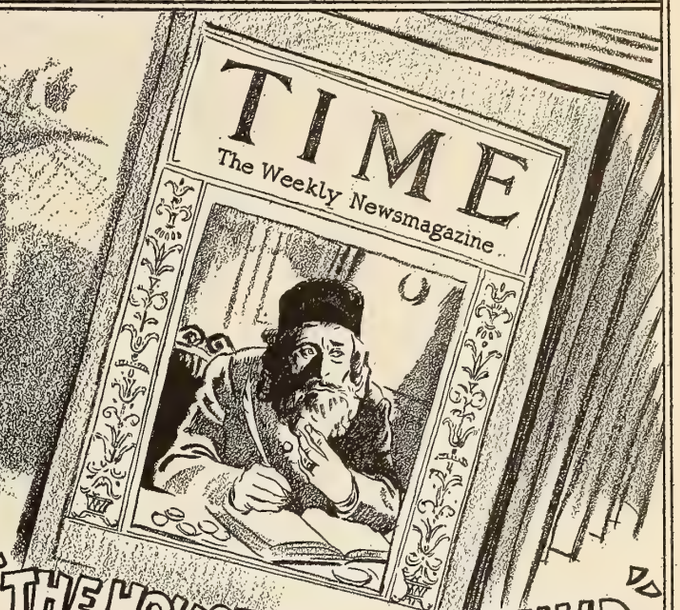
THE EQUIPMENT

A COMPLETE CATALOG OF ARTICLES MANUFACTURERS AND DEALE

# Drawing Them In by Gosh

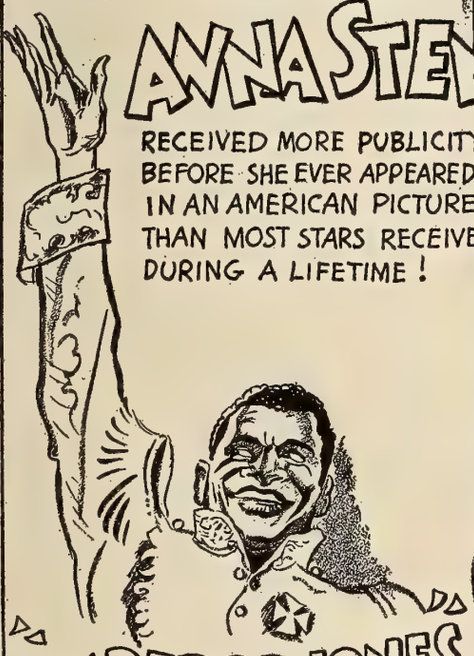
© UNITED ARTISTS Corp.

PICTURES RELEASED THRU UNITED ARTISTS THIS SEASON WILL BE SEEN BY MORE PEOPLE THAN INHABIT THE LARGEST COUNTRY IN THE WORLD! (And such nice people)




"THE HOUSE OF ROTHSCHILD" RATED COVERS ON EIGHT MAJOR PUBLICATIONS ··· AS NEWS (No Cover Charge!)

ANNA STEN RECEIVED MORE PUBLICITY BEFORE SHE EVER APPEARED IN AN AMERICAN PICTURE THAN MOST STARS RECEIVE DURING A LIFETIME!



"EMPEROR JONES" WAS IN THE BLACK BEFORE IT PLAYED A SINGLE THEATRE — YET IT HAS PLAYED THOUSANDS!

OF THE MILLIONS WHO SAW CONSTANCE BENNETT IN "MOULIN ROUGE" ONLY ONE REALIZED THAT SHE PLAYED *THREE* ROLES INSTEAD OF *TWO*, AS ADVERTISED! IT WAS NEWS EVEN TO THE PRODUCERS!

"THE BOWERY" WHICH SHATTERED ALL RECORDS, HAS PLAYED EVERYWHERE IN THE WORLD — EXCEPT THE BOWERY!

LAST YEAR EXHIBITORS WERE TRYING TO KEEP THE **BIG BAD WOLF** FROM THE DOOR. NOW THEY'RE FIGHTING EACH OTHER TO GET HIM **INTO** THEIR HOUSES

WALT DISNEY'S BIG BAD WOLF OF COURSE!

Advt.

# Expect Duals Will Revive In Cleveland

CLEVELAND, April 11.—Anticipation here is that duals, sometimes in and sometimes out of the theatres in this city along Lake Erie's shores, may flare into the open, following decision of Loew executives in New York to convert the Park and Granada, both first run neighborhood houses which have always subscribed to single bills, into duals on Thursday, Friday and Saturday of each week. Not only will these houses go double features, but all attractions are to be first run in their zones as well. Second run singles following Loew's State, big downtown de luxer, will prevail on the other days of the week.

With the policy switch, now only three days old, comes a shift in prices as well. Admissions at the Park, now 35 cents top, tax included, will remain the same. Prices are cut under this policy at the Granada from the present 35 cent scale to 25 cents top, tax included.

The Alhambra has adopted a straight double feature policy with three changes a week. Admission prices have been cut to 15 cents matinees and 20 cents nights, tax included.

## *Para. Loans Garnett*

Paramount has again prevailed upon M-G-M for a loan of Tay Garnett to direct "Honor Bright" for which the director was originally hired before joining M-G-M. The picture was postponed since, but is now ready with the return of Gary Cooper. Deal for the loan will be consummated in the event Garnett's assignment on "China Seas" can be scheduled so as not to interfere with Paramount's bid.

## *Zanuck Travels May 7*

Darryl Zanuck and family leave here May 7 on a combination business and pleasure trip to Europe. It will be his first visit to United Artists foreign exchanges where he will discuss with exchange managers next year's program.

Zanuck will be absent for at least two months and his itinerary will include London, Paris, Rome, Vienna, Cairo, and Capetown in Africa.

## *Hire N. Y. Musicians*

After testing 13 local orchestras and several thousand musicians for "Merry Widow" at M-G-M, the studio finally went to New York for talent, signing Sam Fiedler, soloist with the NBC orchestra and Bela Loblow and his Gypsy band.

The duo and musicians arrive from Manhattan today for immediate work.

## *Kibbee in "Herbert"*

Warners have purchased "Big Hearted Herbert," current Broadway play by Sophie Kerr and Anna Steese Richardson. The story, dealing with a self-made millionaire, will be as a comedy vehicle for Guy Kibbee.

## *Fox Borrows Woods*

Fox has borrowed Donald Woods from Warners for the juvenile lead in "Charlie Chan's Greatest Case."

# *See Lifting of Sunday Ban In Kansas Less Remote Now*

KANSAS CITY, April 11.—With victory on two fronts in the battle of Kansas exhibitors for Sunday shows, theatre men in communities where seven-day operation is now taboo are hopeful that the ban will be lifted. A more liberal attitude on the part of the citizens has swayed local officials to permit Sabbath showings which, despite state laws, have become widespread throughout the state in the last two years.

The cause of Sunday films was advanced last week when Emporia and Clay Center referenda gave them a large majority. The approval in Emporia, a key city in the state, was overwhelming. Two years ago the theatres lost a similar proposal there by 400 votes. Fox Midwest managers were active in promoting sentiment in both cities.

A similar referendum in Manhattan recently was called off after a dispute involving registration of Kansas State College students, who favor Sunday showings. Court action was threatened against one theatre because of an offer to honor student registration certificates as admission passes. Some other method of ironing out the situation will be sought. A previous dispute on the question caused closing of all theatres more than a month.

## *The Explanation*

**KANSAS CITY, April 11.—Red Kann in *Motion Picture Daily's* "Insiders' Outlook":**

**Coincidence: Paramount has its Bob Gillham, publicity and advertising chief. Kansas City has its Gillham Theatre.**

**The coincidence is this: The Gillham, at 31st St. and Gillham Road, was named after the thoroughfare which, in turn, was named for Robert F. Gillham, pioneer city builder, also the Paramount executive's grandfather and namesake.**

## *Discuss Labs, Theatre* Projection Machines

The Academy Research Council met last night in the second monthly meeting since the new Academy deal and suggested many new projects to be taken under consideration. Most important was new laboratory devices, new type of theatre projection machines and film preservatives.

## *The Ginsbergs Back*

Henry Ginsberg docked in San Francisco yesterday from the Orient and will be at his desk today. The Hal Roach general manager and wife have been touring the Orient for the past eight weeks.

## Goldwyn Plotting 3; His Busiest Program

Indications at present are that Samuel Goldwyn will have three pictures shooting at once within two months. This is the producer's heaviest schedule in all the years he has been affiliated with United Artists.

The films will be "Resurrection," featuring Anna Sten and Fredric March, with Rouben Mamoulian directing; slated for the cameras May 15; the Eddie Cantor opus, now being scripted by Arthur Sheekman, Nat Perrin and Nunally Johnson, which goes into work between May 15 and June 1 and "Barbary Coast," co-starring Gary Cooper and Gloria Swanson. This starts about June 1 with William Wellman directing.

With 20th Century temporarily shut down, Goldwyn will have the United Artists lot entirely to himself.

## *4 Year Old "Farmed"*

Scott Beckett, four year old child actor recently signed to a long-term contract by Hal Roach, is being loaned for the first time to Columbia for a prominent spot in "Whom the Gods Destroy."

# *Censored to the Hilt*

**NEW ORLEANS, April 11.—It may be tough on Hollywood to make good pictures, but the coast colony isn't the only spot in these United States where show business is having trouble. In Lafayette, La., for instance, exhibitors are faced with a situation like this:**

**That town has a board of censors, now operating under city ordinance. The board today ruled it is unlawful to give entertainment, stage or celluloid, that is immoral or obscene or which contravenes the generally accepted ideas of decency, or presents scenes or plots which ridicule accepted morality standards, or which justifies their violation.**

**It is ruled unlawful in that town to display on billboards or in any other manner pictures or scenes or printed matter showing or describing the human form in any manner decreed contrary to accepted standards of morality or calculated to corrupt good morals. Unlawful is it as well to permit children under 16 to attend any shows calculated to injure their morals and the censors also reserve unto themselves the determination if that type of subject matter is fitting for adults to see.**

**A move is afoot to have submitted to censorial scrutiny all advertising material and all pictures intended for billboard display and to compel exhibitors to submit attractions before public exhibition.**

**Proposed penalties are not less than $25 nor more than $100 or imprisonment of not less than 10 days nor more than 30 or both.**

# "Villa" Nabs Rave Lines From Critics

NEW YORK, April 11.—"Viva Villa," Wallace Beery's latest for M-G-M, which opened at the Criterion last night at advanced prices, garnered a wide assortment of adjectives at the hands of the New York critics.

Consensus of their opinion follows:

**American.**—A stirring subject, startlingly portrayed in broad strokes and splashes of cinematic artistry.

**Daily Mirror.**—This rousing thriller recalls the splendid days when movies really moved, when horses thundered across the screen and swarms of extras rioted before the cameras * * * photographed with exceptional artistry and the mobs are maneuvered with stirring effect. The dialogue is terse and punchy.

**Daily News.**—More than satisfactory.

**Evening Journal.**—Takes its place in the film records as a Mexican "Birth of a Nation." It's rousing, vigorous and exciting entertainment * * * Beery brings to his role lusty, ringing power * * * the supporting cast is excellent * * *

**Herald-Tribune.**—A hearty, exciting chronicle melodrama that is probably the most bloodthirsty narrative since the heyday of the Elizabethan theatre * * * the picture is, as far as acting goes, almost entirely Beery's.

**Post.**—Lusty, gory, full-throated melodrama * * * shining example of what the movies can do when they set out to produce a panorama of conflict and passion in the terms of mass action * * * an illustrious motion picture.

**Sun.**—Sufficiently entertaining * * * subject and background sufficiently new, comedy and melodrama skillfully enough blended to make it diverting entertainment. As a powerful historical drama, it falls down. As a comedy, with a few shockers, it's fun and sometimes exciting.

**Times.**—For the most part it is a fast, furious, compelling tale, but there are a few episodes which might very well have been excluded.

**World-Telegram.**—It is a savagely realistic, stirring and dramatic picture with Wallace Beery giving a magnificent performance * * * a truly sweeping, magnificent film.

## *Labor Committee Is Set to Hear Rows*

After several weeks of awaiting instructions and appropriations to operate, the Studio Labor Committee, appointed by Campi and headed by Pat Casey and Ed Smith, is now ready for action and open to hear and adjudicate all complaints with headquarters in the Guaranty Building.

## *Carrillo, Kruger Signed*

M-G-M yesterday handed long-term tickets to Leo Carrillo and Otto Kruger. This is the first time Carrillo has been tied up by contract since starting stage and screen work in Hollywood.

Kruger is currently working in "Treasure Island." Carrillo recently completed "Viva Villa."

## *Work-Play Week-End*

Hal Roach leaves for a week-end trip to Pyramid Lake, Nevada, today accompanied by Director Charles Parrott and Gus Shy, studio writer. The trip will be a combined business and pleasure jaunt with the trio planning to work on a new comedy story.

M.P.T.O.A.

# The PARTY'S OVER!

California enjoyed having you. • All of us hope you come back again. • You've had three days of great entertainment. • Now Columbia brings you an hour and a half of even greater entertainment... "THE PARTY'S OVER," with Stuart Erwin and Ann Sothern.

*Harry Cohn, President*

COLUMBIA PICTURES CORP.

*So Long Showmen,*

as you

'STAND UP AND CHEER'

*I wish you Good Luck!*

WARNER BAXTER

*Current Production*

GRAND CANARY

A Jesse L. Lasky Production

for FOX FILM

## *If Hollywood Made "Henry" Britain Would Have Banned It, Says Farnol*

**KANSAS CITY, April 11.—If "Henry the VIII" had been produced in America instead of England, it would have been banned in Great Britain as disrespectful to royalty, according to Jeffrey Farnol, English novelist, a recent visitor here.**

**Farnol explained that while the English industry acclaimed the picture for its excellence, the rank and file of Britishers, out of high respect and even love for the idea of royalty, resented the rowdy humor as applied to the head of the empire.**

## *$800 Set Up Monthly For Research Budget*

Budget of the newly organized Technical Research Council of the Academy, now in its second month of operation, has been set at $800 per month, which is pro-rated and defrayed among the major producing organizations.

These expenses consist of salary for a manager, a secretary and office rent.

The work of each of the Research Council subcommittees is individual when it comes to requiring funds necessary for the actual research and engineering investigation of each project. This will be taken from a revolving fund of $1,500 which has been deposited to the credit of the council.

## *Ostrow Stays East To Look Over Plays*

Lou Ostrow will not return to his desk at Monogram for two weeks, having decided to stay on in New York for an extra week to look over a few plays.

Trem Carr gets in Saturday, but the unit will not get into activity until Ostrow gets here.

First picture following the shutdown will be "Jane Eyre," which Ben Verschleiser will supervise. No other assignments have been made.

## *General Sales Tax In Ohio Is Licked*

COLUMBUS, April 11.—The three per cent general sales tax was defeated in the house here today for the third time within the year by a vote of 59 to 48, with a possible chance of a similar favorable action in the Senate later. The defeat of the measure removes the possibility of an early repeal of the 10 per cent admission tax.

## *Just Another Opening*

NEW ORLEANS, April 11.—Dorothy Dell Goff, known to Hollywood as Dorothy Dell, may mean something in the film capital, but no extra preparations have been made for the premiere of her "Wharf Angel" at the Tudor. She first attracted attention here by appearing in beauty contests.

## *Louisiana Perks Up*

NEW ORLEANS, April 11.—A survey made by Harry McLeod, president of G. S. T. O. A., shows eight Louisiana houses spent over $2,000 for new equipment and that over nine houses have opened since the first of the year.

## *Ponder Nichols' Novel*

Radio is said to be considering Beverly Nichols' recent novel, "The Thatched Roof," for production.

## *ASC Annual Dinner To Be Held Tonight*

Annual banquet for ringing in the new and ringing out the old officers of the A.S.C. takes place tonight at the Uplifters' Club. More than 30 are expected to be present and as usual pay homage to E. O. Blackburn of the Brulatour company, who for the past several years has been the sponsor for these parties.

## *K. C. Aroused Over MGM's 40% Demand*

KANSAS CITY, April 11.—Exhibitors here are adding their protests to those of other sections against guarantee and percentage terms demanded by distributors. The neighborhoods are vociferous over a 40 per cent split asked by M-G-M for "Dinner at Eight."

## *Back for Retakes*

Following a Santa Monica preview of "Wild Gold" Monday night, Fox has sent the film back for retakes.

John Boles, featured in the cast with Claire Trevor, is doing a double shift with RKO keeping him busy in "Vergie Winters" with Ann Harding under direction of Alfred Santell.

## *Pick Raft's Next*

George Raft's first starring picture for Paramount following his return from Europe will be based on an original by Philip MacDonald titled, "Limehouse Blues." Helen Mack will have the feminine lead. James Flood will direct.

## *Ginger Taking Ether*

Ralph G. Farnum has arranged for Ginger Rogers to appear as guest artist on Ben Bernie's Pabst air program next Tuesday night. Following this Miss Rogers leaves for Chicago where she will participate in the "Century of Progress" broadcast.

## *Lang Gets Connolly*

Columbia has assigned Walter Lang to direct Walter Connolly's first starring picture, "Whom the Gods Destroy."

Doris Kenyon has been added to the cast.

## *Rogers Signs Hamilton*

Charles R. Rogers has signed Neil Hamilton to play the leading romantic role opposite Ann Sothern in his Paramount production "Here Comes the Groom."

## *M-G-M Deliberating*

M-G-M is considering Clark Gable and Robert Montgomery for the lead opposite Helen Hayes in "Vanessa."

*Promising You Grand Entertainment*

# GRAND CANARY

*and here's why*

## WARNER BAXTER

____is a **GRAND** star!

## MADGE EVANS

____is a **GRAND** leading woman!

MARJORIE RAMBEAU, ROGER IMHOF, ZITA JOHANN
BARRY NORTON, H. B. WARNER, JOHN ROGERS
JULIETTE COMPTON, GILBERT EMERY, GERALD ROGERS
DESMOND ROBERTS

____are a **GRAND** cast!

## A. J. CRONIN'S NOVEL

____is a **GRAND** story!

## IRVING CUMMINGS

Who Directed Baxter *in*
"THE CISCO KID" and "IN OLD ARIZONA"

____is a **GRAND** director!

*Watch for*

# GRAND CANARY

a **JESSE L. LASKY** Production

for Fox Film

# "Lost Patrol" Very Hi-Di-Di On White Way

NEW YORK, April 11.—The phenomena of the week along the Main Stem was the extraordinary $32,500 rolled up by the Rialto, operated independently by Arthur Mayer, with Radio's "Lost Patrol." Prices were stepped up to 75 cents for the engagement, but even at that, this is amazing business.

"The House of Rothschild" is maintaining steady pace at the Astor, currently ending at $23,500. "Wild Cargo" at $79,300 at the Music Hall is plenty of dollars, but not much profit for the city's most beautiful house which requires all but about $3,000 of that gross to meet its weekly expenses.

Why M-G-M found it necessary to put Paul Whiteman on the Capitol stage while Norma Shearer did "Riptide" on the screen is not apparent. The combination, however, proved a smart one to the tune of $63,373.

Estimated takings:

**Week Ending April 2**
**"CATHERINE, THE GREAT" (U. A.)**
RIVOLI—(2,200), 35c-99c, 2nd week. 7 days. **Gross:** $25,600.

**Week Ending April 3**
**"HOUSE OF ROTHSCHILD" (U. A.)**
ASTOR—(1,012), 55c-$2.20, 3rd week, 7 days. **Gross:** $23,500.

**Week Ending April 4**
**"WILD CARGO" (Radio)**
RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $79,300.

**Week Ending April 5**
**"RIP TIDE" (M-G-M)**
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Paul Whiteman and band; Peggy Healy, Ramona, Jack Fulton and Florence and Alvarez. **Gross:** $63,373.

**"BOTTOMS UP" (Fox)**
PALACE—(2,500), 35c-75c, 7 days. Stage show. **Gross:** $12,834.

**"MELODY IN SPRING" (Para.)**
PARAMOUNT—(3,700), 35c-99c, 7 days. Stage: George Raft. **Gross:** $42,500.

**"COUNTESS OF MONTE CRISTO" (Univ.)**
ROXY—(6,200), 25c-65c, 7 days. Stage show. **Gross:** $21,600.

**"JIMMY THE GENT (Warners)**
2nd week, 5 days.

**"GAMBLING LADY" (Warners)**
2 days
STRAND—(2,000), 35c-$1.10, 7 days. **Gross:** $15,550.

**Week Ending April 6**
**"LOST PATROL" (Radio)**
RIALTO—(2,300), 25c-65c, 7 days. **Gross:** $32,800.

**"IT HAPPENED ONE NIGHT" (Col.)**
4 days
**"HIPS, HIPS, HOORAY" (Radio)**
3 days
RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $12,761.

**Week Ending April 9**
**"LAZY RIVER" (M-G-M)**
MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $8,500.

## *This One Worked*

BALTIMORE, April 11.—Whoever the publicity agent was that thought up the stunt of having Spencer Tracy phone to Donald Kirkley, critic on the *Morning Sun* here, ostensibly about his newest picture, "Looking For Trouble," didn't go wrong. Kirkley made a story out of it running about a third of a column and used his review of the picture directly below.

## *Set Joe Cook Title*

"Fun in the Air" is set as the tentative title for Joe Cook's musical at Fox. Alice Faye was yesterday slated for the feminine lead.

# *National Theatre Grosses Evidence Downward Drift*

While individual attractions such as "It Happened One Night" with Gable and Colbert and "David Harum" with Will Rogers have been doing business reminding of the old days and, in some cases, cracking recent records, theatre grosses in key cities, in the main, have been sliding gently in recent weeks.

Based on individual, telegraphic box-office reports appearing each morning in MOTION PICTURE DAILY, the curve of receipts since the beginning of the 1933-34 season has taken a dip down the line. Fluctuating numbers of reporting theatres are principally responsible for the slough and lead to the conclusion the shrinkage has been more induced by a fewer total of houses entering into the bulked gross than the gross itself.

For the theatre week ending March 30 and 31, reports from key cities totaled $1,181,822 for 127 theatres. This compares with $1,291,695 for 128 theatres included in the week which closed on March 23 and 24.

How grosses compared in this period is shown in the following comparative chart:

| | *Week Ending March 30-31* | | *Week Ending March 23-24* | |
|---|---|---|---|---|
| | *No. Theatres* | *Gross* | *No. Theatres* | *Gross* |
| Boston | 6 | 100,000 | 6 | 115,000 |
| Buffalo | 5 | 36,800 | 5 | 44,100 |
| Chicago | 7 | 126,000 | 7 | 107,000 |
| Cleveland | 6 | 37,600 | 6 | 50,960 |
| Denver | 5 | 31,750 | 5 | 30,500 |
| Detroit | 6 | 70,100 | 6 | 79,600 |
| Indianapolis | 5 | 19,700 | 5 | 27,000 |
| Kansas City | 5 | 24,900 | 5 | 24,800 |
| Los Angeles | 7 | 88,296 | 8 | 94,581 |
| Minneapolis | 5 | 24,500 | 5 | 23,500 |
| Montreal | 5 | 40,300 | 5 | 38,800 |
| New York | 11 | 259,676 | 11 | 276,704 |
| Oklahoma City | 4 | 11,600 | 4 | 13,400 |
| Omaha | 4 | 22,750 | 4 | 24,100 |
| Philadelphia | 11 | 82,700 | 10 | 82,300 |
| Pittsburgh | 6 | 42,500 | 6 | 66,800 |
| Portland | 5 | 20,400 | 6 | 30,200 |
| Providence | 6 | 32,000 | 6 | 37,100 |
| San Francisco | 7 | 65,000 | 7 | 81,500 |
| St. Paul | 5 | 19,000 | 5 | 17,000 |
| Seattle | 6 | 26,250 | 6 | 26,750 |
| | 127 | $1,181,822 | 128 | $1,291,695 |

Comparative grosses for the last 27 weeks, compiled from day-by-day box-office reports appearing in MOTION PICTURE DAILY show this:

| *Week Ending* | *Theatres* | *Grosses* |
|---|---|---|
| September 29-30, 1933 | 135 | $1,342,710 |
| October 6-7 | 141 | 1,417,886 |
| October 13-14 | 143 | 1,544,838 |
| October 20-21 | 141 | 1,581,308 |
| October 27-28 | 143 | 1,509,422 |
| November 3-4 | 142 | 1,500,740 |
| November 10-11 | 141 | 1,379,560 |
| November 17-18 | 144 | 1,375,132 |
| November 24-25 | 141 | 1,431,209 |
| December 1-2 | 141 | 1,418,753 |
| December 8-9 | 142 | 1,558,832 |
| December 15-16 | 139 | 1,221,032 |
| December 22-23 | 133 | 1,071,457 |
| December 29-30 | 138 | 1,433,289 |
| January 5-6, 1934 | 136 | 1,714,824 |
| January 12-13 | 138 | 1,435,649 |
| January 19-20 | 136 | 1,305,267 |
| January 26-27 | 135 | 1,348,517 |
| February 2-3 | 135 | 1,338,371 |
| February 9-10 | 135 | 1,270,345 |
| February 16-17 | 136 | 1,317,011 |
| February 23-24 | 136 | 1,316,421 |
| March 2-3 | 135 | 1,350,548 |
| March 9-10 | 134 | 1,378,865 |
| March 16-17 | 133 | 1,302,020 |
| March 23-24 | 128 | 1,291,695 |
| March 30-31 | 127 | 1,181,822 |

(*Copyright*, 1934, *Quigley Publications*)

## *Alice Faye Due Soon*

Alice Faye has postponed her return from New York for several days in order to appear as a guest star on the Rudy Vallee-Fleischman radio hour Thursday night. The actress will return here next Monday and immediately go to work in her next Fox picture, "She Learned About Sailors."

## *Gloria Returns Soon*

Gloria Swanson now in New York will return here in the next two weeks to begin rehearsal for "Barbary Coast" which will go into production May 10 under direction of William Wellman for Sam Goldwyn. Gary Cooper will play the male lead.

# "Rothschild" Local Leader In $ $ $ Film

George Arliss in "The House of Rothschild" went 'way out in front of all other Los Angeles and Hollywood first runs for the week which ended last night by grabbing $25,171 at the Chinese where Sid Grauman seems pretty well contented if the gross hits $14,000. A sign covering the entire side of the house indicates Grauman expects the booking to stay for some weeks.

Just to make Sam Dembow, visiting Publix executive from New York more hopeful about it all, the Paramount downtown ended at $21,075 as against a normal $18,000. Picture: "You're Telling Me." Stage Show: Mills Brothers, principally.

Second week of Norma Shearer in "Riptide" at the Loew's State brought in $18,700. Good business for that theatre where holdovers once were common, but no more are.

Estimated takings:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 7 days. Sid Grauman prologue, travelogue. **Gross:** $25,171. (Average $14,000).

**"MOON OVER MOROCCO" (French)**
FILMARTE—(800), 40c-50c, 7 days. Short, news. **Gross:** $600. (Average $2,650)

**"RIPTIDE" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. 2nd week. Short, news, comedy. **Gross:** $18,700. (Average $14,000)

**"YOU'RE TELLING ME" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. On the stage: Four Mills Brothers and a Fanchon & Marco revue; news, comedy. **Gross:** $21,075. (Average $18,000).

**"LITTLE WOMEN" (RKO)**
RKO (2,700), 25c-40c, 7 days. 3rd week. Shorts, news. **Gross:** $4,700. (Average $8,000)

**"LOOKING FOR TROUBLE" (U. A.)**
UNITED ARTISTS—(2,100), 30c-55c, 7 days. Short, news. **Gross:** $7,500. (Average $12,800)

**"JIMMY THE GENT" (W.B.)**
WARNER BROS. HOLLYWOOD—(3,000), 25c-55c, 7 days. Shorts, news. **Gross:** $11,000. (Average $14,000)

**"JIMMY THE GENT" (W.B.)**
WARNER BROS. DOWNTOWN—(3,400), 25c-55c, 7 days. **Gross:** $10,000. Shorts, news.

## Cancellation Rule Now Is Operative

(*Continued from Page* 1)

to Dec. 7, applies to rentals of $250 and under and only in those instances where exhibitors so applying have lived up to their contracts by playing pictures in order of release and where exhibitors have complied with all provisions of the code.

In a second letter, branch managers were notified to submit to Campi a list of exhibitors making cancellation requests which are to be granted only after Campi notifies exchanges that exhibitors have complied with code stipulations.

Much of the leaning toward higher rentals next season, as reported exclusively in MOTION PICTURE DAILY Wednesday, ties in with the cancellation clause which distributors, in the aggregate, figure will cost them millions of dollars a year. This shrinkage plus added operating costs under the code, influence the opinion that the only way to come out is by sending up rentals with the exhibitor passing on the load to the public in the form of higher admissions.

GREETINGS M. P. T. O. A.

# JOHN CROMWELL

## DIRECTOR

•

"DOUBLE HARNESS"

ANN HARDING
WILLIAM POWELL

"ANN VICKERS"

IRENE DUNNE

"SPITFIRE"

KATHARINE HEPBURN

"THIS MAN IS MINE"

IRENE DUNNE

"HUMAN BONDAGE"

LESLIE HOWARD — BETTE DAVIS

R.K.O. - RADIO PICTURES

# Four Corners Of the Land On the Roster

(Continued from Page 16)

### Pennsylvania

R. and Mrs. Allison, Rivoli, Cresson.
Ralph and Mrs. Sobelson, Strand, Bangor.

### Tennessee

H. J. and Mrs. Brown, Capitol, Martin.
Arthur and Mrs. DeStefano, National, Memphis.
M. A. Lightman, Malco Theatres, Memphis.
W. F. Ruffin, Palace, Covington.
Alma Walton, secretary M.P.T.O.A., Memphis.
T. P. Woods, Capitol, Martin.

### Texas

Charles and Mrs. Baker, Palace, Brady.
J. C. Bissinger, Queen, Dallas.
P. G. and Mrs. Cameron, Melrose, Dallas.
George Chatmas, Queen, Hearne.
C. H. and Mrs. DeWolfe, Palace, San Sala.
O. A. and Mrs. Englebrecht, Palace, Georgetown.
Sol E. and Mrs. Gordon, Jefferson Amusement Co., Beaumont.
J. H. Harrison, Palace, San Sala.
A. W. Mussbaum, Houston, Houston.
Ed Rowley, Robb and Rowley circuit, Dallas.
H. B. Robb, Robb and Rowley circuit, Dallas.
Annette Roberts, Leroy, Lampassas.
Stanley Swift, Cameron, Cameron.
L. C. Tidball, Isis, Ft. Worth.
Roy L. and Mrs. Walker, Leroy, Lampassas.

### Virginia

J. E. Loth, Wayne-Cavalier, Waynesboro.

### Washington

Arthur Aronson, Sterling Theatres, Seattle.
Frederick Mercy, Liberty, Walla Walla.

### West Virginia

J. C. and Mrs. Shanklin, Greenbrier, Charleston.

### Wisconsin

W. L. and Mrs. Ainsworth, Garrick, Fon-du-Lac.
Ross J. and Dorothy E. Baldwin, Tosa, Milwaukee.
M. H. Brumm, Ritz, Milwaukee.
A. H. Bartlet, Plaza, Milwaukee.
Bert and Mrs. Fischer, Alamo, Mozart and Lincoln, Milwaukee.
A. C. Gutenberg, Grand, Milwaukee.
Fred Hacnke, Elite, Milwaukee.
Stewart Honeck, Lyric, Milwaukee.
A. D. Kvool, Saxe Theatres, Milwaukee.
Bernard Lassack, Elite, Milwaukee.
Fred S. and Mrs. Meyer and daughter, Alhambra Theater and secretary of M.P.T.O.A., Milwaukee.
Marie Schoeder, Garfield, Milwaukee.
C. W. Trampe, Climax, Milwaukee.
E. P. Vollendort, Sax, Milwaukee.
Frank and Mrs. Bochert, Door, Sturgeon Bay.
Gerald H. Kops, Elite Amusement Co., Milwaukee.

### Canada

Robert Anderson, Rex, Alberta.
Walter Miller, Rex, Alberta.
Mrs. W. N. Welsman, Brighton, Toronto.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Such Women Are Dangerous"*

*(Fox)*

First preview of this picture indicates that intelligent cutting is about all that's necessary to assure box-office entertainment. Adapted from Vera Caspary's 'Odd Thursday,' this modern story builds and maintains continual interest. Such proved theatre values as romance, drama, light comedy, suspense, semi-mystery and thrill, the novel story-telling technique gives the picture an intriguing charm.

The story has Baxter, feminine heart-thrill author, object of young Rochelle Hudson's infatuation. Man of many loves, his secretary Rosemary Ames is buffer between him and adoring fans.

Indulging in mild flirtation with Mona Barrie while trying to stifle Miss Hudson's ardor, the situation is complicated when he learns that Miss Barrie is married. The story turns melodramatic when Rochelle, whom Baxter has tried to let down easily, is found dead. Arrested on circumstantial evidence, dramatic court room scenes have Baxter unable to prove an alibi. On the verge of conviction a letter is discovered which reveals Miss Hudson's suicide plans. Thus the way is cleared for a happy ending in which Baxter realizes that his future is safest with Miss Ames as his wife.

Baxter and Miss Hudson turn in fine and convincing performances, as Rosemary Ames and Mona Barrie hold the pace. In the comedy contrast roles, Herbert Mundin and Henrietta Crossman are effective. James Flood's direction capitalizes all theatrical values as the Jane Storm and Oscar M. Sheridan screen play faithfully preserves the color and punch of the Caspary story. Title, cast and entertainment values suggest potent showmanship exploitation possibilities to attract popular attention.

# *"Wonder Bar" Proves Leader Among Denver First Runs*

DENVER, April 9.—"Wonder Bar," showing at both the Denver and Aladdin, did better than any other film in Denver last week. Both houses had steady crowds, but neither reported standouts.

"The Mystery of Mr. X", supported by El Brendel in person at the Orpheum, did better than average, but below last week. The Denham and Paramount were way below average, the latter on a split week, while the former tried three pictures in a week. The last one, "Melody in Spring," did fine on its two days and is being held another week.

Total first run business was $29,000. Average is $27,000.

Estimated takings for the week ending April 5:

**"WONDER BAR" (First Nat'l)**
ALADDIN—(1,500), 25c-50c. 7 days. Gross: $4,000. (Average, $3,000).

**"SHE MADE HER BED" (Para.)**
DENHAM—(1,500), 25c-40c. 3 days. Gross: $800.

**"EIGHT GIRLS IN A BOAT" (Para.)**
DENHAM—(1,500), 25c-40c. 2 days. Gross: $900.

**"MELODY IN SPRING" (Para.)**
DENHAM—(1,500), 25c-40c. 2 days to finish week but being held another week. Gross: $1,800. (Average, $5,000)

**"WONDER BAR" (First Nat'l)**
DENVER—(2,500), 25c-35c-50c. 7 days. Gross: $9,000. (Average, $7,000)

**"MYSTERY OF MR. X" (M-G-M)**
ORPHEUM—(2,600), 25c-35c-50c. 7 days, and stage show with El Brendel. Gross: $11,000. (Average, $10,000).

**"EVER SINCE EVE" (Fox)**
PARAMOUNT—(2,000), 25c-40c. 3 days. Gross: $500.

**"SON OF KONG" (Radio)**
PARAMOUNT—(2,000), 25c-40c. 4 days. Gross: $1,000. (Average for week, $2,500).

## *No 10% Guy*

**A couple of studio scribblers were chatting in front of Sardi's, when the question of employment popped into the conversation.**

**"Well Joe, are you working?" said the one.**

**"Haven't worked in years," said the other.**

**"Why not get an agent?" advised the one.**

**"An agent?"**

**"Sure, he'll get you a job."**

**"Huh," huh-ed the scrivener, "I should pay an agent 10 per cent of my earnings."**

## *May Ask Impartials To Iron Out Zoning*

PORTLAND, Ore., April 11.—Probably the first instance where impartial members of code boards will be called into settle a decision which code boards cannot is anticipated in determining what to do about the local zoning situation. There is some talk first runs may be compelled to give way to the second runs.

## *Seattle Prices Dip*

SEATTLE, April 11.—The Orpheum here with a present scale of 25 cents and 35 cents, will reduce prices next week to 15 cents for matinees and 25 cents for nights. The present first run dual feature policy is to be retained with secondary product drawn from First National, Fox, Paramount, Radio and Universal.

# Still Another House to Try It in Kaysee

KANSAS CITY, April 11.—Defying superstition, the Pantages will be relighted here on Friday, April 13, after being shuttered about three years. The Rewot Corp. has obtained a 10-year lease on the property, which includes the next-door 12th Street. M. W. Reinke, formerly Universal Theatres district manager here and more recently on the West Coast, is president and S. Bernard Joffee, former manager of the Fox Uptown, is vice-president.

The reopenings will add two houses to an already overseated condition downtown. The "Pan," renamed the Tower, will show pictures and stage presentations at an all-time price of 25 cents. The 12th Street, to be known as the Downtown, will open Saturday on a grind policy with an admission of 10 cents. Straight pictures will take the place of burlesque at this house.

The Pantages was built by Alexander Pantages as part of his original chain at a cost of $900,000. When he retired from active operation, he let the house revert to the land holders, and the property has been involved in complicated litigation since.

## *Lawyers Win Over Fox in Fees Suit*

TOPEKA, April 11.—The Kansas Supreme Court has held that Fox West Coast Theatres and the Fox Kansas Theatre Co. must pay C. L. Kagey and Hal Black, Wichita lawyers, for bringing a "blue law" injunction suit in the Federal court. The attorneys demanded a fee of $8,000 and $2,500 expenses. The court held they were entitled to the full amount.

The lawyers obtained a court order in the fall of 1931, enjoining city officials from Sunday show prosecutions. On an appeal by the Kansas attorney general, the circuit court of appeals set the order aside. Numerous theatres continued Sunday operation, however.

## *Du Maurier Dead*

LONDON, April 11.—Sir Gerald du Maurier, noted actor, died in a nursing home here today after an operation. He was 61.

Latterly he appeared in "I was a Spy" for Gaumont British. Fox is handling it in the States.

## *Johnson Returns*

After conferring with Eddie Cantor in Florida on the story for his next picture, Nunnally Johnson returned here yesterday and joins Arthur Sheekman and Nat Perrin in working out the treatment.

## *Price Jump Ready*

DETROIT, April 11. — Theatres along Monroe and Woodward Aves. have agreed to join other theatres in a price increase effective Sunday. Sponsored by Allied, all of Detroit is now set to boost admissions.

## *Here's a Casting Job*

Warners are searching for three leading character players for top spots in "British Agent", to portray the roles of Lenin, Lloyd George and Kerensky.

CARL LAEMMLE

*presents*

# MARGARET SULLAVAN

*in a*

## FRANK BORZAGE PRODUCTION

# "Little Man, What Now?"

*with*

# DOUGLASS MONTGOMERY

*directed by Frank Borzage*

A Young Man, His Dreams and Problems; of a Young Wife, Her Inspiring Devotion, and of the Merry, Mad World in Which They Live.

As a Book the Sensation of Two Continents; As a Picture Universal's Finest Since "All Quiet on the Western Front."

Novel by HANS FALLADA
Screenplay by WILLIAM ANTHONY McGUIRE

A+GREATER+UNIVERSAL

Carl Laemmle Presents

# MARGARET SULLAVAN

who became a star by virtue of her exceptional performance in "ONLY YESTERDAY" in

# "Little Man, What Now?"

A FRANK BORZAGE PRODUCTION

with

# DOUGLASS MONTGOMERY

Screenplay by
WILLIAM ANTHONY McGUIRE

Novel by
HANS FALLADA

ALAN HALE
FRED KOHLER
CATHARINE DOUCET
G. P. HUNTLEY, Jr.
DE WITT JENNINGS
BODIL ROSING

MURIEL KIRKLAND
MAE MARSH
MONROE OWSLEY
HEDDA HOPPER
GEORGE MEEKER
EARLE FOXE

A UNIVERSAL PICTURE

MARGARET SULLAVAN
who plays "Lammchen"

*CARL LAEMMLE presents*

EDNA FERBER'S

# Glamour

With

## PAUL LUKAS

and

## CONSTANCE CUMMINGS

PHILLIP REED JOSEPH CAWTHORN

DORIS LLOYD

Directed by

## WILLIAM WYLER

**Screen Play by DORIS ANDERSON**

**Continuity by GLADYS UNGER**

•

WORLD PREMIER

in the

World's Largest Playhouse

RADIO CITY MUSIC HALL

A

B. F. ZEIDMAN

PRODUCTION

A UNIVERSAL PICTURE

# TO ALL DELEGATES

in attendance at the

*Motion Picture Theatre Owners Of America*

# NATIONAL CONVENTION

Los Angeles, April 10th to 12th, 1934

•

***We Extend Greetings and Felicitations***

•

## FOX WEST COAST THEATRES

*"The Place to Go"*

*ADIOS M. P. T. O. A.!*

# WILLIAM A. SEITER

*Director of*

## "SING AND LIKE IT"

ZASU PITTS — PERT KELTON — EDWARD EVERETT HORTON

R. K. O. - Radio Pictures

# WELCOME M. P. T. O. A.

# RELIANCE PICTURES, INC.

HARRY M. GOETZ
President and Treasurer

EDWARD SMALL
Vice-President and Secretary

PREPARING

A BOX-OFFICE PROGRAM OF

# EDWARD SMALL PRODUCTIONS

Released Thru United Artists

# EXHIBITORS RELY ON RELIANCE

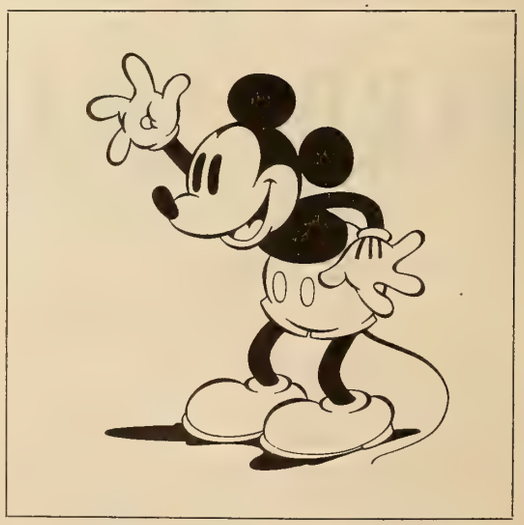
*The Motion Picture Producers of Southern California were Delighted to have been Host to the Motion Picture Theatre Owners of America Last Night at the M-G-M Studio.*

*COLUMBIA PICTURES CORP.*
*EDUCATIONAL STUDIOS, INC.*
*FIRST NATIONAL PICTURES, INC.*
*FOX FILM CORPORATION*
*HAL E. ROACH STUDIO, INC.*
*HAROLD LLOYD CORPORATION*
*METRO-GOLDWYN-MAYER CORP.*
*PARAMOUNT PRODUCTIONS, INC.*
*RKO-RADIO PICTURES, INC.*
*WARNER BROS. PICTURES; INC.*

# HAIL and FAREWELL, M. P. T. O. A.!

**We hope your visit has been happy and successful. Bon voyage! Years of prosperity to all of you!**

MICKEY MOUSE
and
WALT DISNEY



"AN INSTITUTION AS GREAT AS THE INDUSTRY IT SERVES"

# FILM PRINTING

# THANKS TO OUR ENGINEERS AND CHEMISTS

At Consolidated the old order of "try, try again" has given way to scientific methods that guarantee the right results the first time and uniformity *all* the time. All *our* "trial and error" is confined to completely equipped research laboratories where skilled chemical and mechanical engineers constantly draw on the wonders of modern chemistry and machinery to improve the already fine quality of "Certified Prints".

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It doesn't pay to jeopardize your entire investment for the few pennies saved on cut-price prints. *Make sure of good results.* Send your productions to the screen on "Certified Prints." They're made by *science* to provide the finest possible expression of the sound and action in your negative. Twenty-one years' experience and a loyal devotion to the highest ideals of service are always evident in every frame of "Certified Prints."

**CONSOLIDATED FILM INDUSTRIES, INC.**

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MOTION PICTURE
HERALD

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DAILY

MOTION PICTURE
ALMANAC

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 88 NEW YORK, MONDAY, APRIL 16, 1934 TEN CENTS

# MPTOA For End of Duals And a Slash in Production

## Huffman Cites Advantages of Local Control

### *Agrees with Chatkin on Theatre Management*

DENVER, April 15.—Harry Huffman, president and general manager of General Theatres, Inc., in expressing agreement with David Chatkin's recent statement in MOTION PICTURE DAILY defending local operation against chain operation, declares that "the one thing that will determine the success of either type of operation is manpower."

"Where manpower has been efficient the local situations have been universally more successful," Huffman says. A chief reason advanced by him is that "permanency of residence tends

(*Continued on page* 2)

## Fast Work Planned By Grievance Board

Every attempt to dispose of grievances in quick order for the local territory will be made by board members, the first series of complaints to be heard starting with the third meeting, not definitely set yet but which will take place around April 24. The second session will be tomorrow at Campi headquarters with Milt Kusell as chairman.

About 100 complaints from local theatremen are on file at Code Au-

(*Continued on page* 10)

### *Salter, Rau Named For Posts in Phila.*

PHILADELPHIA, April 15.—Col. Harry Salter of Trenton and Raymond Rau, treasurer of the Integrity Trust Co. of Philadelphia, have been officially named by Division Administrator Sol A. Rosenblatt as impartial members of the grievance and clearance and zoning boards, respectively.

Naming of Rau and Salter to the Philadelphia boards, completes the list of impartial members for the entire country.

### *Campi Picks Heads Of Two Committees*

Chairmen of two standing committees of Code Authority have been named by the body and will immediately assume their posts.

Charles C. Moskowitz of Loew's has been appointed head of the stand-

(*Continued on page* 10)

## Sound Trucks Going in Reel Economy Move

Gradual reduction of sound truck crews by newsreels is under way, it was learned over the week-end, and may result eventually in maintenance of sound crews in the four key news centers only.

These centers are New York, Washington, Chicago and Los Angeles. Forces in those cities, too, are being pared and future coverage of news in intermediate cities may be handled almost entirely by correspondents without sound equipment. Where the occurrence of events requiring a sound record takes place in an intermediate center, plans are being discussed for covering the happenings by transporting portable sound equipment to the scene by plane.

The developments taking place in newsreel production are being dictated, it was said, by decreased newsreel rentals which, for a year or more past, have made a reduction of operat-

(*Continued on page* 4)

### *N. J. Allied Plans Sessions at Shore*

Allied of New Jersey plans to hold its annual convention either in June or July, the definite time to be set this week following the regular session of the organization tomorrow.

It's a toss up between Asbury Park or Atlantic City as the meeting ground for the two-day conclave.

## Albany Kills Three Censor Repeal Bills

ALBANY, April 15.—Four film bills have been killed in Assembly committees and a new one has been presented in the Senate. Three were censorship repeal measures.

Among the bills killed is the Breitbard measure designed as an amendment to the penal and education laws. It provided for special censorship for films intended for showing to children under 16 and for special licenses for theatres showing them. It died in the Codes Committee.

A new bill introduced by Senator Thomas F. Burchard covers the same

(*Continued on page* 10)

### *Engineers Opposed To 1,700-Foot Reel*

Opposition to the proposed 1,700-foot reel standardization is expected at the Atlantic City meeting of the S.M.P.E. scheduled for April 23-26. The exchange practice committee has decided to oppose the change on the ground that the present 1,000-foot reel is best adapted to exchange practices.

Reason for the disapproval, according to Trevor Faulkner, chairman of the exchange practice committee, and Harry Rubin, chairman of the projection practice committee, is that the 1,700-foot reel would not prevent doubling of film in projectors. To end this practice reels would have to be about 2,000 feet long, they say.

## *Hearst-Fox Newsreels To Split in September*

Separation of Hearst Metrotone newsreel from Fox Movietone at the expiration of the contract between the two next September was confirmed officially on Saturday by E. B. Hatrick, Hearst representative.

Hatrick said that Mike Clofine, editor of the Hearst reel during the Fox-Hearst production arrangement, would continue as editor of the reel with its own news gathering organization in the future. Preparations for launching the new Hearst reel, involving the lining up of cameramen throughout the world, will be carried on during the next six months, Hatrick said. He said that no important changes in policy would be made, and declared that sound crews would be used and

(*Continued on page* 4)

### *Latter Angle May Come Up Today in Talks With L. B. Mayer*

By RED KANN

LOS ANGELES, April 15. — Punctuated by considerable argument over an effective means of eradicating double bills, but by no differences of opinion on the principle, the M. P. T. O. A. in its final general convention session Saturday resoluted strongly against twin features and registered a sentiment for fewer and better pictures.

This latter angle as well as a slant on unwarranted smut injected into pictures deemed otherwise to be wholesome will probably highlight a meeting Monday between the executive committee of the M. P. T. O. A. and a producer committee headed by Louis B. Mayer. Exhibitors to the last man favor an open meeting, but late Saturday the conference was set for the Beverly Wilshire Hotel Monday behind closed doors.

The double feature discussion proved interesting. It brough many angles to

(*Continued on page* 10)

## Hearing Is Set for License Fee Raises

Public hearing on Alderman Baum's amendment to the theatre license ordinance before the Board of Aldermen is slated for tomorrow. The amendment provides increases of $200 and upward for all houses in the local area. If passed, the ordinance will go into effect June 30.

For theatres seating under 600, the $100 fee will be increased to $300. For houses with seating capacity of

(*Continued on page* 10)

### *Cooper Asks Canada Ban 'Damaged Lives'*

TORONTO, April 15.—This city has its first example of a film man trying to prevent the showing of a picture.

Colonel John A. Cooper, president of the M. P. Distributors' Ass'n., has asked the government to ban "Damaged Lives," a picture produced in Hollywood under the supervision of Dr. Gordon Bates of the Canadian Social Hygiene Council.

Cooper contends such pictures should not be exhibited in theatres where people go for entertainment.

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## "Dressing" for Rivoli

Booked for the Paramount for the week starting April 27, "We're Not Dressing" has been taken off the schedule and it is likely the Paramount picture will go into the Rivoli under a deal which calls for three pictures from this company for the U. A. house.

## Kid Shows in Bridgeport

BRIDGEPORT, April 15.—Following the lead of Poli's in New Haven, Manager Morris Rosenthal of the Majestic here began offering children's matinees made up of shorts last Saturday.


*Now In Preparation*

**Four MASCOT Features**

**"The Marines Have Landed"**

**"Waterfront Lady"**

**"Behind the News"**

**"Headquarters"**

•

MASCOT PICTURES CORP.

1776 BROADWAY NEW YORK


# Purely Personal

HAROLD HOPPER, new studio head for Majestic, has flown to the coast to assume his duties under LARRY DARMOUR.

HAL LEROY and RUTH DODD are man and wife. The ceremony took place at the latter's home, Maywood, N. J. The dancer started an engagement at the Casino de Paree Saturday.

LEE INSLEY of the Arcade, Salisbury, Md., is in town for conferences with ROBERT SMELTZER, Warner eastern district manager, who is sitting in for A. W. SMITH.

ERICH POMMER, Fox associate producer, who arrived in New York Tuesday on the *Ile de France*, has left for the coast.

ERLE STANLEY GARDINER'S "The Case of the Howling Dog" has been bought by Warners. BEN MARKSON is at work on the script.

SIDNEY LANFIELD sailed Saturday for England to direct "Sons o' Guns" for British and Dominion Pictures.

MR. AND MRS. WILLIAM RUBENSTEIN of Warranted Film Library are at Atlantic City.

AL JOLSON is on his way to the coast. He completed his broadcasting contract Friday night.

FREDERICK HAZLETT BRENNAN'S "The Perfect Week-End" has been bought by Warners.

NAT WOLF, Warner division manager in Ohio, has left for Cleveland after a three-day stay here.

WALTER PITKIN'S "Life Begins at 40" has been bought by Fox.

SPENCER TRACY arrived here Saturday on the Century. It's a vacation.

## Thompson Luncheon Host

Major L. E. Thompson of RKO will be host today at an M. P. Club luncheon to major sales executives for the purpose of interesting them in the NVA Fund drive which starts May 7.

## Warners Get Second Delay on Building

A second, five-year extension of Warners' lease obligation to build a $5,000,000 theatre and office building on the Strand site, Broadway and 48th, has been granted, it was learned Saturday.

The original lease called for completion of the new buildings by Jan. 1, 1935. An extension of the obligation to Jan., 1938, was granted several years ago because of unfavorable building and business conditions. The new extension is to Jan. 1, 1943.

## H. O. Girls to Broadcast

Various angles of production and distribution are to be discussed by women employed in home offices in a series of eight weekly broadcasts over WEAF starting April 18. The speakers and their subjects will be: Helen Hughes, personnel officer for Universal, "The Right Person for the Right Job"; Julia Kelly, secretary to Will H. Hays, "How Movie Titles Originate"; Mollie Grill, publicity department, Fox, "Breaking into the Headlines"; Tessie Michaels, publicity department, United Artists, "When Stars Come to New York"; Gwen Heller, Warner style scout, "Hollywood Becomes Style Conscious"; Sarah Lyons, Paramount, "How Prints Get to Theatres"; Lillian Messenger, RKO "Scouting for Screen Prospects," and Florence Browning, M-G-M, "Where Stories Come From."

## Second Exhibitor Mayor

DENVER, April 15.—With the election of E. W. Ward, owner and manager of the Silco at Silver City, N. M., as mayor, two cities in this area can boast of theatre-owner mayors. The other is Everett Cole, owner of the Rialto at Alamosa, who has been mayor of that city for several years.

## Sam Dembow Starts Back

LOS ANGELES, April 15.—Sam Dembow, Jr. leaves tomorrow for the east and will visit Publix theatres and affiliated partners in San Francisco, Salt Lake City, Denver and Chicago enroute.

# Huffman Cites Advantages of Local Control

(*Continued from page 1*)

to build up proper contacts and followings together with an understanding of what a community needs." Another advantage pointed out by him is "economies that may be realized only by local management and concentration on details that affect the pocketbook of the local management." A big trouble with chain management, he declares, is that it "suffers from too frequent a change in manager."

Huffman believes that "where manpower is equal, local management is found to be more successful." "Otherwise," he adds, "it is a question of what evil may be counterbalanced by what benefit."

Chain buying to Huffman has its good and bad points. Here is his comment on the subject:

"A local operation receives the benefit of chain buying power and the national pressure to obtain that which is right and equitable in the particular situation. On the other hand national buying frequently does not give the benefits to the local situation, and in many cases unjustly burdens one situation to help another point for some reason or other. I know also that frequently the benefits that have been received from national buying have not been sufficient to overcome the home office overhead charges."

Huffman asserts that while it is "quite possible" some of the alleged faults of chain management "may be overcome and unquestionably in some spots have been," the fact remains that "the general condition of national management shows that in most cases the faults were not corrected."

## Einfeld Starts Tuesday

LOS ANGELES, April 15.—S. Charles Einfeld heads east Tuesday. Gradwell Sears and A. W. Smith remain here for a few days conferring on new product with Jack L. Warner.

## Durante Set for "Tour"

Jimmy Durante returns to the coast following personal appearances in Loew houses to appear in "Student Tour" for M-G-M.

## Heavy Trading in Loew's

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures vtc | 29¼ | 29½ | 29½ | — ⅝ | 100 |
| Consolidated Film Industries | 4⅛ | 4⅛ | 4⅛ | ..... | 100 |
| Consolidated Film Industries, pfd | 16 | 16 | 16 | + ¼ | 400 |
| Eastman Kodak | 92 | 92 | 92 | +1 | 500 |
| Fox Film "A" | 15¾ | 15½ | 15¾ | ..... | 1,600 |
| Loew's, Inc. | 34⅞ | 34¼ | 34⅝ | + ¼ | 10,700 |
| Loew, Inc., pfd | 97 | 97 | 97 | +1 | 100 |
| Paramount. cts | 5¾ | 5½ | 5⅝ | + ⅛ | 4,100 |
| Pathe Exchange | 3⅜ | 3⅛ | 3⅜ | + ⅛ | 4,200 |
| Pathe Exchange "A" | 22⅛ | 20½ | 22 | +1½ | 11,300 |
| RKO | 3¾ | 3⅝ | 3⅝ | + ⅛ | 900 |
| Warner Bros. | 7⅞ | 7⅝ | 7⅞ | + ¼ | 24,700 |
| Warner Bros., pfd | 29 | 25 | 29 | +4 | 900 |

## Technicolor Up ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10⅜ | 10⅛ | 10¼ | + ¼ | 600 |
| Trans Lux | 2½ | 2⅜ | 2⅜ | — ⅛ | 200 |

## Bond Trading Light

| | High | Low | Close | Net Change | Net |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10¼ | 10¼ | 10¼ | ..... | 2 |
| General Theatre Equipment 6s '40, ctf | 8⅞ | 8⅞ | 8⅞ | ..... | 10 |
| Loew's 6s '41 ex war | 102 | 100¼ | 102 | +1¾ | 10 |
| Paramount F. L. 6s '47 | 54¼ | 54⅛ | 54⅛ | — ⅛ | 11 |
| Paramount Publix 5½s '50 | 55 | 54⅜ | 55 | + ½ | 44 |
| Pathe 7s '37, ww | 97⅛ | 96 | 97⅛ | +1⅛ | 3 |
| Warner Bros. 6s '39, wd | 64½ | 62¼ | 64½ | +2½ | 229 |


**THE MAYFLOWER**

**61st STREET, (Central Park West)**
**New York City**

**CONVENIENT TO THE FILM AND THEATRICAL CENTER**

1-2-3 Rooms. Full Hotel Service
FURNISHED OR UNFURNISHED
By the Year, Month or Day

*Serving Pantries*
*Electric Refrigeration*

**JOHN W. HEATH, *Manager***

# A SHORT AD

Metro-Goldwyn-Mayer's Shorts have had their *best* year. *Quality* is the reason! These Hal Roach Comedies outshine all others: Laurel-Hardy; "Our Gang"; Thelma Todd-Patsy Kelly; Charley Chase; Hal Roach Musical Comedies and All-Stars.

One of the new *sensations* in Short Subjects is M-G-M's Goofy Movies, with Pete Smith's laugh-talk. His Sport Champions and Oddities are going *great* also. Fitzpatrick Travel Talks and and Willie Whopper Cartoons (some in color) complete this advertisement. Short—*but sweet!*

# Sound Trucks Going in Reel Economy Move

(Continued from page 1)

ing overhead imperative. The necessity for economies revived discussion a year ago of the "Associated Press" plan of coverage for the newsreels; that is, the formation of a central newsgathering agency which would serve all five reels, thereby eliminating duplication of coverage on the greatest possible number of happenings.

Newsreel organizations almost unanimously vetoed the idea as "impractical" and declared that it would be fatal to individual enterprise among the reels. With the necessity of economies persisting, if not actually increasing, during the past year, however, the reels were obliged to find other means of lowering overhead. Universal, with its economical system of silent camera coverage and dubbed in voice, appears to have pointed the way. The absence of sound failed to hamper "U's" reel sales and its low cost production enabled the company to distribute at comparatively low rentals.

While Pathe, Paramount, Hearst Metrotone and Fox Movietone do not consider complete elimination of sound crews, all are making some reductions with a corresponding increase in material from cameramen correspondents working without sound. In some cases, stock sound recordings are being synchronized with the silent material being received. Some obvious advantages of the cameraman unencumbered by sound equipment have also demonstrated their value, apart from the cost angle, to newsreel editors. Such cameramen, it is pointed out, can get among crowds and into byways more easily than a sound truck, and frequently turn in three good camera angles to a sound truck crew's one.

## Meriden Poli Is Closed

MERIDEN, April 15.—The Poli, managed by William F. Barry, has been closed under orders from Poli headquarters. Barry will report to A. J. Vannie, circuit director at New Haven, for reassignment.

MOTION PICTURE ALMANAC
1934-35
NOW IN PREPARATION
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00

# Hearst-Fox Newsreels To Split in September

(Continued from page 1)

that semi-weekly issues would be released through M-G-M as heretofore.

Hearst Metrotone and Fox Movietone have been produced jointly since the start of the latter. At the beginning they were controlled by the Fox-Hearst Corp., in which Hearst is understood to have had a 25 per cent stock interest with an option on 24 per cent more. More than a year ago this arrangement was modified and a new agreement signed when Movietonews, Inc., was incorporated.

# Variety Club Chatter

## Cincinnati

CINCINNATI, April 15.—Two additional members have been added to the membership committee, bringing the total number to six. The new appointees are HARRY J. ("Pop") WESSELL and JOHN (Metro) ALLEN.

Mayor RUSSELL WILSON addressed the club at last week's noonday luncheon meeting, although was compelled to curtail his remarks, due to official engagement. Hizzonor formerly was dramatic reviewer for the *Cincinnati Times-Star*, and, therefore, speaks the language of the club membership.

A new block and gavel now adorn the desk of President ALLAN MORITZ. It's a gift from the National Theatre Supply Co., and was presented at the last meeting by Barker Col. JAKE GELLMAN. Incidentally, the handle indicates that JAKE now is a colonel on the staff of Governor RUBY LAFFOON of Kentucky. It happened very recently.

Barker MARK WOLF, who holds down the chair of vice-president, presented the club a swanky looking sign in colors bearing the club's name. It now adorns the front wall of the lounge.

New members enrolled at the last meeting were: ELMER H. DRESSMAN, MAURICE THOMPSON and GLEN CORBETT. They all hail from WCKY, Barker L. B. WILSON's radio station just across the Ohio river in Covington, Ky.

LOUIS J. SCHNEIDER, prosecuting attorney for Hamilton County, has been accepted as an associate member.

BILLY BIEN has been absent from the last few meetings owing to the illness of his better half, who, however, now is on the road to recovery.

HARRY MICHAELSON, district manager of RKO-Pathe, Pittsburgh, was a welcome visitor at the local tent last week.

## Columbus

COLUMBUS, April 15.—At the Tuesday luncheon it was voted that a weekly sum of money be donated to the little family of a former outstanding vaudeville performer in difficulty in Columbus. Also, a regular charity program is being worked out with Barker MAX STEARN heading the committee.

Variety entertained 100 members of Aladdin Temple Shrine on Sunday evening. One of the highlights of the evening was the singing of The Chanters, a chorus of 65 voices. Barkers BILLY JAMES and ROSS ANDERSON were the kings for the evening.

The club had the pleasure of a visit from Barker EDDY FONTAINE, head of the Cleveland tent.

The club will turn out in a body for the opening game of the American Association's Red Birds, "Little World Series Champions" of 1933. Columbus being very proud of their showing last year, Mayor Barker HENRY W. WORLEY has declared a half holiday in all municipal offices for celebration of their homecoming after spring training in Florida. Barker RED TRAUTMAN, president of the Columbus Baseball Club, is planning a place of honor for his brother barkers at the special ceremonies on opening day. Barker Governor GEORGE WHITE will pitch the first ball.

The board of directors this week voted an Associate Membership to MAX SCHALL, BUDDY ROGERS' personal manager for the past six years. This was in connection with a reception tendered BUDDY and his mother. BUDDY is an associate member of the Pittsburgh chapter, having been elected nearly five years ago.

## Indianapolis

INDIANAPOLIS, April 15.—RAE SAMUALS and two of the girls appearing on the stage of CHARLEY OLSON'S Lyric provided songs and dances for the Variety boys at the weekly luncheon in the Hotel Lincoln. Those assisting were ELEANOR WHITNEY and HELEN POPE. OLSON and TED NICHOLAS, manager of the Lyric, were in charge of the program.

CLAUDE A. MAHONEY, feature writer of *The Star*, kept the luncheoneers laughing during his recital of the humorous things which happen to a reporter in line of duty.

I. M. HALPERIN, manager of the Indiana and Circle, and MARTIN SOLOMON of Columbia will be king and queen of entertainment at the next luncheon.

CARL NEISSE, local manager for MANNY MARCUS, and treasurer of the local organization, announced that 40 applications for resident members and nine non-resident members had been acted upon. JOE CANTOR, president, stated that all applications received had been accepted.

Permanent quarters for the club have not been selected as yet, but JOE CANTOR promised that definite information would be available at the next meeting.

Associate members of the local club are: CORBIN PATRICK, critic for *The Star*; WALTER D. HICKMAN, critic for the *Times*; CHARLES R. METZGER, attorney for Associated Theatre Owners of Indiana; BILL KILEY, correspondent for *Variety*, and HOWARD RUDEAUX, correspondent for *Film Daily*.

# Philadelphia Grosses Fall Into a Slump

PHILADELPHIA, April 15.—Grosses last week in Philadelphia suffered from a general slump, with Keith's deciding to call it a day altogether, making a sudden exit for the season.

The Fox only held "Murder in Trinidad," though the yank was not altogether bad business, but the desire to launch the Wide Range sound system on Thursday with "George White's Scandals." "Trinidad" gross, however, not so hot.

"Men in White" had a fairly strong week at the Stanley and got eight days in all for an estimated $15,000. "The Showoff" tilted the average at the Earle, though far away from the magnificent Joe Penner week previously.

"Looking for Trouble," originally scheduled for two weeks at the Aldine, disappointed by getting only one.

Total first run business was $68,100. Average is $69,900.

Estimated takings for the week ending April 12:

**"LOOKING FOR TROUBLE" (U. A.)**
ALDINE — (1,300), 40c-55c-65c, 6 days. **Gross:** 5,000. (Average, $7,000)

**"GOOD DAME" (Para.)**
ARCADIA—(600), 25c-40c-50c, (2nd run), 6 days. **Gross:** $2,000. (Average, $2,400)

**"RIPTIDE" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 2nd week, 6 days. **Gross:** $11,500. (Average, $12,000)

**"THE SHOWOFF" (M-G-M)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage show with Billy Rose's "Crazy Quilt Revue." **Gross:** $14,000. (Average, $12,000)

**"MURDER IN TRINIDAD" (Fox)**
FOX—(3,000), 30c-40c-60c, 5 days. Stage: Pickens Sisters; May and Carroll; Gine, DeQuincey and Lewis; Carlton Emmy; Picchiani Troupe. **Gross:** $11,000. (Average, 6 days, $12,000)

**"SHE MADE HER BED" (Para.)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,900. (Average, $3,500)

**"MEN IN WHITE" (M-G-M)**
STANLEY—(3,700), 40c-55c-65c, 8 days. **Gross:** $15,000. (Average, 6 days, $12,000)

**"THE CRIME DOCTOR" (Radio)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $6,700. (Average, $7,000)

## Kansas Sunday Show Prospects Brighten

TOPEKA, April 15.—With victory on two fronts in the battle of Kansas exhibitors for Sunday shows, theatre men in communities where seven-day operation is now prohibited are hopeful that the ban will be lifted. A more liberal attitude has swayed local officials in a number of towns.

Sunday show proponents are heartened by recent referenda in Emporia, where their cause won by a 700 majority, and in Clay Center, which voted in Sunday amusements by 265 majority out of a total vote of 1,942. Two years ago the theatres lost a similar proposal in Emporia by 400 votes. Fox Midwest managers were active in promoting sentiment in both cities.

A similar referendum in Manhattan recently was cancelled after a dispute involving registration of Kansas State College students, a majority of whom are said to favor Sunday films. Officials threatened court action against one theatre because of an offer to honor student registration certificates as admissions. Some other method of ironing out the situation is being sought.

# A BEAR FOR ENTERTAINMENT!

. . and BING can't get it off his chest until he sings "Good Night, Lovely Little Lady"

"It's A New Spanish Custom"
Ethel Merman & Leon Errol

Gracie Allen finds her brother

## "WE'RE NOT DRESSING"
## with BING CROSBY

Carole Lombard, George Burns & Gracie Allen,
Ethel Merman & Leon Errol · Directed by Norman Taurog
if it's a PARAMOUNT PICTURE it's the best show in town!

Paramount Pictures

# HALF A

***Says Motion Picture Daily:*** **"Enjoyable and satisfying entertainment flows from this bucket of farce and fun. It's a sparkling draught right from the well of laughter. Taken from a successful play, modernized with shrewdness for homespun values, smart showmanship has aimed it at the masses and it hits the mark."**

JOEL McCRAE — SALLY BLANE — BERTON CHURCHILL

Mickey Rooney, Russell Hopton. Produced by Carl Laemmle, Jr., from a play by John B. Hymer and LeRoy Clemens. Directed by Kurt Neumann. Associate Producer, Edmund Grainger.

**A UNIVERSAL PICTURE Presented by CARL LAEMMLE**

# SINNER

# Denver Tips $10,000 High To "Riptide"

DENVER, April 15.—"Riptide" led the town last week with $10,000 at the Denver. This was $3,000 over average.

"Melody in Spring" was also strong, topping par by $1,000, with a $6,000 gross at the Denham. It was spotted in two days before the opening date.

Total first run business was $31,000. Average is $27,000.

Estimated takings for the week ending April 11:

**"PALOOKA" (U. A.)**
ALADDIN—(1,500), 25c-40c, 7 days. **Gross:** $3,000. (Average $3,000.)

**"MELODY IN SPRING" (Para.)**
DENHAM—(1,500), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,000.)

**"RIPTIDE" (M-G-M)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $10,000. (Average, $7,000.)

**"SPITFIRE" (Radio)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. Stage show. **Gross:** $9,500. (Average, $9,500.)

**"THE LOST PATROL" (Radio)**
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,500.)

## Short Subjects

### *"Even as You and I"*
*(Howard Milton)*

This novelty introduces a series to be released under the title of "Bringing Up Sally." If the first is any criterion, audiences are in for something different in film entertainment. Much intelligent effort has gone into the production of "Even as You and I," which is high-class stuff beautifully photographed with simplicity and skill. The series is intended as a study of child behavior. "Even as You and I," for instance, is laden with all those little things that children do that endear them to the hearts of grown-ups. To many parents the short will recall the days when their boys and girls were "so high." The child is Baby Sally Lee. Her actions are so natural that one suspects the camera was hidden in filming the short. This is chiefly mature entertainment. Previewed at the Radio City Music Hall, the short received a favorable reaction. Running time, 9 mins.

### *"The Undie World"*
*(Radio)*

Grady Sutton is a new comedian who will bear watching. He has a style of his own that clicks. It's because of his mannerisms here that this comedy has a goodly portion of laughs. He's supported by June Brewster and Carol Trevis, for looks, and Big Boy Williams, Dewey Robinson and Will Stanton as the big bad bad men.

The plot has to do with Sutton, a violin instructor, employed by Williams when the latter tries to win Miss Trevis. The girl, however, believes the violinist the gangster and falls for him. Later in a night spot, Sutton again is mistaken as a gangster by Robinson and what follows nets no end of laughs.

Running time, 21 mins.

# *Looking 'Em Over*

### *"Love Birds"*
*(Universal)*

Slim Summerville and Zasu Pitts are teamed in "Love Birds." That the comedians are not funnier is the fault of the material they have been given to work with—much of it slapstick that is not exactly original. However, there are any number of situations productive of considerable laughter.

The pair play the sort of roles that one would expect of them. Miss Pitts in a maidenish teacher with a sissy nephew stiffly brought up, while Summerville is a woman-shy poultry man. Each has a yen to get away from it all and retire to some quiet, peaceful place. Faith brings them both to the same real estate shark. The fellow has a worthless piece of desert land on his hands and sells it twice over. This brings Miss Pitts and Summerville together. They bicker over ownership to the place and fail to discover the peace and quiet they were hankering for.

Summerville gets into a fight with a gold prospector and loses the gold cap from one of his teeth. The prospector picks it up and starts the rumor of a gold find. Gold seekers come in droves. The real estate man gets the two to part with the property for a large sum. When no gold is found on the land the prospectors take it out on the new owner. Mickey Rooney plays the nephew. William A. Seiter directed.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

### *"Doomed to Die"*
*(Universal)*

HOLLYWOOD, April 15.—"Doomed to Die" is trite western melodrama starring Ken Maynard. Gloria Shea is wasted in the leading feminine role. The usual stuff, but has some punch to get over with Maynard fans, especially the kids.

The story is set at the start in an alligator infested swampland. Maynard, accused of murder, is tracked there by Walter Miller, who gets the fever. Maynard nurses him along, offering to give himself up voluntarily. There is an accident and Miller's leg is severed by an alligator. He dies. Maynard shaves off a crop of whiskers, charcoals his hair black from the blond to resemble Miller and returns to sagebush territory to clear himself. Miller's girl, Miss Shea, catches on and he is forced to explain, producing a final letter from Miller, which puts him over with the girl.

Follows much hard riding, gun smoke, fist fights and a spooky house, where Maynard discovers his imprisoned and half crazed father, who is held by Harold Goodwin, the real murderer and son of the victim. Goodwin is making a play for Gloria but loses her to Maynard, following which the culprit is apprehended. The horse Tarzan does his usual stuff.

The film moves at high speed, but otherwise it is just a programmer. Ken Maynard authored.

### *"Laughing with Medbury In the Orient"*
*(Walter Futter-Columbia)*

China and Japan stand up pretty well as travel subjects in this reel, despite the farcical treatment they get in John P. Medbury's accompanying remarks. Native customs of the two Oriental countries and glimpses of a cherry blossom festival in Japan stand out in interest. This one is on a par with others of the Medbury travel series. Running time, 10 mins.

### *"Hula Honeymoon"*
*(Educational)*

Beautifully photographed on tinted stock, with the scenes laid in Hawaii. A native dance is shown with an orchestral accompaniment, all the music being on stringed instruments. It's a good number. Running time, 7½ mins.

### *"All on Deck"*
*(Paramount)*

With the deck of a boat as a setting, and presenting the Three Singing Sailors, Henry Berbig, Del Campo and Gertrude Niessen, as entertainers, this short is fair entertainment. Most of the artists are familiar to radio listeners, but their material is below the average. Running time, 18 mins.

### *"Madeira"*
*(Van Beuren-Radio)*

Interesting and educational—also entertaining. This travelogue brings to the screen Madeira, its principal streets and other sightseeing locations which hold a genuine interest for those interested in traveling.

The descriptive narrative is well done and lends considerably to the effectiveness of the subject. Running time, 9 mins.

# "Spitfire" and Olsen's Band Lead Buffalo

BUFFALO, April 15. — "Spitfire," helped by George Olsen and his band and Ethel Shutta on the stage of the Buffalo, ran up a fine $19,200 at the house last week.

Grosses were generally good in spite of heavy rain which turned to snow. "The Road to Ruin" more than doubled the normal take at the 300-seat Hollywood.

Total first run business was $54,900. Average is $46,300.

Estimated takings for the week ending April 13:

**"SPITFIRE" (Radio)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: George Olsen and His Music, Ethel Shutta. **Gross:** $19,200. (Average, $15,000.)

**"MASSACRE" (F. N.)**
**"LONE COWBOY" (Para.)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,300. (Average, $6,000.)

**"HOUSE ON 56TH STREET" (Warners)**
GREAT LAKES—(3,000), 25c-50c, 7 days. Stage: "Century of Progress Revue," with Faith Bacon, Alfredo & Dolores, Lypo & Lee, Oriental Dancers. **Gross:** $11,800. (Average, $10,000.)

**"THE ROAD TO RUIN" (First Division)**
HOLLYWOOD—(300), 25c-40c, 7 days. **Gross:** $1,900. (Average, $800.)

**"WONDER BAR" (F. N.)**
HIPPODROME—(2,100), 25c-40c, 7 days, 2d week. **Gross:** $8,600. (Average, $8,000.)

**"ONCE TO EVERY WOMAN" (Col.)**
**"RAINBOW OVER BROADWAY" (Chesterfield)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,100. (Average, $6,500.)

### *"The Big Meow"*
*(Educational)*

Fast slapstick with Tom Howard and George Shelton hired by a judge to trail a gun moll whose boy friend is threatening his life. The two comedians look out of the judge's office and see his wife. The pursuit gets complicated, with the pair being arrested several times, and finally winding up in a raid upon the judge's home. Good for a number of laughs. Running time, 18½ mins.

### *"The Brave Tin Soldier"*
*(Celebrity)*

A diverting novelty and one of the Comicolor Cartoon series. One of the tin soldiers in a toy maker's shop is discarded because one of his legs has been broken off, but that doesn't prevent him from coming to life after the owner goes to bed. The soldier meets his lovelight, protects her from the enemy and later goes to heaven with her. There he has his missing foot restored and the subject ends with them entering the gates of toyland. The music is engaging. Running time, 7 minutes.

### *"Jungle Bound"*
*(Pizor-Monogram)*

The subject of this, the latest of the "Port O' Call" series, is the ruined city of Angkorvat in Cambodia. Half-buried in the wild jungle growth the dead city, once the thriving capital of Cambodia, creates a strange sensation with the deathly calm that hangs over it. This may not be exciting, but it certainly is an interesting short. Running time, 10 mins.

*For Three Years*

# THE LEADER

EASTMAN Super-sensitive "Pan" led the way into the amazing field of ultra-speed motion picture photography. That was three years ago. At no time since then has this Eastman film faltered in its leadership. Producers and cameramen today find that it is as closely linked as ever with the outstanding box-office triumphs...with the finest and foremost in cinematography. Eastman Kodak Co., Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-sensitive Panchromatic Negative*

# MPTOA Goes On Record As Against Duals

(Continued from page 1)

light and produced an attack upon independent producers by Jack Miller, who drew on the experiences of Chicago exhibitors in trying to eradicate the practice. He challenged statistics on payrolls presented by independent interests at the code parleys, declaring that they do not gross the money they claimed to be spending on production. Spread of the policy was laid at the door of big theatre operators with combination presentation and vaudeville policies which, Miller stated, compelled subsequent runs to go in for duals, since they could meet first run competition no other way.

"Independent producers and distributors have never contributed a single thing," Miller went on. "Why do we give them any consideration? Independent production will put us out of business, if we don't quit duals. Independent producers are parasites and have no right in the industry. Why we are so easy with them I don't understand."

Walter Vincent of New York and Robert McNeil of San Francisco injected their viewpoints. The discussion raged on until M. A. Lightman sprang to the defense.

### Lightman for Fewer Films

"What about the quickies the majors make?" he asked. "They're all out grinding out numbers of pictures instead of pictures. We're missing the principal question before us. We should inform producers we don't want four, five or six hundred pictures yearly until we get fewer but better pictures."

Ben Berinstein added that Mayer was liberal in some instances when he stated some independents spend $20,000 to $25,000 per picture. "There are some companies that turn them out for $9,000 in from 48 to 72 hours. Every major company in Hollywood is planning more pictures next year because they're after some of the revenue available from duals," he said.

Championing the Lightman slant, Sidney Lust of Washington rose to say: "We should have no desire to kill independents, but we should influence them to make better pictures. Why don't the first runs take the initiative by increasing admissions and by not giving the public too much for its money, thus eliminating the necessity for independent showmen to compete by going dual."

Whether or not it was realized a faux pas had been committed was not established, but it was, perhaps, significant that Ed Kuykendall stepped in to point out no exhibitors had any argument against independents, but rather their type of pictures, also that it made no difference who produced the attractions, provided they were good.

"The public has been returning to theatres in the last few months. Are we going to nauseate them with bad pictures?" he demanded.

Miller then went into an about-face, admitting he had made a mistake in attacking independents. "I have no desire to force them out of business, but I am definitely opposed to quickies," he stated.

Edgar Levy of Connecticut made an interesting observation when he declared the elimination of duals wouldn't help because first runs could continue vaudeville presentation policies, which, many thought, had maneuvered independent subsequents into doubles. Out of the varied arguments developed a resolution unequivocally voicing a protest against duals and a petition to Code Authority to instruct code boards to compile zoning schedules predicated firstly on admissions. It was held this would check duals on the implied theory that exhibitors showing duals and charging 20 cents are really charging 10 cents. Ten-cent exhibitors would be placed further down the line on clearance schedules in each territory.

The convention in its closing session voted against a continuance of gangster films and called upon press agents to avoid publicity involving stars in scandal and hoax. Non-theatrical competition was again struck in a resolution more specific in language than the first. Another resolution pitted the M. P. T. O. A. against a bill proposed by Senator Cutting of New Mexico inviting the United States to become a member of the International Copyright Convention of Berne. Lust was the torchbearer of this move. He declared it would extend automatic copyright control to all foreign music reproduced here and give the A. S. C. A. P. a wedge in increasing the present seat tax.

### Palfreyman Fights Move

David Palfreyman, theatre contact for the Hays office, attempted to kill the move after asking if American music would similarly benefit abroad. Informed the bill would, he pointed out that one-third of production costs is borne abroad, and if American producers subsequently found their revenue curtailed this would mean increased rentals to American exhibitors. The resolution was passed, regardless. A resolution on labor discussed Friday was referred to the executive committee for further brushing up in New York later.

The board of trustees named Saturday is composed of Ed Kuykendall, Walter Vincent, M. E. Comerford and Charles Picquet of North Carolina, representing independents; Joseph Bernhard, Col. E. A. Schiller, Sam Dembow, Jr., and Major Leslie Thompson, representing affiliateds.

Trustees will handle the finances as they elect and will be answerable to no officer or group for their decisions.

## *Fred S. Meyer Gains After an Operation*

Los Angeles, April 15.—Fred S. Meyer is doing as well as could be expected following a serious operation for adhesions at the Cedars of Lebanon Hospital on Friday.

No visitors will be allowed to see him for a week, so the M. P. T. O. A. passed a resolution commending him for his untiring work.

## *Acquires Detroit House*

Detroit, April 15.—Joe Cosco has taken over the DeSoto theatre, which is being managed for him by Wally Baker.

# Fast Work Planned By Grievance Board

(Continued from page 1)

thority and plans are to meet three days a week until the list is cleaned up so that one session every seven days will be enough to handle the protests. More complaints are being filed daily.

Discussions now revolve around a girl secretary for each board. Louis Nizer, executive secretary for the New York Film Board, will be counsel for member exchanges in complaints filed by or against them. He will be one film board secretary who will continue on the job regardless of the fate of those throughout the country. Many have already accepted similar jobs with code boards.

## *Campi Picks Heads Of Two Committees*

(Continued from page 1)

ing committee on vaudeville which will hear all problems dealing with vaudeville and presentations. On this committee also are Major Leslie E. Thompson of RKO and Sam Dembow, Jr., of Publix.

Charles L. O'Reilly, president of the T.O.C.C., heads the standing committee on labor. Other committee heads will be announced during the week.

## *Retiring Stars Stir Ire of K. C. Dailies*

Kansas City, April 15.—Local dailies are in the throes of a burn-up over snubs recently handed reporters by players passing through Kansas City. In response to wires from the studios or New York publicity departments, or at the request of local managers, the scribes have been meeting the Chief when it hits the Union Station to grab interviews. Sometimes they are refused. Reporters and cameramen met the Chief to interview Gloria Swanson, en route east recently, but Miss Swanson sent word through her secretary that she could not be disturbed. Some time ago, Joan Crawford likewise denied herself to the press, claiming the crowd of admirers in the train sheds was too great.

Chief burner-upper is Lowell Lawrence, critic of the *Journal-Post*.

## *Hearing Is Set for License Fee Raises*

(Continued from page 1)

600 to 1,000, the new license rate will be $500; theatres seating from 1,000 to 1,500, the fee will be $750; from 1,500 to 2,500 seats, $1,000; from 2,500 to 3,500 seats, $1,500, and for houses seating upward of 3,500, $2,000.

All open air theatres regardless of seating capacities will be charged $150 for new license fees, an increase of $100 over the present figure.

The matter has been referred to the Committee on General Welfare.

## *Rhoden Awaits Cruiser*

Kansas City, April 15.—Elmer C. Rhoden, Fox Midwest division manager, is awaiting arrival from New York of a 42-foot double cabin cruiser. The "yacht" will be used for week-end outings at Lake of the Ozarks.

# Albany Kills Three Censor Repeal Bills

(Continued from page 1)

subject in a less complicated way. It provides for admission of children under 16 outside of school hours when enabling ordinances have been passed by cities, towns or villages, but matrons must be on duty in the theatre and seats must be provided. Special $5 annual license fees will be charged houses admitting the children.

The three other Assembly bills killed were the two Neustein measures practically similar, designed to repeal the censorship provisions of the education law and transfer administration of its tax provisions to the state comptroller. These bills were killed by the Ways and Means Committee as they were considered unconstitutional.

Another censorship bill, the Brownell measure, designed to end censorship and transfer the tax provisions of the education law to the State Tax Department, was also killed by the Ways and Means Committee.

## *Defeat Foreseen for Delaware Censoring*

Dover, April 15.—The censorship bill, to create a board of censors and to bar divorced actors and actresses, which has caused nationwide comment and protest, is not expected to pass the Senate, according to persons interested in the measure. The bill, introduced by Representative Robert B. Hopkins of Milton, was reported favorably in the House.

The Independent M.P.T.O. of Delaware and the Eastern Shore of Maryland, Loew's and the Hays organization will oppose the bill when it comes up for a hearing. The National Council on Freedom from Censorship, unit of the American Civil Liberties Union urged opposition to the bill in a letter sent to its Delaware members and organizations of lawyers, teachers, business men and college alumni.

## *Review Board Lists Children's Choices*

As a result of a series of private showings of pictures to children picked at random from schools in all sections of the city the National Board of Review has compiled a list of the preferences expressed by the youngsters.

"Little Women" headed the list with both boys and girls and "Massacre" was top choice among the boys alone, with "Son of a Sailor" and "Cavalcade" second and third. Among 21 other boys' choices were: "All Quiet on the Western Front," "Bring 'Em Back Alive," "Penrod and Sam" and "Lone Cowboy."

"Little Women" and "Flying Down to Rio" headed the girls' list with "Footlight Parade," "Alice in Wonderland," "Forty-second Street" and "Cavalcade" following.

## *Freedman Gets Shorts*

Herman B. Freedman has contracted for the distribution of 13 "Newslaughs" and "Shadowlaughs" for states rights exchanges throughout the United States, Boston excepted.

## Boston

BOSTON, April 15. — THOMAS B. SPRY, representing affiliated national distributors on the Boston grievance board, is New England branch manager for Warner-F. N. with headquarters here. He is a veteran in the film industry and well known throughout the New England territory where he has been active for more than 15 years past.

Spry established his first film industry connection when he came here to be married. He became a partner of Nathan Gordon's in a distribution enterprise and when First National was organized became a partner in that company. When Warners took over First National Spry was retained as Boston branch manager. In point of service in this territory he ranks as the oldest sales executive in New England film business. His early experience was as an advance agent and publicity man for theatrical producers.

HERMAN RIFKIN, representing unaffiliated distributors on grievances, is owner of the Hollywood Film Corp. and a native of Russia. He was born there in 1884 and came to New York when 16 years old. For 12 years he was manager of the New York office of the Singer Sewing Machine Co., but gave up that position in 1910 when he came to Boston and founded the Eastern Feature Film Co., which operated under that name until 1925, when it became known as the Hollywood Film Corp. Rifkin was one of the first distributors to bring feature films to the New England territory. He is a franchise-holder of Monogram, one of its founders and a member of the board with an exchange here and one in New Haven. Rifkin is married and has a daughter, who was graduated from Simmons in 1933, and a son attending Massachusetts Institute of Technology.

JOHN H. BRENNAN, representing affiliated exhibitors on grievances, is a native son, born in Charleston. He started in the business as an usher and later was a stagehand. Twenty-five years old is his association with the Loew circuit, his period of service dating back to the Columbia here. Later he was transferred to the St. James. When the 3,700-seat State was built about 14 years ago, Brennan was appointed manager. He continues to fill that post and is the dean of the first run managers in the city.

MARTIN R. TOOHEY, representing unaffiliated exhibitors on grievances, is 42 years old, but has been identified with show business since he was 13. He got his start as a general helper at the old Keith in Providence, and since then he has tasted work in most departments of the theatre. He was one end of a two-man vaudeville comedy team in 1911 and 1912, one of the first Rhode Islanders to hold a projectionist's license, and in managerial capacities has seen pictures advance from the day, as he expresses it, when they were housed in a penny arcade until their present tenancy of "sumptuous palaces." After his vaudeville experience, he returned to Providence to become affiliated with Jennings and Bradstreet, and as manager of the old Scenic, now the Rialto, he played a part in directing the destinities of such later-day celebrities as Eddie Downing, Eddie Healey, Jack Kammerer and Walter Weems. In 1913 he became associated with Emery Bros., builders of the Carlton, the Majestic, and the Rialto, and operators as well of the Modern and the Capitol. When Edward M. Fay took over the Emery properties in 1926, Toohey went with him for two years. He has been associated with the Payne interests, builders and operators of the Leroy, since that house's beginning in 1923. Seven years ago he gave up other duties to devote himself to management of the Leroy.

# Who? What? When?

*Who are the appointees on code boards announced by Code Authority in New York?*

*More thumbnail sketches, gathered by* MOTION PICTURE DAILY *correspondents, furnish the answer:*

GEORGE R. FARNUM, impartial member on grievances, is a native of Melrose, where he was born May 30, 1885. His education was obtained in the public schools of that city and Boston University Law School from which he was graduated in 1907 with an LL. B. *summa cum laude* degree. The following year he received his Master of Laws degree from B. U. In 1927, Farnum was appointed assistant attorney general of the United States and served two years under the administration of President Coolidge and one under Ex-President Hoover. In 1930, he resigned to return to Boston to continue his associations with the firm of MacPherson, Auerback and Farnum, lawyers, with offices at 6 Beacon Street.

Farnum served as assistant United States district attorney for Massachusetts in 1925. With the exception of the three years spent in Washington, he has always resided in or near Boston. He is a special instructor on Admiralty law and Federal jurisdiction and practices in the B. U. Law School. Aside from his duties as a lawyer, he is an author of magazine and newspaper articles and has recently submitted stories which have appeared in the *Boston Evening Transcript, The Boston University Law Review,* the *Yale Law Journal* and other papers. He has written a number of books, among them biographies of former Justice Oliver Wendell Holmes of the U. S. Supreme Court and Justice Louis D. Brandeis of the same court. When Benjamin N. Cardozo was appointed to this court, Farnum wrote a philosophic study of him. One of his latest articles concerns the Crawford case and the connections of the late Judge James A. Lowell with it.

Farnum is one of five members from the entire country on the standing committee on Admiralty law of the American Bar Ass'n., of which he is a member. Other organizations to which he belongs are the American Law Institute, Federal Bar Ass'n., Boston Bar Ass'n., Massachusetts Bar Ass'n. and the Maritime Law Ass'n. of U. S. He is the honorary consul general of the Turkish Republic for the New England states and is noted as a speaker on legal, civic and international affairs. Each year he makes a trip abroad with his wife, to whom he was married in 1912.

ROSS C. CROPPER, representing affiliated national distributors on clearance and zoning, is branch manager for RKO and was born in Chicago in 1888. He received his education in the public schools of that city and his degree from Purdue University in 1911. He has been in Boston for 10 years and was connected with Pathe until RKO and Pathe were consolidated in November, 1931. After his graduation from college, Cropper was connected with Universal as branch manager at Kansas City and also as district manager there. Previous to 1924, he had a state rights office in New York. Cropper is married and has two daughters.

JOHN J. DERVIN, representing unaffiliated distributors on clearance and zoning, is well known throughout the territory. He first joined United Artists in December, 1922, as a salesman and resigned in 1930 when he left the industry for another business venture. Films proved the stronger, as well as the first love, and so Dervin returned on March 3, 1930, to his old company He is now U. A. manager here.

MARTIN J. MULLIN, representing affiliated first runs on clearance and zoning, had been with Publix several years prior to 1928, but in that year was placed in charge of the Publix maintenance department in the home office. He served in that capacity for more than a year, following which he was transferred to the operating department and subsequently assigned to Publix Northwest as head of the Finkelstein & Ruben circuit with headquarters at Minneapolis. After a year in that post he was assigned to the Publix New England division in 1931, headquarters at Boston. After various circuits comprising the New England division went into receivership, the M & P Theatre Corp. was organized by the receivers, with Mullin in charge as operating head, the post he now occupies. M. and P. Theatres, formerly Publix, operate a formidable string of houses in Massachusetts, Rhode Island, Maine and New Hampshire and, through the affiliated Maine and New Hampshire Theatre Co., runs additional theatres in Massachusetts, Maine, New Hampshire and Vermont. M. and P.'s Massachusetts string include houses in Allston, Boston, Brighton, Brockton, Cambridge, Chelsea, Chicopee, Dorchester, Gloucester, Greenfield, Haverhill, Holyoke, Jamaica Plains, Lowell, Lynn, Marlboro, Mattapan, Natick, Needham, New Bedford, Newton, North Adams, North Cambridge, North Attleboro, Norfolk Downs, Norhampton, Pittsfield, Roslindale, Rosbury, Salem, Somerville, Springfield, Waltham, Wollaston and Worchester. Rhode Island holdings are scattered through Newport, Pawtucket and Woonsocket: Maine holdings include theatres in Bangor, Bath, Biddeford, Fort Fairfield: Houlton, Rockland, Waterville and Westbrook: New Hampshire holdings are confined to one theatre in Dover; Vermont holdings to theatres in Barre and Rutland. Maine and New Hampshire operates in Augusta, Auburn, Brunswick, Gardiner, Hallowell, Lewiston, Livermore Falls, Norway, Rumford, South Paris and Wilton in Maine; in Berlin, Concord and Portsmouth in New Hampshire; in Burlington and Montpelier in Vermont and in Fitchburg in Massachusetts.

MAX L. LEVENSON, representing unaffiliated first runs on clearance and zoning, is an attorney who was born in Boston and who received his education in the Chelsea public schools and Boston University Law School, from which he graduated in 1909. During 1918 and 1919, he served as assistant attorney general of Massachusetts and became connected with pictures in 1909 when he was appointed general counsel for the Mitchell Mark Enterprises and the Highland, Abrams Co. with his brother, Joseph M. Levenson, was associated with the original Metro Film Co. and American Feature Film which at that time was associated with Louis Mayer, now of Metro-Goldwyn-Mayer. He is vice-president of the Independent Exhibitors Film Ass'n of New England, is married and has three children. His theatres include Columbia (850 seats) and Bates (1,000), in Attleboro; South Station (500), in Boston; Metropolitan (1,200), Plymouth (1,000) and Rialto (1,116), in Leominster; Alhambra (1,600), Quincy (1,660) and Strand (2,000) in Quincy; Plymouth (1,500) in Worcester and Coolidge in Brookline.

CHARLES W. HODGDON, representing unaffiliated subsequent runs on clearance and zoning, entered the amusement world in 1902 as the Boston representative of M. R. Sheedy's circuit which operated in Brockton, Fall River, New Bedford, New London, Norwich, Westerly, Derby and Holyoke. A few years later he opened his own booking office for singers and musicians with New England as his field. Hodgdon became well known in the early days of films through his connection with the Boston Banner Rental Exchange, where he saw all releases to pick out what he considered the most interesting for ultimate reproduction in oils and on canvas. These were leased to theatres for lobby displays. Shortly thereafter, he operated a series of one night stands in New Hampshire, Massachusetts and Connecticut with "Pop" Sherman. Later, he entered exhibition and opened houses of his own in Wakefield and for ex-Governor John H. Bartlett in Portsmouth, N. H. He also had the Ioca in Exeter. Subsequently, his Portsmouth interests were turned over to William Gray, whose houses were finally acquired by Publix. About 1917, Hodgdon and his partners then opened houses in Middleboro, Mass., and in Worcester. In 1926 they built the Capitol in Worcester and later sold it to Publix. At present, he operates two theatres, the Wakefield (900 seats) in Wakefield and the Middleboro (1,200), Middleboro, as the Princess Amusement Co.

FRANK LYDON, second exhibitor representing unaffiliated subsequent runs on clearance and zoning, is manager of the Hamilton (700 seats) in Dorchester and was born in Boston in 1898. He received his education in Boston public schools and graduated from Mechanics Arts High School as well as Tilton Seminary in Tilton, N. H. He has always resided in Boston. Lydon followed his father, Michael J., who was one of the pioneers in the business. The father founded a chain in 1907 and took his son into the organization in 1918.

JUDGE ROBERT WOLCOTT, impartial member on clearance and zoning, is associate justice of the Cambridge district court and a Harvard University and Harvard Law School graduate.

THE ANSWER TO A GOOD PICTURE!

RADIO CITY

# Elissa LANDI IN SISTERS under THE SKIN

with

## FRANK MORGAN
## JOSEPH SCHILDKRAUT

Story by S. K. LAUREN

Adaptation and screen play by JO SWERLING

Directed by DAVID BURTON

Booked by

# RADIO CITY MUSIC HALL

RADIO CITY MUSIC HALL

A COLUMBIA PICTURE

COLUMBIA PICTURE

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 90 NEW YORK, WEDNESDAY, APRIL 18. 1934 TEN CENTS

## Code Charges Finally Set; Bills Go Out

### *First Payments Are for Six-Month Period*

Upon word from Washington yesterday that Administrator Hugh S. Johnson had signed an order approving the budget and finance plan for assessing theatres under the code, Campi began sending out 7,800 bills to exhibitors all over the country for the first six months' assessment totaling $90,681.

The plan which classifies theatres according to population, seating capacity and type of run is in detail and includes only those houses which have sent in unqualified compliance forms.

(*Continued on page 6*)

## Expect to Agree on Secretaries Today

Controversy over selection of secretaries for the local clearance and zoning and grievance boards is expected to be settled today when the personnel of both bodies meets today to agree unanimously on a recommendation for each board.

Both boards met yesterday and about half a dozen choices were named. It was then decided to put the

(*Continued on page 3*)

## *Trans-Lux 1933 Net Is Put at $114,926*

Trans-Lux Daylight Pictures Screen Corp. and its subsidiaries, Trans-Lux Movies Corp. and Canadian Trans-Lux Corp., Ltd., yesterday reported for the year ending Dec. 31, 1933, a net profit of $114,926 after all charges. This was equal to 15 cents a share on 776,348 shares at $1 par capital stock excluding shares held in the treasury. This compares with a net profit of $93,175 or 12 cents a share on 785,175 shares in 1932 exclusive of operations of Trans-Lux Movies Corp.

## *B. & K. Reports Net In 1933 as $95,191*

CHICAGO, April 17.—Balaban & Katz and subsidiaries report a consolidated net profit of $95,191 for the 52 weeks ending Dec. 30, 1933. This was carried to the surplus account. It compares with a consolidated net loss of $993,638 for the 53 weeks ending Dec. 30, 1932.

## *Reaction to Films May Reach Studios Through Hays Group*

**Hollywood, April 17.—Public reaction to picture types, aired at the joint exhibitor-producer conference here Monday, will probably filter to the latter through the local Hays organization, it was learned today. This is considered the natural method of handling such material since all major producers, except United Artists, are members. Moreover, the Association of M. P. Producers has machinery along identical lines operating and for some time has been keeping tabs on editorial comment anent production for general studio consumption.**

## Successor to Film Boards Now Studied

An industry field organization patterned after local chambers of commerce and including in their membership exhibitors as well as distributors is being considered as a successor to the Film Boards of Trade, it was learned yesterday.

Reorganization of the Film Boards along lines such as this now appears inevitable. While the boards, as such, may disappear in the prospective shuffle it appears certain that a new

(*Continued on page 3*)

## *NRA Denies Asking Labor Be Staggered*

WASHINGTON, April 17.—NRA officials today denied rumors that producers had been asked to stagger employment. No such proposal has been made, nor is it contemplated, it was said. Officials pointed out that practically all employes in the production branch of the industry are working under union agreements.

## Strike Threat For Theatres Follows Talk

A strike of Local 118, Theatre & Amusement Employes Union, on Saturday was threatened by Charles C. Levey, treasurer, at a meeting of circuit representatives yesterday unless recognition of the union and acceptance of its wage demands is granted by tomorrow noon.

Local 118 claims a membership of 4,000 ushers, doormen, janitors and matrons. Demands presented by Levey to the circuit representatives

(*Continued on page 6*)

## *Weisfeldt Deal Off; Allied Plans Others*

Having called off a deal with Max Weisfeldt whereby he was to have made 12 pictures with guaranteed playing time from Allied exhibitors, Sidney Samuelson, president of Allied, states he is now entertaining six other deals of the same nature.

Discussions of a tieup with an inde-

(*Continued from page 6*)

## *After the Code, What?*

By RED KANN

LOS ANGELES, April 17.—He speculated if the opportunity for self-regulation and the promulgation of more equitable trade practices offered by the code would be retained for the good which may be in them after NRA and code are forgotten.

In the mass of interesting ideas projected into the record of the M.P.T.O.A. convention, this one by Morgan Walsh, president of the Independent Theatre Owners of Northern California, general manager of Midland Theatres, Inc., and one of the two subsequent run exhibitors, minus affiliation, on the San Francisco clearance and zoning board, delved further into the possibilities of the future than perhaps any other thrown on the convention floor.

Walsh envisions a real chance for self-government, predicated on

(*Continued on page 3*)

## Showmen May Win Fight to Hike Quality

### *Advance Their Cause at Talk With Indies*

By RED KANN

HOLLYWOOD, April 17.—A cut in major studio schedules may develop as a result of exhibitor-producer deliberations following the general conference held Monday. It was learned today the discussion on quality versus quantity veered around the reputed admission on the part of producers there was no point grinding out pictures merely to meet schedules and it would be far better business to make them fewer and better. Whether programs will be trimmed or not is undetermined at the moment, but the eventuality is considered not outside the realm of probability.

Further clarification of the atmo-

(*Continued on page 6*)

## Penn MPTO Favors Censor Publicity

PHILADELPHIA, April 17.—The M. P. T. O. of Eastern Pennsylvania, Southern Jersey and Delaware today indorsed the move of the Pennsylvania Civil Liberties Committee favoring publicity for censor eliminations. A letter was sent to Governor Pinchot after an address had been delivered by

(*Continued on page 6*)

## Production Down; Cutters Are Busy

HOLLYWOOD, April 17.—Some may blame visiting delegates to the M. P. T. O. A. convention for a noticeable slump in production last week, but the truth is that the cutting rooms, with a total of 43 features and 20 shorts editing, are so congested that

(*Continued on page 6*)

## *Irving Trust Para. Bill Is Not Opposed*

No opposition to the petition of Irving Trust Co., as trustee in bankruptcy for Publix Enterprises, for partial allowances of $110,000 for the services of itself and counsel during the 15 months' bankrupt administration was voiced by creditors of the Paramount theatre subsidiary at a hearing before Referee Henry K. Davis yesterday. Referee Davis took the petition under advisement.

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Fox Directors and Officers Reelected

All Fox Film directors were reelected yesterday at the annual meeting of stockholders. They are: S. R. Kent, W. C. Michel, John D. Clark, Harley L. Clark, H. Donald Campbell, Richard F. Hoyt, Daniel O. Hastings, Arthur W. Loasby, Ernest W. Niver, Herman G. Place, Seton Porter and Sydney Towell.

Following the stockholders' meeting officers were reelected as follows: Kent, president; Michel, executive vice-president; Winfield Sheehan, vice-president in charge of production; Towell, treasurer, Felix A. Jenkins, secretary; John P. Edmondson and J. H. Lang, assistant secretaries; W. S. Bell and R. B. Simonson, assistant treasurers.

## Charter Majestic Unit

ALBANY, April 17.—Majestic Producing Corp., New York City, has been chartered with 1,000 shares preferred stock $100 par value and 900 shares common stock no par value. Alfred S. Krellberg, Hilda Geier and Nathan Rochstein of New York, are directors and subscribers.

This is the company formed by Majestic when franchise holders last week approved a plan to make productions under the Majestic banner with Larry Darmour as production head.

## May Drop '20th Century'

After spending heavily on advertising, Columbia is seriously considering changing the title of "Twentieth Century." Harry Cohn, president, who is now in New York for conferences, is said to have ordered the change.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "The Scarlet Empress"

(*Paramount*)

HOLLYWOOD, April 17.—A magnificent eye-filling spectacle rich in production investiture and replete with the barbaric sadistic splendor of the 18th Century Russian court, "The Scarlet Empress" is far above average, but nevertheless lacks heart and emotional appeal to make it a genuinely big picture.

Telling the story of the diplomatic marriage of Marlene Dietrich, shy and beautiful German princess, to the half-wit nephew of Russia's empress, Catherine, Director Josef Von Sternberg indulged himself in a technically impressive field day, but in so doing failed to take full advantage of the glamour and feminine appeal of his star.

"Scarlet Empress" is a big picture insofar as values on the screen are concerned, but not at all satisfying in its portrayal of the checker board events which turned Miss Dietrich from a trusting romantic girl into a woman of loose morals and unscrupulous power.

The story finds itself well nigh smothered under crushing music, resounding church bells and thundering hoofs of Cossack riders. Of course it has Miss Dietrich, who is photographed with cameo-like care, and, while she is pleasing as a frightened girl in the first half, she reaches her best work in the latter half as a matured, conniving woman bitten by a desire to dominate Russia. It is John Lodge, as Count Alexei, in a biting, incisive role, who makes the strongest impression. This new-comer will be in demand from now on. Sam Jaffe, stage actor, as a mad grand duke, does an interesting job, as do others, including Louise Dresser, C. Aubrey Smith and Olive Tell.

It is essential for showmen to be advised of the fact that "The Scarlet Empress" is in costume. Their box-office experience with this type of picture will influence them in further appraising Miss Dietrich's latest.

M. K.

## Flash Reviews

*The Line-Up*— . . . consistently entertaining exhibit. . . .

*Battling Buckaroo*— . . . rates very little in the way of entertainment. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## Vancouver Cuts "Bar"

VANCOUVER, April 17.—Censors have banned the Heaven-on-a-Mule sequence in "Wonder Bar." Both critics and the public are censuring the action.

## Kramer Again with U. A.

Earle Kramer, who resigned recently as head of the U. A. office in the Orient, has rejoined the company in a sales capacity. Kramer left the company to return to the United States when he learned of the death of his father on the coast.

## McNight Gets Cincy Job

Joseph A. McNight has been named branch manager for the Cincinnati RKO Radio exchange by Jules Levy, general sales manager. He replaces C. H. Bahlen, who has resigned.

## Fox Up ¾ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 29⅛ | 29⅛ | 29⅛ | + ½ | 200 |
| Consolidated Film Industries | 4¼ | 4 | 4 | — ⅛ | 500 |
| Consolidated Film Industries, pfd | 15¾ | 15¾ | 15¾ | ..... | 200 |
| Eastman Kodak | 92¼ | 91¼ | 91⅞ | — ⅝ | 1,100 |
| Fox Film "A" | 16⅞ | 16 | 16½ | + ¾ | 6,700 |
| Loew's, Inc. | 34¼ | 33⅜ | 34¼ | + ½ | 8,600 |
| Loew's, Inc., pfd | 97 | 97 | 97 | ..... | 100 |
| M-G-M, pfd. | 25¾ | 25¾ | 25¾ | ..... | 100 |
| Paramount, cts. | 5⅜ | 5⅛ | 5¼ | ..... | 5,400 |
| Pathe Exchange | 3¼ | 3 | 3¼ | + ⅛ | 1,400 |
| Pathe Exchange "A" | 21⅞ | 21 | 21⅝ | + ⅝ | 7,600 |
| RKO | 3½ | 3⅜ | 3⅜ | — ⅛ | 2,000 |
| Warner Bros. | 7¾ | 7½ | 7¾ | ..... | 8,400 |

## Trans-Lux Rises ⅛ on Curb

| | High | Low | Close | Net Chase | Sales |
|---|---|---|---|---|---|
| Technicolor | 10 | 9¾ | 10 | ..... | 400 |
| Trans-Lux | 2½ | 2⅜ | 2½ | + ⅛ | 500 |

## Many Bond Issues Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10½ | 9⅞ | 10½ | + ½ | 8 |
| General Theatre Equipment 6s '40, ctf | 9 | 8⅞ | 9 | ..... | 8 |
| Keith B. F. 6s '46 | 71 | 71 | 71 | — ⅛ | 1 |
| Loew's 6s '41, ww deb rights | 101 | 101 | 101 | ..... | 4 |
| Paramount Broadway 5½s '51 | 38 | 38 | 38 | ..... | 3 |
| Paramount F. L. 6s '47 | 54⅛ | 54 | 54 | ..... | 5 |
| Paramount Publix 5½s '50 | 54⅜ | 53¾ | 54 | — ⅛ | 26 |
| Pathe 7s '37, ww | 97 | 97 | 97 | ..... | 11 |
| Warner Bros. 6s '39, wd | 64¾ | 63¼ | 64½ | + ⅜ | 75 |

## Ampa Talent Lineup Includes Many Stars

Talent lists for the Ampa "Naked Truth" dinner broadcast are growing. Due to the number of stars lined up the dinner will start promptly at 8 o'clock Saturday night at the Astor.

Arthur Lyons of Lyons & Lyons is securing talent. The list includes: George Jessel, Jack Benny, Jimmy Savo, Gloria Swanson, Nita Naldi, Morton Downey, Three Ritz Brothers, Mae Murray, Irene Rich, Frances Williams, Phil Baker, Helen Ford, Emile Boreo, Harry Livingston, Jans and Whalen, Dorothy Mackaill, Jack Campbell and others.

Ken Hallen of RKO is given credit for the deal by which General Foods contributes $3,000 to the relief fund.

Jack Ellis, Marvin Kirsch and others on the entertainment committee met yesterday at Sardi's to complete the program.

## Warners Win Right To "Gold Diggers"

Exclusive right of Warners to the film title, "Gold Diggers," was conceded yesterday by the U. S. Circuit Court of Appeals here in a unanimous decision reversing an earlier ruling of the U. S. District Court.

The suit was brought against Majestic Pictures Corp. when the latter announced release, some time ago, of a picture titled "Gold Diggers of Paris." The district court declined to restrain Majestic from use of the title and Warners appealed to the higher court, resulting in yesterday's reversal. Warners claimed prior right to the title on the basis of its releases of "Gold Diggers," a silent film; "Gold Diggers of Broadway" and "Gold Diggers of 1933." The appeals court decision is said to be the first of its kind.

## Is Set on Big Time

HOLLYWOOD, April 17.—Phil Goldstone today reiterated his intention of making only major product and starts with Jules Verne's "Twenty Thousand Leagues Under the Sea." He said he has release set but would not divulge details, adding he will make a limited number on no set schedule.

## Start Johnston Drive

Monogram exchanges throughout the country begin a $1,000,000 sales drive today in observance of the 20th anniversary in the film industry of W. Ray Johnston, Monogram president. The drive ends June 30.

## Great Lakes Is Closing

BUFFALO, April 17.—Pending settlement of an involved situation regarding leases, sub-leases and holding companies, the Great Lakes will be closed Thursday night. Its reopening depends on an entirely new lease deal.

## Trop-Cherin in Deal

J. D. Trop has closed a deal with Nat Cherin, president of Principal Film Exchanges, for distribution of "White Heat" and "Mating Time" in the metropolitan territory.

## Fox Picks Harvey's First

HOLLYWOOD, April 17.—Lillian Harvey's first under her new four-picture contract with Fox will be "Love Time," an original by Anne Caldwell.

# Successor to Film Boards Is Studied

(Continued from page 1)

field organization of the same or similar type will replace them and continue many of their functions.

Miscellaneous duties of the Film Boards, particularly those pertaining to local legislation, fire inspection and the handling of petitions for industry contributions, necessitate the maintenance of a field organization of some sort, it is felt by representative film executives who point out that few industries of the size of this have found it possible to do without a field organization. Changing conditions and problems within the industry, however, have relieved the Film Boards of many of their original functions with the result that consideration of a lower cost organization to take up the remaining, essential field activities of the boards may result soon in a decision to reorganize them along the lines of chambers of commerce.

Exhibitor membership in such a revised industry field organization is favored by many who hold that the industry's problems are rapidly becoming less of an inter-industry type than those arising from sources outside the industry and uninfluenced, for the most part, by trade practices. A complete industry representation within its field organization is regarded as necessary to meet these new problems, it was said.

Also considered as the basis of a new field organization is the Variety Club idea.

## Campi Upholds Cullman

Campi has upheld Howard S. Cullman, receiver for the Roxy, in denying a request of John J. Brady, chaplain of the *U. S. S. California*, for 40,000 cut rate tickets for the theatre.

Code Authority held that any form of cut rate tickets is a violation of the code.

## Hold License Hearing

Following a hearing before the general welfare committee of the Board of Aldermen yesterday, Alderman Baum's bill to amend the local license law to provide graduated increases starting June 30 was held. No action was taken.

## Asks Clearance Chart

PORTLAND, April 17.—Members of the Portland clearance board have suggested that charts on clearance be prepared listing local houses, distributors being guided by the positions allotted on these charts.

## Against Reopening

**Declaring he is "unwilling at this time to recommend to the President" a move to reopen the code as a result of suggestions made by the vaudeville committee, Division Administrator Sol A. Rosenblatt has notified Jack Partington of F. & M. that action on the vaudeville-labor report is being deferred until a later date, not mentioned.**

# *After the Code, What?*

(Continued from page 1)

local autonomy through the 31 grievance boards and the 31 clearance and zoning boards, minus control from New York and in strict conformance with the oaths to which all board members pledged themselves in accepting those appointments.

Perhaps it is too idealistic a point of view. The convention here passed a resolution designed to cloak the boards with complete local decision, locally arrived at, and in so doing implied that the members should ignore or forget or gloss over the allegiance which is due their employers. Asking a man to adhere to an ideal if he knows or learns or suspicions the company which gives him his livelihood may not agree is going far in an effort to revamp the normal flow of human reactions.

▼

What appears to have been forgotten, if it were ever at all known, is the fundamental behind the national recovery program. The theory of spreading available work in order to put more men back in jobs is, of course, thoroughly familiar by this time. As thoroughly familiar as well, should be the realization that all codes formulated to date recognize that the large, vested interests in any given industry must dominate code authorities and all other supplementary or complementary submachinery under them.

It was inevitable and inescapable that major companies like Paramount, Warners, M-G-M, Fox, Radio, and Universal would have seats on code authority; that each one of the two national exhibitor organizations — M.P.T.O.A. and Allied—would have one each; that the independent producers and distributors would rate one at least, as would independent exhibitors not tied in with either or any of the national theatre associations.

It was inevitable and inescapable, as well, that the balance of power would reach into local boards, the personnel of which Code Authority not only approves, but has the power to change.

▼

The NRA never had intention of turning over any industry to minority interests, granting that all effort has been made to clean up practices in that industry. Because the setup is what it is and is what any observer, capable of prying beneath surface indications, must have concluded anyway, any such idea of Walsh's becomes subject to doubt.

Laudable it is, and commendable. Right he is when he advances the theory that some thought might well be expended on what comes after the code. The factors mentioned earlier, however, cannot be ignored on any altar of idealism nor can it be forgotten that the history of competitive business illustrates full well how jealously and how tenaciously are fought the relinquishing of the power of the strong to bolster the effectiveness of the weak.

▼

The folly of loose talk was rather thoroughly demonstrated in one of the later sessions here by Jack Miller, who took independent producers and distributors for a sleigh ride. Exactly as Louis B. Mayer ineffectually attempted to shift whatever onus rests on Hollywood's shoulders today to the exhibitor, so did Miller open the flood gates of rebuttal that persuaded him to admit subsequently he made a mistake.

He took handsome cracks at quickies and concluded double features would drive exhibitors out of business if they didn't get to the punch, in reverse, first.

He stated independent producers and distributors never had contributed anything to the business and thereby stubbed his toes pretty badly, forgetting, as did Joseph M. Schenck several weeks ago, the talent now part of many major producing organizations which sprang from those very beginnings.

He overlooked the first run operator, principally producer-affiliated, who, by extended protection, makes it difficult for the subsequent run showmen to get product when it is fresh and then proceeds to give the public more than it has paid for by adding presentations or vaudeville or both.

He neglected to realize that independent producers, many of them making very bad pictures, it is true, proceeded to do what is normal business procedure: to cash in on market peculiarities which, in this instance, happen to be double features.

▼

"They have no right in the business," stormed Miller.

No? Independent producers and distributors live by the demand of their customers, independents, exhibitors and circuits as well.

As long as any theatre in America wants to play double features, it will.

As long as any demand exists, someone will be found to supply that market regardless of any resolutions or heat which the M.P.T.O.A. may have turned on.

The attack on independents was fallacious because the guilt, if it is guilt, rests on the men who launched the attack. Exhibitors have never had the courage to cut out doubles and triples, yet at this convention they sought to pass on the blame for their own vacillation to other sources.

# Expect to Agree on Secretaries Today

(Continued from page 1)

matter over until today. It was also decided to open offices on the 10th floor of the Bond building. J. Louis Geller is chairman of the committee on quarters.

All members of the boards were present except Lawrence Bolognino, who is vacationing in California. Geller acted as his alternate. In addition, Charles L. O'Reilly, a member of Campi and head of the T. O. C. C., and John C. Flinn were present at the clearance and zoning session. Flinn also attended the grievance board meeting.

## Milwaukee Takes Up Its First Grievance

MILWAUKEE, April 17.—The grievance committee here is airing its first code complaint in the case of the Saxe Amusement Management Co. vs. Ashley Theatres Corp. and Vitagraph, Inc. The complaint charges violation of Article 5, Section E, Part 2 and Article 6, Part 2, Sub-Sections A, B and D of the code.

All committeemen were present today with M. T. Ellis of Beloit acting for David Weshner and George Fischer for Fred Meyer. Decision was reserved.

## Governor of Idaho Will Present Award

BOISE, Idaho, April 17.—Governor C. Ben Ross will present the March Quigley Award to Nevin McCord, manager of the Granada. Arrangements were made by Louis Marcus of Salt Lake City, but the date has not been set.

## Reed to Be SMPE Guest

William Reed, the man who "ran the picture" in the first film theatre, will be an honor guest at the spring meeting of the S.M.P.E. which gets under way next Monday at Atlantic City. He is now an operator at the Colonial, Atlantic City. He was a field repair man for Thomas A. Edison on kinetoscopes when he was hired in 1896 by William Rock and William Wainwright to put on a show in a vacant store on Canal St., New Orleans.

## Gala Stadium Opening

HOLLYWOOD, April 17.—The Actors' Guild will open the Gilmore Sports Stadium, now under construction, with a three-day fiesta beginning May 18. Proceeds will go to the Guild fund. Planned are five big shows consisting mostly of animal acts and other carnival attractions, with stars making personal appearances.

## SMPE Number

**Articles by Dr. Alfred N. Goldsmith, president of the S.M.P.E., and Terry Ramsaye, editor of the *M. P. Herald*, will be special features of the *Herald's* S.M.P.E. number out tomorrow. The S.M.P.E. convention opens Monday and continues through Thursday at Atlantic City.**

# VIVA VILLA PACKS 'EM IN!

## RIPTIDE... 3rd BIG WEEK CAPITOL

### Giant Metro-Goldwyn-Mayer Hits March on Broadway!

36 hour weeks! Millions... with new leisure... race to the theatre for happy hours of entertainment!

Metro-Goldwyn-Mayer snaps into action! "Viva Villa!" hailed with critical cheers, storms into the Criterion as a two-a-day attraction. At the Capitol, Norma Shearer's "Riptide" sweeps into a third capacity week, winning an honor that has been accorded only six pictures in fifteen years.

Put your ear to the ground! More MGM triumphs are on the march! Read more about them on this page!

**NORMA SHEARER'S "RIPTIDE"**—300,000 people stormed through the doors of the Capitol Theatre to see Norma Shearer, Robert Montgomery and Herbert Marshall in "Riptide" in the first two weeks of the engagement. Now, in the third week, box-office lines are still trailing down Broadway.

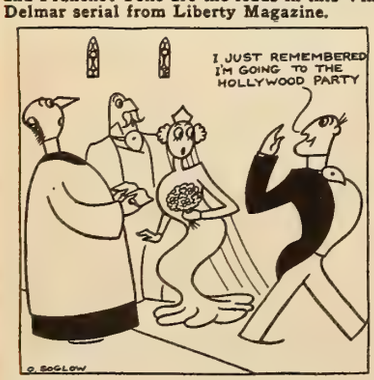
If the Capitol schedule permitted we believe this fine actress in this truly great emotional drama could run as long as "Abie's Irish Rose!" Congratulations, Miss Shearer!

### New York Echoes with Cries of "Viva Villa!"

Given its world premiere at the Criterion Theatre on Tuesday, April 10 ... "Viva Villa!" has already thundered to a place among immortals of the screen. Critics bespattered their pages with "vivas!" and rave reviews. For instance: "Truly magnificent!" —Wm. Boehnel, World-Telegram... "Mexico's 'Birth of A Nation!'"— Rose Pelswick, Journal..."Thrilling as a bugle call!"— Regina Crewe, American..., "Fast, furious, compelling!"— Mordaunt Hall, Times... "Hearty, exciting!" Dick Watts, Trib.

M-G-M's "Viva Villa!" stars Wallace Beery in cast of 10,000 at the Criterion, B'way & 44th St. Twice Daily, 2:50—8:50. 3 times Sun & Hols., 2:50—5:50—8:50. (Extra Midnite Show Sat.) Mats. 50c to $1. Eves. 50c to $2.

**JOAN CRAWFORD'S "SADIE McKEE"**—Hollywood buzzes with happy advance cheers for "Sadie McKee." Fascinating Joan Crawford and Franchot Tone are the leads in this Vina Delmar serial from Liberty Magazine.




**"HOLLYWOOD PARTY"**—The pay-off of the merry season! You'll see it very soon!

**THE ORIGINAL TARZAN**—Glorious romance, primitive and unashamed...as Tarzan's mating cry booms through the jungle! The eager young lovers who defy the terrors of a green wilderness, are Maureen O'Sullivan and Johnny Weissmuller, stars of "Tarzan and His Mate."

**"TARZAN AND HIS MATE" CAPITOL FRIDAY, APRIL 20**

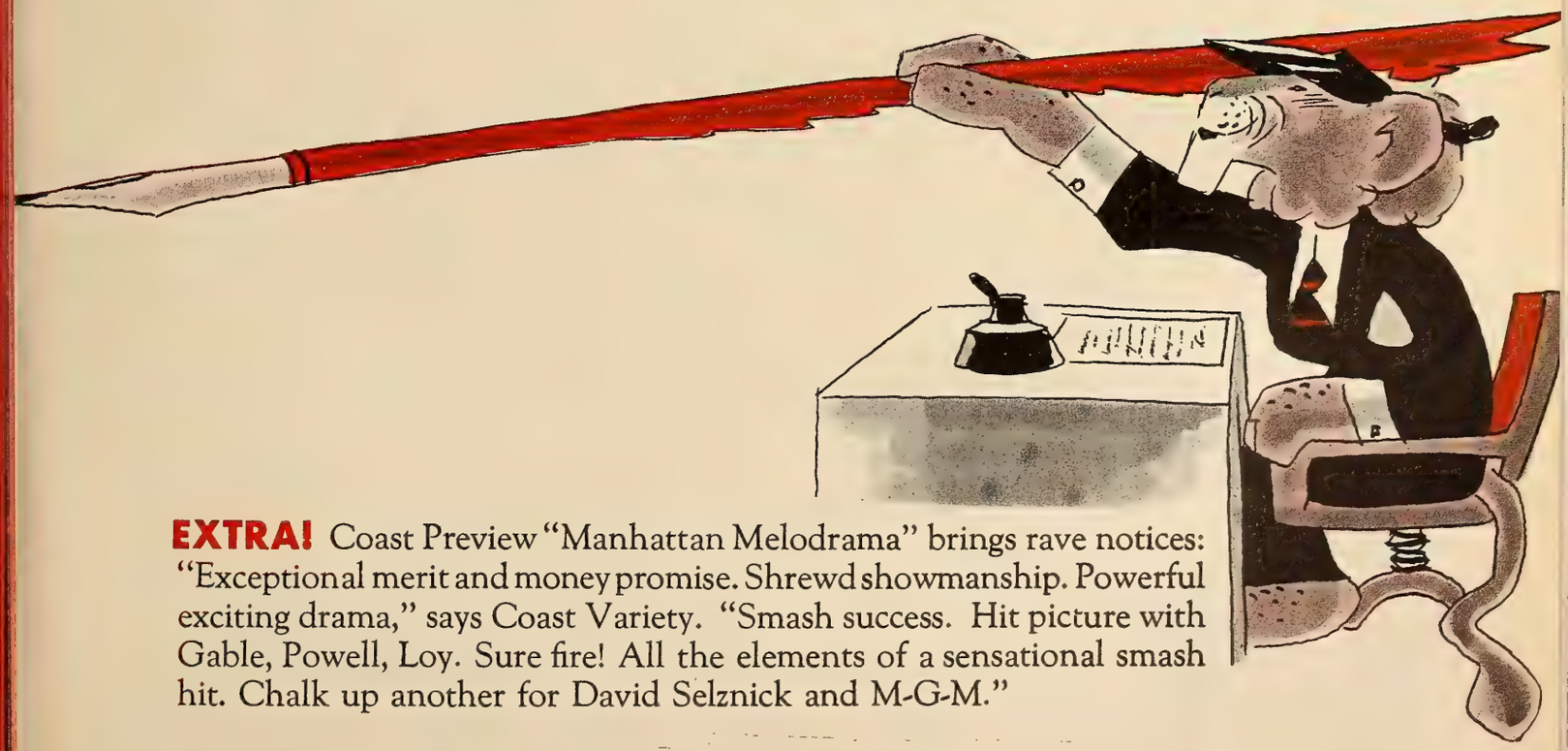
For sheer excitement, you'll find "Tarzan and His Mate" to be your most vivid movie experience. It leaves you gasping! Adventures and thrills rain on the screen in these brand-new exploits of the one and only Johnny Weissmuller. Among other high-lights of this Edgar Rice Burroughs jungle thriller, we recommend the incredible episode at the secret Elephant Burial Ground; Tarzan's clash with the ferocious "Lion Tooth Men" and the fight with the crocodile in the Crystal Love Pool.

**PERSONAL TIP FROM LEO, THE M-G-M LION:** Watch for Clark Gable, Wm. Powell and Myrna Loy in "Manhattan Melodrama."

**VIVA METRO GOLDWYN MAYER!**

Advertisement appearing in New York City newspapers

"I put that ad in the New York newspapers. Read every happy word of it and remember that LEO MARCHES ON!"



**EXTRA!** Coast Preview "Manhattan Melodrama" brings rave notices: "Exceptional merit and money promise. Shrewd showmanship. Powerful exciting drama," says Coast Variety. "Smash success. Hit picture with Gable, Powell, Loy. Sure fire! All the elements of a sensational smash hit. Chalk up another for David Selznick and M-G-M."

# Strike Threat For Theatres Follows Talk

(Continued from page 1)

yesterday included one for a "closed" shop and for adoption of a new wage scale for the classifications of employes represented in the union's membership. The scale sets up the following weekly wages: ushers, $18; assistant chief ushers, $20; head ushers, $24; janitors, $24; head janitors, $30; doormen, $24; watchmen, $24, and matrons, $18.

Attending the meeting, which was held at Loew's theatre headquarters, were: C. C. Moskowitz, Loew's; Major L. E. Thompson, RKO; Charles L. O'Reilly, T. O. C. C.; Harry Brandt, I. T. O. A.; Jack Bannon, Publix; Louis Frisch and Sam Rinzler, Randforce Circuit; Willard Patterson and F. N. Phelps, Warners, and George Skouras, Skouras Circuit.

Circuit representatives issued the following statement at the close of the meeting:

"Executives representing motion picture theatres of New York City met with Charles Levey of the Building Service Employes organization, and again asked Mr. Levey to present definite data as to whom he represents. The theatre representatives refused to negotiate further with Mr. Levey until he made clear whom he represents. The theatre men reiterated the fact that they are fully complying with the NRA Code, as to hours of work and wages, in many instances paying as much as 50 per cent above the code minimum wage. The theatre managers believe it contrary to the spirit of the New Deal to discharge otherwise efficient employes who have not chosen to join the organization Mr. Levey claims he represents."

## "U" Meeting Tomorrow

Universal's stockholders meeting will be held in New York tomorrow at which time two directors will be elected from the stockholders. Carl Laemmle, president, in from the coast to attend the meeting, has several other matters to take care of before heading west again.

MOTION PICTURE ALMANAC
1934-35
NOW IN PREPARATION
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00

# Code Charges Finally Set; Bills Go Out to Exhibitors

(Continued from page 1)

The last census, 1930, is taken as a basis for determining population of the various cities. Exhibitors who did not sign are not included, therefore the number of houses specified by Campi in its chart includes only theatres represented by assent forms now on hand.

According to the figures tabulated by Code Authority, 2,387 houses seating under 500 in towns where population is under 25,000 are taxable. These theatres are being sent bills for $6 on the semi-annual payment plan. In the same cities, 1,794 theatres with seats over 500 are being assessed $9. Payments can be made by check, postal or express money order to Code Authority in New York. Exhibitors are being cautioned against sending money to secretaries of the local boards, as this will delay receipt of the funds. Secretaries upon receipt of payments must send them to headquarters where each theatre will be checked off on the master card index system.

The official chart as prepared by Code Authority follows:

| Population | Number of Theatres | | Amount |
|---|---|---|---|
| 0 — 25,000 | Theatres with seating capacity under 500.. basic rate ..... | 2,387 | $12.00 per yr. $28,644 |
| | Theatres with seating capacity over 500.. basic rate ..... | 1,794 | 18.00 per yr. 32,292 |
| 25,000 — 100,000 | 1st run ..... | 676 | 24.00 " " 16,224 |
| | Subsequent run ..... | 448 | 18.00 " " 8,064 |
| 100,000 — 300,000 | 1st run ..... | 266 | 36.00 " " 9,576 |
| | Subsequent run ..... | 553 | 24.00 " " 13,272 |
| 300,000 — 500,000 | 1st run ..... | 74 | 42.00 " " 3,108 |
| | Subsequent run ..... | 283 | 30.00 " " 8,490 |
| 500,000 — 700,000 | 1st run ..... | 75 | 48.00 " " 3,600 |
| | Subsequent run ..... | 153 | 36.00 " " 5,508 |
| 700,000 — 1,000,000 | 1st run ..... | 88 | 72.00 " " 6,336 |
| | Subsequent run ..... | 134 | 42.00 " " 5,628 |
| 1,000,000 — plus | 1st run ..... | 120 | 96.00 " " 11,520 |
| | 2nd run ..... | 178 | 48.00 " " 8,544 |
| | Subsequent run ..... | 571 | 36.00 " " 20,556 |
| | | | $181,362 |

# Penn MPTO Favors Censor Publicity

(Continued from page 1)

John V. Stanger, secretary of the Civil Liberties Committee. Members pledged themselves to continue publication of eliminations and pledged support for eventual elimination of censorship.

Possibility of filing a suit against Erpi on alleged excessive service charges was also taken up. Support to local poster renters was pledged in their fight to get cooperation from distributors on paper and accessories. David Barrist spoke on high rentals and code forms.

## Weisfeldt Deal Off; Allied Plans Others

(Continued from page 1)

pendent producer will be held in Chicago the early part of May when directors, vice-presidents and regional chairmen of Allied meet with Samuelson. At this meeting it will be determined how much playing time can be guaranteed an independent producer before signing a deal.

## Allied Talks Rentals

Discussion of producers' rental demands formed the principal topic at the Jersey Allied meeting yesterday. These will be taken up further at a meeting of eastern regional Allied directors to be held at the Park Central next Tuesday under the chairmanship of Walter B. Littlefield, Allied vice-president.

# Production Down; Cutters Are Busy

(Continued from page 1)

production is slowing up at this time. The score last week registered 36 features and 10 shorts in work, as compared to 41 and 14 for the preceding week.

Paramount continues to lead the field with seven features in work, six preparing and eight cutting; M-G-M has six, two and eight; Radio, six, three and three; Fox, four, five and six; Warners four, three and eight; Columbia, three, two and four; Universal, zero, one and two, while the independent producers report a total of six, five and four.

The short subject division shows M-G-M with three in work, two preparing and five editing; Roach, zero, zero and three; Universal, one, two and three; Columbia, zero, two and three; Radio, one, zero and zero, while the independents report a total of five, five and six.

## Frank Phelps Given Paterson's Old Job

Frank Phelps, former zone manager for Warner Ohio theatres, has succeeded Willard Paterson in the New York office.

Phelps has been with Warners for the past four years. Prior to that he was division manager for RKO and at one time he was also general representative for the Shuberts.

Paterson resigned his Warner post last week to accept the post as operating head of the Publix theatres in Detroit under George Trendle.

# Showmen May Win Fight to Hike Quality

(Continued from page 1)

sphere was reached today at a meeting between M.P.T.O.A. representatives and leading independents at the Ambassador. Present for the exhibitors were Ed Kuykendall, M. E. Comerford, M. A. Lightman, Walter Vincent and Charles E. Williams, while independents were represented by Trem Carr, head of the I.M.P.P.A. and vice-president of Monogram; I. E. Chadwick, vice-president of the I.M.P.P.A. and president of Chadwick Productions, and J. Boyce Smith, vice-president of Inspiration Pictures.

Duals were said to have been opposed and it was reported that sentiment was that independents must be encouraged to make better product. The M.P.T.O.A. confreres repeated their opinion that independents have a definite place because of the necessity of new and independent ideas in production. The exhibitors again went on record for fewer pictures, reiterating their stand that this is the only way to make more quality product.

There is no question that a better understanding of the attitude of both parties was arrived at.

Kuykendall said at the close of the meeting he was authorized to say that the Monday session with the majors resulted in a decision duals should go but that no definite method of arriving at that end had been determined. He added exhibitors had informed producers their own affiliated theatres were among the guilty parties, a fact which, he said, producers admitted. Producers were reported as not having admitted unwarranted dirt had crept into pictures but granted that "some unnecessary material of that nature may have slipped by."

The exhibitor committee to carry the discussion further probably will not be named until Kuykendall returns east.

Los Angeles, April 17.—Ed Kuykendall leaves tomorrow to address northern California exhibitors at San Francisco on Thursday. Later he will visit exhibitors informally at Salt Lake City, Denver and Chicago on his way east.

## Calls Coast Choice Wise

Hollywood, April 17.—The M. P. T. O. A. convention on Hollywood ground was a smart move because "exhibitors made their presence felt," declared Jack Warner today, adding "they made Hollywood realize there was someone else around aside from those of the production colony."

## Small Signs Up Marley

Hollywood, April 17.—Peverell Marley, who did the camera work on "The House of Rothschild," has been signed by Edward Small to film "The Count of Monte Cristo."

## Hope for Meyer Rises

Hollywood, April 17.—Fred S. Meyer continues gravely ill, but at the Cedars of Lebanon Hospital tonight his condition was reported "still fair."

# The Roll-Call of the Stars....

SHOWBUSINESS' "WHO'S WHO" WILL RESPOND NOBLY AND GIVE OF THEIR GIFTED TALENTS ON THE NIGHT OF SATURDAY, APRIL 21st, AT A.M.P.A.'S NAKED TRUTH DINNER, DANCE, ENTERTAINMENT AT THE HOTEL ASTOR.

***A Partial List of Stars Who Are Scheduled To Appear That Evening Includes***

*The jesting* GEORGE JESSEL
*The jocular* JACK BENNY
*Pantomimically suave* JIMMY SAVO
*Glamorous, glorious* GLORIA SWANSON
*That throbbing tenor,* MORTON DOWNEY
*The trio of buffoonery,* 3 RITZ BROTHERS
*The beauteous, lovely* MAE MURRAY
*The exquisite, charming* IRENE RICH
*That scintillating star,* FRANCES WILLIAMS
*The comic with the accordion,* PHIL BAKER
*(And his Beetle and Bottle)*
*That splendid girl,* HELEN FORD
*Russia's hilarious genius,* EMIL BOREO
*That charming personality,* MARY LIVINGSTON
*That madcap team of* JANS & WHALEN
*The radiant and elegant* DOROTHY MACKAIL
*and others . . .*

*Sincere thanks are tendered to*

ARTHUR LYONS and SAM LYONS

*of Arthur Lyons, Inc., for their efforts in arranging for the appearance of these personalities. . . . AMPA feels grateful, but more so will be those unfortunates who will be helped by the humanitarian work being done by the*

FILM DAILY RELIEF FUND and the
MOTION PICTURE CHARITY FUND

LOOKS LIKE A BIG CLEAN UP!
"LOVE THY NEIGHBOR!"
Carole has just moved
into Bing's neighborhood
Ethel Merman sings
"She Reminds Me of You"
Ethel Merman introduces Leon Errol to "A New Spanish Custom"
"MAY I?" . . . why stop to ask, George?


"WE'RE NOT DRESSING" with BING CROSBY

Carole Lombard • George Burns & Gracie Allen • Ethel Merman & Leon Errol

A PARAMOUNT PICTURE . . . Directed by Norman Taurog

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 91 NEW YORK, THURSDAY, APRIL 19, 1934 TEN CENTS

## Darrow to Ask For Specific Code Changes

### *Review Board's Report Ready on Saturday*

WASHINGTON, April 18.—Specific revisions of the film and other codes which the National Recovery Review Board has investigated will be recommended in a report to be submitted to President Roosevelt April 21, it has been made known by Clarence Darrow, chairman of the board.

The submission of the report, it was indicated, will bring the labors of the board to an end, unless and until it is reorganized on a permanent basis.

That section of the report devoted to the film code will go into the matter exhaustively, it was intimated, and

(*Continued on page 6*)

### *No Secretary Named By Clearance Board*

Members of the main local clearance and zoning board were in a deadlock yesterday on the choice of a secretary and have put the matter over until April 26, when another session will be held.

Conferring at the M. P. Club yesterday on the recommendation, the board invited the three applicants to detail in person their qualifications. Sam Moross was immediately disqualified because it was felt that if he were taken on a stenographer for

(*Continued on page 6*)

### *Grievance Hearing Takes Eight Hours*

MILWAUKEE, April 18.—Eight hours were consumed in taking testimony on the first formal grievance aired here under the code. Saxe Amusement Management, Inc., vs. Ashley Theatres Corp., Madison, and Vitagraph, Inc.

The complainants charge that product booked for the Capitol in Madison when they took over the house from Warners several months ago was sold

(*Continued on page 6*)

### *M-G-M Nearing End Of Powers Contract*

M-G-M winds up a two-year releasing deal with Pat Powers at the end of the season and will start production of its own series of color cartoons for 1934-35 shortly.

During the last two years, M-G-M has been releasing 12 "Flip the Frog"

(*Continued on page 8*)

### *Same Film 3 Times*

**Hollywood, April 18.—Oliver Marsh, M-G-M cameraman, is now filming "Merry Widow" for the third time.**

**Marsh photographed the first two-reel silent version in the old days, did the Mae Murray-John Gilbert silent opus and is now working on the Maurice Chevalier-Jeanette MacDonald picture.**

## Levey Laying Plans for His Strike Calls

Local 118, Theatre and Amusement Employes Union, mapped plans yesterday for putting into effect on Saturday its threatened strike against circuits in the metropolitan area.

No general strike will be called, MOTION PICTURE DAILY learned. The present strategy planned by the union is the withdrawal of only limited numbers of employes from strategic circuit houses. By this means the bulk of the union's membership would be kept at work while, at the same

(*Continued on page 6*)

## Para. Suit Award Receives Approval

An order approving settlement for $7,500 of a $150,000 claim filed against Paramount Publix for alleged damages and infringement of a story property was signed yesterday by Referee Henry K. Davis. The claim

(*Continued on page 6*)

## Warners Sue For $105,864 In St. Louis

### *New Angle of Fight for Amusement Company*

ST. LOUIS, April 18.—Another phase of the bitter struggle for control of the St. Louis Amusement Co. has cropped up in the form of a suit by Warners against the amusement company for $105,864 with interest. It has been filed in the U. S. District Court.

Warners acquired control of 93 per cent of the outstanding stock of the St. Louis Amusement Co. when they bought Skouras Brothers Enterprises, Inc., in 1928. When the latter went into bankruptcy, however, 51 per cent of the stock held in the name of the Skouras company, went into the hands of the court's trustees.

In one of the suits it is alleged Warners paid bills and payrolls for

(*Continued on page 8*)

## U. A. Will Have 20 On New Season List

United Artists will release 20 features next season, it was stated officially yesterday. In addition 26 shorts in color will be released. These will be produced by Walt Disney and will consist of 13 Mickey Mouses and 13 Silly Symphonies in Technicolor.

No sales meeting or regional confabs are slated this year, the company going right into the new season without any ado over new product, which will be sold on policies to be set up as the individual pictures arrive from the coast.

## Chance Seen In Contracts To Kill Duals

### *Weigh Clause to This End in New Pacts*

By RED KANN

HOLLYWOOD, April 18.—Falling back on what they feel certain is the right to sell their product under their own conditions, major producers are seriously considering a clause in contracts for the new season prohibiting exhibition of their pictures when coupled with any other feature and in this manner deal a body blow to doubles. Since films are copyrighted articles and license to them is not sold to exhibitors, it is felt producers who may be so inclined have the right to refashion their selling policy along these lines, it was learned today.

This was aired at a joint conference between ranking studio executives and M.P.T.O.A. leaders Monday, with no decision reached as reported earlier, but with the determination to submit such a plan, which continues entirely nebulous so far to legal scrutiny.

It is understood M-G-M, Paramount, Warner and Fox feel their output is carrying minor features on dual bills and is suffering from, or sharing rentals with, secondary prod-

(*Continued on page 6*)

### *No Further Changes Planned by Trendle*

DETROIT, April 18.—No further changes in the United Detroit Theatres management are contemplated at this time, according to George Trendle, as a result of the resignation of Thomas D. Moule as general manager and his replacement by Willard Patterson.

Moule held the post for 15 years, staying over when Kunsky-Trendle turned the houses over to Publix.

Howard O. Pierce stays as advertising and production manager and L. H. Gardner remains as manager of the suburban houses.

### *Laughter Urged as Cure for Bad Films*

WASHINGTON, April 18.—Urging the American people to "laugh" bad films to death, Mrs. Mildred Lewis Russel, chairman of the Better Films Committee of the D. A. R., today submitted to the annual convention of that organization a report criticizing the present trend of producers to turn out "going to have a baby" pictures.

Ill-timed laughter, Mrs. Russel as-

(*Continued on page 8*)

## *Numbers Versus Quality*

By RED KANN

LOS ANGELES, April 18.—"What about the quickies the majors turn out? If independents can be made to stop turning out poor pictures, what are we going to do about the large companies which insist upon turning out *numbers* of pictures instead of pictures? Exhibitors should inform producers in no uncertain terms we don't want and can't use 400 to 500 to 600 a year. Until we get a curtailment in product, we get nothing and any time we may have spent here is wasted."

M. A. Lightman did the talking and sounded a vital problem which, while it came to light at the M.P.T.O.A. convention, proved a revival of an old and vexatious problem about which nothing has been done in the business since it went into the major classification.

(*Continued on page 8*)

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## "One Night" Is First Of Herald Champions

"It Happened One Night," "Death Takes a Holiday," "Spitfire," "David Harum," "Queen Christina" and "Palooka" have been selected as *Motion Picture Herald's* box-office champions for March in the order named.

## Federation Board Meets

Federation of the M. P. Industry met yesterday at the offices of Harry Thomas, president, to discuss recent attacks on independent production and the double feature policy. A statement on action taken by the meeting will be issued by the organization today, Thomas said after the session.

## Will Discuss Product

Discussions revolving around next season's product from major companies will highlight the two-day meet of Allied eastern units at the Park Central April 24-25. Walter B. Littlefield will preside.

## To Show French Picture

"La Maternelle," a French picture, will be given a preview on the *Champlain* tomorrow night. John S. Tapernoux is handling the film in this country.


**BEN BLUE**
*Under Contract*
WARNER BROS.
VITAPHONE STUDIO
Now Making Personal
Appearances in England
*Direction of*
JOE RIVKIN — Leo Morrison Agency


# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Double Door"

(*Paramount*)

HOLLYWOOD, April 18.—"Double Door" purports to be drama based on the lives of two New York spinsters of amazing wealth and legendary home life. It reveals the dominant sister as the maniac ruler of the house, exercising tyrannical power over her spinster sister, thwarted in love, and also against a weakling brother who has dared to marry and whose bride she browbeats also.

Seldom has such a menace been depicted—loveless, envious and jealous, absorbed only by lust for power and gold. The central character will give audiences plenty of opportunity to hiss and vent their feelings.

Screened with the sub-title "The play that shocked Broadway," this melodrama is dour in mood and sinister in theme, yet has dramatic suspense.

The production is rich and nicely directed. Evelyn Venable and Kent Taylor supply the romance. Mary Morris, playing the lead, makes her character completely venomous. Sir Guy Standing and Ann Revere give able support. The production is unrelieved by humor.

Without box-office names to attract, selling the picture becomes a problem, unless it can be: "Come and Hiss a Hateful Dame."

## Honor Universal Booker

CHICAGO, April 18.—In recognition of 18 years of service, Walter Hyland, booker at the Universal exchange here, is being honored by having the week of May 6 to 12 designated as "Walter Hyland Week." It is one of the few instances in which such distinction has been accorded a booker.

## Astor-Marcy in Deal

R. M. Savini of Astor Pictures has closed a deal with M. A. Marks of Marcy Pictures whereby the latter will distribute Astor product in New York and northern New Jersey. The pictures include 12 three-reel "Bud 'n' Ben" westerns, three of which have been released, "Killers of the Chaparral" and other shorts.

## Glick Leaves for Coast

Hyman J. Glick, comptroller of Mascot Pictures, left yesterday for the coast to discuss product with Nat Levine. En route, Glick will stop over at Buffalo and Chicago for conferences with franchise holders.

## Waldorf Now a Cinema

The former Waldorf, at 153 West 49th St., is scheduled to open tomorrow as the "Westminster Cinema" on an all-British film policy. Two Gaumont-British pictures, "The Prince of Wales" and "Just Smith," are booked for the opening program. A syndicate under the name of Westminster Cinema, Inc., has been formed to operate the house, a 200-seater, without balcony, which formerly housed an occasional stage play.

## Book Woollcott Short

Alexander Woollcott's first short, "Mr. W's Little Game," has been booked into the Rivoli, starting next Wednesday. It was directed by Lynn Shores under the supervision of George Goman.

## Amity Secures 'Morning'

John M. Crinnion of Amity Pictures has secured distribution rights to "Before Morning," in which Leo Carrillo is starred.

## Columbia Up 1¾ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30⅞ | 30 | 30⅞ | +1¾ | 1,800 |
| Consolidated Film Industries | 4⅝ | 4⅜ | 4½ | + ½ | 600 |
| Consolidated Film Industries, pfd | 17 | 16⅛ | 16⅞ | +1⅛ | 3,400 |
| Eastman Kodak | 93⅛ | 91⅝ | 93 | +1⅛ | 2,500 |
| Eastman Kodak, pfd | 135 | 135 | 135 | —1 | 4,000 |
| Fox Film "A" | 16⅞ | 16¼ | 16⅜ | — ⅛ | 4,600 |
| Loew's, Inc. | 34¾ | 34⅛ | 34¾ | + ½ | 11,600 |
| M-G-M, pfd. | 26 | 25¾ | 26 | + ¼ | 400 |
| Paramount, cts. | 5⅜ | 5¼ | 5¾ | + ⅛ | 4,600 |
| Pathe Exchange | 3⅜ | 3¼ | 3¼ | ..... | 6,900 |
| Pathe Exchange "A" | 23¼ | 22 | 22⅞ | +1¼ | 12,200 |
| RKO | 3⅝ | 3⅜ | 3⅝ | + ¼ | 4,300 |
| Warner Bros. | 7⅞ | 7⅝ | 7⅝ | — ⅛ | 4,600 |
| Warner Bros., pfd | 29⅞ | 29½ | 29⅞ | +1⅜ | 300 |

## Technicolor Falls ¾ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10 | 9¼ | 9¼ | — ¾ | 600 |
| Trans-Lux | 2½ | 2½ | 2½ | ..... | 100 |

## Warner Bonds Rise 1¼ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10½ | 10⅜ | 10½ | ..... | 18 |
| General Theatre Equipment 6s '40, ctf | 9⅜ | 9¼ | 9¼ | + ¼ | 8 |
| Keith B. F. 6s '46 | 71 | 71 | 71 | ..... | 2 |
| Loew's 6s '41 ww deb rights | 101½ | 101 | 101½ | + ½ | 22 |
| Paramount Broadway 5½s '51 | 38 | 38 | 38 | ..... | 6 |
| Paramount F. L. 6s '47 | 53¼ | 53 | 53¼ | ..... | 21 |
| Paramount Publix 5½s '50 | 54 | 53½ | 54 | ..... | 16 |
| Pathe 7s '37, ww | 97¾ | 97¾ | 97¾ | + ¾ | 3 |
| Warner Bros. 6s '39, wd | 66¼ | 65 | 65¾ | +1¼ | 128 |

# Purely Personal

HOWARD DIETZ, E. M. GLUCKSMAN, JULES LEVY, PHIL REISMAN, MORT SPRING, JOE VERGESSLICH, EUGENE PICKER, DAVE BLUM, EDWARD SCHNITZER, HOOT GIBSON, HARRY H. THOMAS, LEO ABRAMS, HARRY SHIFFMAN, LOUIS GELLER, ROBERT WOLFF, HENRY RANDELL, LOUIS PHILLIPS, JOSEPH SEIDELMAN, CHARLES C. PETTIJOHN, CHARLES ROSENZWEIG, MAX COHEN and IRVING WORMSER among those at the M. P. Club yesterday.

HOOT GIBSON has delayed his trip to London until June when he will begin work on "A Cowboy in London" for Warners. He expects to make others for the company along the same lines. Tomorrow he opens at the Fay, Philadelphia, for a week's personal appearance and will follow in W. Va., Va. and Ohio Loew and Warner houses.

MARTIN BECK, ROBERT HUREL, president of Frence-Film, Canadian distributing agency; BEN BLUE and MRS BLUE; HELEN SONNENCHEIM, secretary to ERICH POMMER, will be among the arrivals on the *Champlain* today.

KEN MAYNARD has cut short his European vacation by eliminating Egypt from his itinerary. He sailed yesterday on the *Olympic* for New York.

AL HALL, Paramount director, is at the Warwick. It's his first visit to the big town in six years. ESTHER MUIR and SAM COSLOW are also registered at the same place.

CELIA VILLA, daughter of PANCHO, who came to New York for the opening of "Viva Villa," will be interviewed at midnight today over station WEVD.

JOSEPH M. SCHENCK, AL LICHTMAN, SAM HARRIS and HARPO MARX leave tomorrow for a week's vacation. They'll all leave together for parts unknown.

JACK DALY, casting director for "Bud" Pollard, is in town looking for talent. He is conducting interviews in the RKO Building.

SAM JAFFE, now in New York on vacation, has been recalled to the coast by SAMUEL GOLDWYN to start work in "Barbary Coast."

SOPHIE TUCKER will give a press luncheon at Sardi's on Tuesday before leaving for Europe.

JOHN C. FLINN was in Boston yesterday, but will be back at Campi headquarters today.

JUNE KNIGHT will leave Sunday for the coast. She expects to have her tonsils removed.

HERMAN RUBY is back from a two-week vacation in Havana and Panama.

JEROME KESSLER, secretary of Mascot Pictures, yesterday became engaged to HELEN SPITZER.

LORETTA YOUNG, 20th Century player, arrived yesterday for a vacation.

## Suchman Daddy Again

Al Suchman, executive booker and buyer for Consolidated Amusements, has become a daddy for the second time. The latest arrival is Barbara Joan, weight six pounds, 11 ounces.

# —he came!
# —they saw!
# —he conquered!

Clark Gable is the idol of the fans today! While "MEN IN WHITE" continues to delight packed theatres, along come the first rave notices of the California preview of "MANHATTAN MELODRAMA." Coast Variety says: "Exceptional money promise. Clicking in every department with shrewd showmanship. Powerful exciting drama." Hollywood Reporter says: "Smash success. Hit picture. Combination Gable, Powell, Loy sure-fire. All the elements of a smash hit. Chalk up another for David Selznick and M-G-M."

LEO MARCHES ON!

5 REASONS WHY TRADE DEMANDS
IMMEDIATE PRE-RELEASE OF
WARNERS' NEW IDEA IN MUSICALS
DICK POWELL
GINGER ROGE
PAT O'B
4 MILL
TED FIC
3
AVAILABLE NOW!
20
Million
SWEET-
HEARTS

1
Because Film Daily calls it "grand entertainment for anybody...easily the best picture thus far in a broadcasting background".
2
Because M. P. Daily says it "is sparkling show entertainment all the way.....Should bring them in and send them out boosting".
3
Because Los Angeles Herald-Express says it "clicks off a new high in cinematic musicals . . . fairly sizzles with action and surprises".
4
Because M. P. Herald calls it "entertainment that entertains . . . fast-moving, novel, clean, clever".
5
Because Variety Daily declares it "offers a double box-office lure...ace radio names...and distinguished performances and direction".
EN
ROS.
O & BAND
DIO ROGUES
E 3 DEBUTANTES
MUZZY MARCELLINO
ALLEN JENKINS
Songs by WARREN & DUBIN
Directed by RAY ENRIGHT
A First National Picture. Vitagraph, Inc., Distributors

# Chance Seen In Contracts To Kill Duals

(Continued from page 1)

uct as result of the widespread use of twin shows throughout the country. If this move crystallizes into definite action, the understanding is the step must be and would be reached by individual action, thereby those majors who, because of the nature of their business, feel doubles are necessary to continue doing exactly that.

Private discussions here remind of the exclusive publication in MOTION PICTURE DAILY last fall of the situation in Chicago where B. & K. and Essanness were understood to have killed duals by insisting upon a clause in contracts with distributors calling for a refund from the latter if pictures subsequently were coupled with a second feature in any other Windy City theatre.

An alternative proposal to rid the industry of twins revolved around conferences which poised the value in asking Campi to add a clause to the code ruling out twins in any territory where a major exhibitor vote so determined. This varies from the long haranguing during Washington code hearings when it was nip and tuck whether or not the code would contain a clause eliminating duals by a 75 per cent vote in a given territory.

## *George A. Billings Dead*

HOLLYWOOD, April 18.—George A. Billings, 63, died today after a long illness in obscurity at the National Soldiers' Home at Sawtelle. His widow survives. The actor will be remembered as the Abraham Lincoln of Al Rockett's silent production based on the life of the Emancipator.

## *Plan Coney Island House*

Plans for a 1,200-seat house to be located on the northeast corner of Surf Ave. and West 32nd St., Coney Island, have been filed by Herman Weingarten of Brooklyn. Construction is scheduled to start before Sept. 1. C. A. Sandblom is architect.

## *Cantor on Coast Today*

HOLLYWOOD, April 18.—Eddie Cantor, accompanied by Fred Kohlmar, recently appointed production executive for Samuel Goldwyn, arrives here tomorrow and will immediately go into conference on his next picture, which starts June 1.

## *Few at Karl Dane Rites*

HOLLYWOOD, April 18.—Karl Dane, who died by his own hand over his failure to get work, went to his grave in Hollywood Cemetery almost ignored today. Tom O'Brien and Jean Hersholt were among the pallbearers.

## *Off on Talent Search*

HOLLYWOOD, April 18.—David O. Selznick, Howard Estabrook and George Cukor left tonight for New York on their way to London for talent for M-G-M's production of "David Copperfield."

# Para. Suit Award Receives Approval

(Continued from page 1)

was brought by Harry and Margarita Cort, authors of "Once a Woman" and "Black Butterfly," who alleged infringement of those properties by Paramount's production. "Once a Lady." The settlement brings to an end a suit for $150,000 which was pending in a Los Angeles court.

A review of Referee Davis' order disallowing the claim for $2,000,000 of General Talking Pictures Corp. and De Forest, and the claim of American Tri-Ergon for an undetermined amount, which was scheduled for a hearing before Judge Francis G. Caffey in U. S. District Court here yesterday, was postponed to May 2 at the request of the claimants.

Decision was reserved by Judge Caffey on a review of Referee Davis' order expunging a rent claim of the Georgia Realty Co., Atlanta, for $674,666, which had been filed against Publix Enterprises, bankrupt theatre subsidiary of Paramount Publix.

# Silent-Sound Film Programs Get Test

KANSAS CITY, April 18.—Silent films are to be a weekly feature at the Colonial and Southtown, local neighborhoods, as a result of an experiment conducted by W. D. Fulton, who combined silent and talking pictures on one bill last week. Fulton said grosses showed a spurt.

"Beau Geste" was chosen as the representative film of the pre-talk era. In contrast, the combination included "Lady Killer" at the Southtown, and "The Prizefighter and the Lady" was on the double bill at the Colonial later in the week. The programs were shown two days at each house.

The novelty was billed in 20,000 heralds as the "world premiere of Silent vs. Sound." Advertising was directed to those who regret the passing of the silent film and to the new crop of fans to whom talkless pictures are a novelty.

## *Wins Suit in Sale Of "Padded" House*

DENVER, April 18.—The Colorado Supreme Court has affirmed the award of the district court of $4,290 damages because of losses incurred by Mrs. Clara Moidel in the purchase of the Comet from Mr. and Mrs. Frances Micheletti.

Mrs. Moidel claimed that because the Michelettis had represented the gross at the Comet to be $450 a week and because of the large number of passes making it appear large crowds attended regularly, she agreed to purchase the theatre for $6,000, and also to take an option on the building and real estate.

After operating the theatre she found the receipts were far below the $450, and sued for damages. In the meantime Micheletti had been killed in an auto accident.

## *Col. Loans Miss Sothern*

HOLLYWOOD, April 18.—Samuel Goldwyn has closed a deal with Columbia for the loan of Ann Sothern for one of the leads opposite Eddie Cantor in his next film.

# Darrow to Ask For Specific Code Changes

(Continued from page 1)

will show not only where revision should be made, but just how it should be accomplished.

All hearings have been canceled and dissolution of the board is looked for, because of differences of opinion on procedure among members. Due to these differences the report has been revised repeatedly, and is said to be of such a nature even now that all of the members will not sign, although officials do not believe any member will go so far as to submit a minority report.

It is expected John F. Sinclair of New York will be one of the members who will not sign. He has consistently maintained that the board should not recommend specific changes in codes without first securing technical information.

## *No Secretary Named By Clearance Board*

(Continued from page 1)

taking notes would have to be employed and this would double the expense.

Florence Abramson of the Film Board then appeared and gave her background and was followed by Rosamond H. Scull, who is secretary to the sales entry clerk at the Warner New York exchange. A vote was taken and the members were evenly divided on the selection. Both girls are considered unusually capable and further details are being sought.

Attending the conclave were Robert Wolff, chairman; Judge Alfred E. Steers, impartial member; David Loew, Harry Shiffman, J. Louis Geller, Leo Abrams and Edward Rugoff. Geller was alternate for Lawrence Bolognino, who is on the coast.

## *Grievance Hearing Takes Eight Hours*

(Continued from page 1)

to Ashley Theatres, operators of the Strand, Parkway and Orpheum in Madison, and that as a result they do not have sufficient product to finish the season.

Saxe charges Ashley with overbuying and that they are now playing double first run features in several of their houses in order to use up their product. Elias Mayer, Chicago, attorney for Ashley, objected to the hearing on the ground that the compliance board at Madison had already referred it to Washington. This objection was overruled. An early decision is expected.

## *Inter-Mountain Men Discuss Code Issues*

SALT LAKE CITY, April 18.—Code problems and the work of the grievance board were the principal topics of discussion at the last meeting of the Inter-Mountain Theatres Ass'n. New clearance schedules are wanted.

C. E. Huish, president, said every effort was being made to bring about cooperation between distributors and exhibitors. Conferences with exchange managers are to be held soon.

# Levey Laying Plans for His Strike Calls

(Continued from page 1)

time, the union would picket houses in which some of its own membership continued at work. The union membership includes ushers, doormen, janitors, matrons and watchmen.

The union demands a "closed" shop and acceptance of a new wage scale for its members by noon today. Circuits gave no indication yesterday that they would yield.

Local 118 has received a reply from Division Administrator Sol A. Rosenblatt to a request for a reopening of the film code to negotiate higher minimum wages for the classes of employes represented by the union's membership, in which Rosenblatt states the code will not be reopened at this time. The reply sets forth that the minimums prescribed in the code were drawn from a national viewpoint and, as far as the NRA is concerned, were never intended to be made the maximum scales.

## *Midland Scale Goes Up for "Rothschild"*

KANSAS CITY, April 18.—Decision by Loew's to boost the Midland's top from 25 cents to 40 cents for "The House of Rothschild," dated for the week beginning April 28, has stirred speculation whether the higher price is to remain in deference to many demands that downtown first runs raise their admission scales. It is pointed out that should the circuit retain the higher scale as a permanent policy, it would go a long way toward a solution of the local price situation.

John McManus, Midland manager, said the increased admission is for the week of "Rothschild" only and reverts to 25 cents at the end of the run. The scale for the week will be 25 cents until 6 P. M. and 40 cents thereafter, marking the first departure from the Midland's low price since it was adopted 16 months ago.

## *South Carolina Tax On Theatres Is Cut*

CHARLOTTE, April 18.—Under a new tax bill just passed by the Legislature of South Carolina the 10 per cent admission tax is replaced by a graduated tax on theatres, according to seating capacity and population. It is figured this will cut the annual theatre tax by from $80,000 to $100,000.

## *Walsenburg Co. Quits*

DENVER, April 18.—The Walsenburg Amusement Co., which operated the Valencia and Rialto at Walsenburg, Col., until selling to F. W. C. several years ago, has been dissolved. The papers were signed by Paul Krier as president and P. A. Wyat as secretary.

## *Denver Scales Up Again*

DENVER, April 18.—The third price boost at the Orpheum since the return of stage shows has been put into effect without cutting down attendance. Starting at 40 cents, top has been made 50 and 55 cents.

RADIO CITY
TODAY
THE HAPPIEST AUDIENCE
in
NEW YORK CITY
is crowding
RADIO CITY MUSIC HALL
Enthralled, amazed and delighted by the 1,001 surprises in
"STAND UP AND CHEER!"
THE SHOW OF 1,001 SURPRISES
A FOX PICTURE

# Warners Sue For $105,864 In St. Louis

(Continued from page 1)

the amusement company totaling $9,264 between Nov. 15, and Nov. 28, 1931, and that $8,945 of this is still due. In another action the charge is made that Warners advanced $47,499 to the circuit between Aug. 16, 1930, and March 31, 1934, and that $46,919 of this amount is still due.

The third suit, brought on a note of April 9, 1930, for $30,000 and a second note for $20,000 dated April 28, 1930, seeks interest at six per cent. The same rate of interest is asked on the $8,945 action, while in the suit for $46,919 interest amounting to $6,055 is asked. The suit for $8,945 was brought in the name of Warner Brothers Theatres, Inc., and the others under the name of Warner Brothers Pictures, Inc.

## *Laughter Urged as Cure for Bad Films*

(Continued from page 1)

serted, will kill a picture quicker than anything else.

Mae West's third film will show conclusively whether the public likes her type of production, it was declared. The success of the first two pictures was attributed to their novelty.

A continued drive in support of good pictures is the only way in which the screen can be improved, the report stated, and education was indicated as being better than censorship in bringing this about.

## *Catholics in Cincy Sign Decency Pledge*

CINCINNATI, April 18.—Many thousand Catholics are reported to be pledging themselves to remain away from pictures which offend decency.

The pledges were distributed in all local Catholic churches Sunday by the Legion of Decency. The Legion also seeks to "arouse public opinion against the portrayal of vice as a normal condition of affairs, and against depicting criminals of any class as heroes and heroines, presenting their filthy philosophy of life as something acceptable to decent men and women," to quote the language of the pledge.

## *M-G-M Nearing End Of Powers Contract*

(Continued from page 1)

and 12 "Willie Whopper" cartoons, produced by Ub Iwerks for Powers. Iwerks will continue making cartoons for Powers, who will distribute independently next season.

With the end of relations between Powers and M-G-M, Harry Cohen, contact man for Powers at the distributing company's headquarters, has been dropped.

Two animators, formerly with Walt Disney and Leon Schlesinger, have joined M-G-M and are now lining up a staff to start work shortly on the first of 12 cartoons to be done in three-color Technicolor process.

# *Numbers Versus Quality*

(Continued from page 1)

Facts are lacking, or at least impossible to officially nab, to back up Ben Berinstein's statement that "every major producing company was figuring on adding to its program in order to land some of the revenue available from double bills."

Yet this writer is reminded of what he learned in New York prior to this western trek. One major company, hearing another in its same classification planned to trim for 1934-35, immediately revamped its temporary plans for the new season by contemplating 10 additional pictures. Thereby it filled in an impending gap in the industry's commitment, founded on what is a mystery, to turn out next year what it produced this and all the years before it.

▼

Several exhibitors at the convention asked why it was that M-G-M, for example, insisted on making 52, Paramount 60 to 65, Warners 60 every year. "I'll tell you why," volunteered Walter Vincent. "It's because each producer is afraid some other producer will tie up more of your time if he makes less pictures."

The problem of industry production has been thrown around from year to year, dodging and defying solution simply because no one has ever paid serious attention to it. The other night someone remarked what a fine job Jeff McCarthy had done in dry cleaning advertising.

"It's marvelous, isn't it?" was the comment.

"Yes, it is," was the reply, "but the explanation is very simple. It happened and that quickly because the determination to do so was developed and McCarthy was backed to the limit in the job assigned to him."

While this may have nothing to do with the point under discussion, it, nevertheless, has in that the failure to solve the question of production and possible overproduction subjects itself to the same underlying reason for the success which has marked the move toward less objectionable advertising.

▼

It is doubtful if any thorough analysis of market requirements ever has been made. Exactly how many pictures are necessary each year to supply the theatres of the land? Who knows, anyway?

There appears to be little or no effort to adjust production to fit the needs, but rather a lone-hand endeavor, individually carried forward and predicated on tying up as many playdates as possible with celluloid firstly and with what's caught on that celluloid, secondly.

Louis B. Mayer's attack on exhibitors was built largely on the theory showmen expected a hit every week, plus the admission on his part that neither M-G-M nor all Hollywood studios combined could deliver on that basis. Exhibitor rejoinder was: "Why make 52? Who told you to?"

The argument is bromidic and frosty with age, but repetition fails to weaken the observation that, if pictures drop in number, they may increase in quality. It does not necessarily follow that this is true, but the chances are for it.

▼

The argument that the flow of pictures is determined by the number of program changes and competitive theatre situations rates consideration naturally, but likewise does the argument that pictures can and are held over when they rate. "David Harum" and "It Happened One Night" are demonstrating that rather generally up and down the land. There is no need to go into "Three Little Pigs."

Showmen, as demonstrated here, understand every release cannot click, are ready to be satisfied with about one in five and prepared at any and all times to extend playdates when the product is commercially meritorious. It's obvious that they should be. In fact, they are.

▼

If events bear out the fears expressed during the meetings here that major distributors actually will increase their programs to hurdle the 10 per cent cancellation clause to which all of them are committed under the code, the situation would be unfortunate indeed. Since all of the principal studios are compelled to make more pictures than they can attractions under the present, archaic system, the consequences of stepping up schedules to maintain present day averages can result in only one way: more poor pictures.

Why aren't fewer pictures made? The bogey of lost playing time is one reason, but a bogey it is since the chance that pictures will improve brings a more certain chance of extended playing time. Producers, reluctant to relinquish what they think they have now, say privately that, if they cut, independents will step into the gap. Undoubtedly true, but what of it?

It's what's on the spools, not the number of spools that tells the story.

## *Change "Firebrand" Title*

HOLLYWOOD, April 18.—United Artists has changed the name of "The Firebrand," starring Constance Bennett and Fredric March, to "The Affairs of Cellini."

## *Salesmen to RKO Meet*

RKO is considering taking all salesmen to Chicago to attend the annual sales meetings at the Drake Hotel June 18-20. The dates were finally approved yesterday by the hotel.


*Spot News from Columbia*

LANDI'S glamor, Morgan's brilliance, Schildkraut's romance — all in one great picture!

An amazing and absorbing drama of two men who loved the same woman and the love of two women for one man that made them sisters under the skin.

We'd advise you to date this one right now! ELISSA LANDI in "Sisters Under The Skin", with Frank Morgan, Joseph Schildkraut. Directed by David Burton.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 92 | NEW YORK, FRIDAY, APRIL 20, 1934 | TEN CENTS

## Seven of Nine "U" Directors Are Reelected

### *Schine and Klee Replace Mastroly, Walsh*

WILMINGTON, April 19.—Seven of the nine directors of Universal Pictures Co., Inc., were reelected at the annual meeting of stockholders of the company held here today. J. Myer Schine, up-state New York circuit operator, and Simon J. Klee, New York manufacturer, were the additions to the board. They replace Frank Mastroly and E. F. Walsh.

Reelected were: Carl Laemmle, P. D. Cochrane, Charles B. Paine, Helen E. Hughes, James R. Grainger and Willard F. McKay, for the common

(*Continued on page 2*)

## Pathe Hopeful on RKO Notes—Webb

A "substantial recovery" by Pathe Exchange on its $1,696,550 of RKO notes now "appears probable," Stuart Webb, Pathe president, declares in his annual report to be submitted to stockholders April 24.

The report reveals also that steps are being taken by Pathe to simplify its capital structure in order to facilitate financing of its contemplated future expansion program. "It is desir-

(*Continued on page 6*)

## *More Code Finance Problems Up Today*

With Nathan Yamins acting as chairman, the committee on finances, consisting of W. C. Michel, alternating for S. R. Kent, and Harold S. Bareford, substituting for H. M. Warner, will meet this morning at Campi to discuss ways of assessing producers and distributors $90,681 as half of the code budget expense. The other half is being derived from exhibition.

## *Clearance to Stand Pending Objections*

Unless protests are made against changes in local clearance and zoning schedules the current drafts will stand, it was pointed out yesterday by Campi with the release of the official blank for filing protests.

In addition to identifying himself, the exhibitor must specify the theatre he represents on the standard form. Also, he must "state the nature of his

(*Continued on page 6*)

## Federation to Have Board on Ads and Films

### *Indies Favor Cleanup; Three to Be Named*

Endorsing the production of "clean" pictures and setting up an arbitration board of three members to hear complaints against violators of both production and advertising ethics, the Federation of the M. P. Industry, representing leading independent producers and distributors, will endeavor by this means to regulate production and advertising practices of its members, it was stated yesterday.

The move comprises a rejection of a recent invitation extended the independents by the M.P.P.D.A. to avail themselves of the facilities of the latter organization for the control of production and advertising ethics. These

(*Continued on page 8*)

## *Another Interstate Subsidiary Formed*

DOVER, April 19.—Interstate Circuit, Inc., was chartered here today, listing capital of $10,000. The incorporators are Walter W. Gross, Joseph H. Courtney and J. D. Van Wagoner of New York.

This is a company organized pursuant to an agreement between Karl Hoblitzelle of Dallas, and the trustee for Publix Enterprises, by which certain holdings of Southern Enterprises of Texas were merged with Interstate.

## *Loew's, Montreal, Reports $702 Loss*

MONTREAL, April 19.—Mansfield Theatre Co., Ltd., operating Loew's Theatre as a subsidiary of Famous Players, has reported a net operating loss of $702 for the past fiscal year, as compared with small profit for the previous 12 months. Loew's, with its

(*Continued on page 8*)

### *Solving It*

**Kansas City, April 19.—As a solution of the cut-price, double-billing, giveaway war in progress here, L. J. McCarthy, Fox Midwest district manager, suggests that a dime be handed out with every pass and a five-cent refund with every 10-cent admission.**

**If that sounds screwy, it's not more so than some of the amazing schemes in operation among the suburbans.**

## Union Strike Calls Put Up To Rosenblatt

An effort to avert the threatened strike tomorrow of Local 118, Theatre and Amusement Employes Union, will be made by Division Administrator Sol A. Rosenblatt at a meeting today with Charles C. Levey, treasurer of the local.

The meeting is scheduled to take place this afternoon at Code Authority headquarters.

The meeting was arranged as

(*Continued on page 6*)

## *NRA Seeks Prevent Dubinsky Labor Row*

KANSAS CITY, April 19.—Robert K. Ryland, St. Louis, state NRA compliance director, intervened today at the behest of Administrator Hugh S. Johnson to forestall impending labor trouble at Dubinsky houses. Notice, effective Saturday night, has been

(*Continued on page 8*)

## *Ferguson Is Named President of Ampa*

No opposition slate having been offered, William Ferguson of M-G-M yesterday was unanimously elected president of the Ampa. With him on

(*Continued on page 2*)

## Kansas Rules "Bank Nights" Are a Lottery

### *Attorney General Acts On KMTA's Request*

KANSAS CITY, April 19.—The business stimulator known as "bank night" is in violation of the Kansas lottery laws, Roland Boynton, state attorney general, has informed R. R. Biechele, secretary of the K. M. T. A., who requested an opinion for the benefit of members.

The attorney general made the same ruling to the Central States Theatrical Premium Co. of Kansas City.

According to information furnished the attorney general, the plan works as follows: "A register book is placed near the box-office with a sign thereon stating, 'Register here to get free bank account.' The public at large is permitted to register, each person being permitted to register but once. Each registration is numbered. On the night of drawing a number corresponding to each registration is placed in a hat or other receptable and is drawn therefrom. The person whose registration number corresponds to the number drawn is given a prize

(*Continued on page 8*)

## Shows, Vaude Have Spurt Around K.C.

KANSAS CITY, April 19. — Stage shows and vaudeville have taken a decided spurt in this area since theatre business began showing signs of improvement. Kansas City boasts stage shows at three first runs this week, whereas there has been only one in the past, and that not a regular policy.

Currently, the RKO Mainstreet has

(*Continued on page 8*)

## *Casino's Vaudefilm To Start April 27*

Starting April 27, the Casino enters a picture-vaudeville policy similar to the Roxy, its neighbor. First run pictures and six acts of vaudeville at the same scales current at the Roxy will prevail at the Casino.

For the past two days Louis Blu-

(*Continued on page 8*)

## *S. C. 10% Theatre Tax Is Reported Repealed*

HOLLYWOOD, April 19.—Charles C. Pettijohn has advised the Hays office South Carolina today repealed the 10 per cent state theatre tax, which had been in effect since 1918.

## *First Grievance Award Made; Saxe Wins Ruling*

MILWAUKEE, April 19.—The first grievance complaint to be heard by any board has been decided here. The hearing took place earlier in the week and the decision was rendered today.

The first case to make the code books is that of the Saxe Amusement Co., which filed a protest with the local board against the Ashley Theatres Corp. and Vitagraph, charging that product booked for the Capitol, Madison, upon acquisition from Warners by Saxe was disposed of to

(*Continued on page 8*)

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MAURICE KANN
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*Advertising Manager*

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

## Complete N. V. A. Short

A nine-minute short to be used in the N. V. A. Drive has been completed, according to Major L. E. Thompson, chairman. Stars who contributed their services include Walter Huston, Robert Montgomery, Lanny Ross, Jimmy Durante and Block & Sully. It will start running May 4 in Paramount-Publix, RKO, Loew, Warner, Skouras, F. W. C. and U. A. theatres.

## Drop Danville Opening

DANVILLE, KY., April 19.—Plans for opening the Warner Kentucky for Sunday shows before the new law goes into effect in June have been dropped. At 2 o'clock last Sunday a delegation of men from various churches headed by the sheriff gathered at the box-office, prepared to arrest theatre employes if tickets were sold.

## Governor at Music Hall

Governor A. Harry Moore and about 90 state officials were guests of Col. Arthur F. Foran, chairman of the New Jersey Highway Commission, at a showing of "Stand Up and Cheer" at the RKO Music Hall last night. Nick Foran, who makes his screen debut in the film, is a son of Col. Foran.

## Romberg Luncheon Host

Sigmund Romberg, president of the Song Writers' Protective Ass'n., will be host at a luncheon tomorrow at the Astor to formulate plans for a benefit to be given by the association for the Authors' League Fund at the Casino de Paree on May 22.

# G. T. E.–Chase Agreement in Court May 1

WILMINGTON, April 19.—Chief Justice Daniel J. Layton today fixed May 1 as the date for a hearing on a petition of U. S. Senator Daniel O. Hastings, Wilmington receiver for General Theatres Equipment, Inc., for authority to enter into a compromise agreement with the Chase National Bank.

The agreement provides that the bank will reduce its claim against General Theatres from in excess of $20,000,000 to $15,310,832.19 and that the bank will assist in the reorganization of the company. It will also give General Theatres an option to buy 325,000 shares of Fox Film Class A stock at $15 per share.

## Sales Tax in Ohio Gets Worst Defeat

COLUMBUS, April 19.—The general sales tax, reduced from three to two per cent, was defeated in the House today for the fourth time within a year. The vote was 55 for and 58 against, with 68 votes necessary for passage. It was the worst defeat ever received by the proposal.

A motion to reconsider the bill was carried in the House later with an amendment to make allocations by individual counties on the basis of actual loss incurred from the real estate tax limit voted favorably at the November election. This assures another vote for the tax bill.

## Jacob Bohrer, 70, Dead

CINCINNATI, April 19. — Jacob Bohrer, 70, for 28 years leader of the orchestra at Keith's until the elimination of combination programs at the house in 1928, died here today of a heart attack. His widow and a son survive.

# Seven of Nine "U" Directors Are Reelected

(*Continued from page* 1)

stockholders; R. H. Cochrane for the second preferred holders, and Schine and Klee for the first preferred holders.

Schine was a former executive in the Universal Chain Theatre Corp. Klee is president of the Washington Mfg. Co., 212 5th Ave. He is a friend of Laemmle's of long standing.

The directors are slated to meet in New York within the next few days to elect officers for the coming year.

Reports that Hiram S. Brown, former head of RKO, would make a proxy bid for a place on the Universal directorate failed to materialize. Brown's name was not advanced for the board, so far as could be learned here.

## Ferguson Is Named President of Ampa

(*Continued from page* 1)

the same ticket were Monroe Greenthal of U. A., vice-president; Paul Benjamin of National Screen, treasurer; Harry N. Blair of Associated Publications, secretary.

The board of directors consists of Ferguson, Greenthal, Benjamin, Blair, John C. Flinn, Louis Goldberg, Rutgers Neilson, Marvin Kirsch and Paul Gulick. Walter Eberhardt is trustee for three years and Hal Horne is representative for the U. S. Chamber of Commerce. Edward McNamee, Vincent Trotta and Martin Starr comprise the auditing committee.

It was announced yesterday no tickets would be available at the Astor tomorrow night when the "Naked Truth" Dinner is held. A report from all committees indicated yesterday that the net income to be divided between the *Film Daily* Relief Fund and the M. P. Charity Fund would run much more than $10,000.

## Many Take Loss on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30⅞ | 30 | 30⅝ | — ¼ | 1,000 |
| Consolidated Film Industries | 4⅝ | 4½ | 4⅝ | + ⅛ | 300 |
| Consolidated Film Industries, pfd | 16⅞ | 16¾ | 16⅞ | ..... | 300 |
| Eastman Kodak | 93½ | 92 | 93¼ | + ¼ | 1,100 |
| Eastman Kodak, pfd | 135 | 135 | 135 | ..... | 1,000 |
| Fox Film "A" | 16¾ | 16⅛ | 16⅜ | ..... | 2,100 |
| Loew's, Inc. | 34⅞ | 34 | 34¼ | — ½ | 16,200 |
| Loew's, Inc., pfd | 97 | 97 | 97 | ..... | 100 |
| M-G-M, pfd. | 26 | 25⅞ | 25⅞ | — ⅛ | 300 |
| Paramount, cts. | 5⅜ | 5⅛ | 5¼ | — ⅛ | 3,400 |
| Pathe Exchange | 3¼ | 3⅛ | 3⅛ | — ⅛ | 2,500 |
| Pathe Exchange "A" | 23¾ | 22½ | 23 | + ⅛ | 9,600 |
| RKO | 3⅝ | 3½ | 3½ | — ⅛ | 3,800 |
| Warner Bros. | 7¾ | 7⅜ | 7½ | — ⅛ | 5,200 |
| Warner Bros., pfd | 29¼ | 29 | 29 | — ⅞ | 200 |

## Columbia Up ¾ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 30 | 30 | 30 | + ¾ | 100 |
| Sentry Safety Control | 5/16 | 5/16 | 5/16 | — 1/16 | 100 |
| Technicolor | 10 | 9½ | 9¾ | + ½ | 400 |
| Trans-Lux | 2½ | 2⅜ | 2½ | ..... | 600 |

## Warner Bonds Slump ¾

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅞ | 10⅜ | 10⅜ | — ⅛ | 54 |
| General Theatre Equipment 6s '40, ctf | 9½ | 9⅜ | 9½ | + ¼ | 23 |
| Keith B. F. 6s '46 | 71 | 71 | 71 | ..... | 4 |
| Loew's 6s '41, ww deb rights | 101½ | 101 | 101½ | + ½ | 16 |
| Paramount Broadway 5½s '51 | 38⅛ | 38 | 38 | ..... | 7 |
| Paramount F. L. 6s '47 | 54⅛ | 53⅜ | 54 | ..... | 23 |
| Paramount Publix 5½s '50 | 54 | 53½ | 53½ | — ½ | 12 |
| Pathe 7s '37, ww | 98 | 97½ | 97½ | — ¼ | 6 |
| Warner Bros. 6s '39, wd | 66½ | 64¼ | 65 | — ¾ | 87 |

# Purely Personal

ROBERT DONAT, who has been signed by Reliance, arrives today from England and will be tendered a press luncheon at the Lombardy on Monday noon. On Tuesday he will leave for the coast to appear in "The Count of Monte Cristo."

MARTIN STARR, who has been handling the "Naked Truth" dinner publicity, shoves off for the coast tomorrow to get started on beauty contest and other business.

FRED ASTAIRE came in yesterday on the *Bremen* and will leave shortly for the coast to start work in Radio's "The Gay Divorcee."

THOMAS MCMORROW, fiction writer, has been signed by Fox to do an original for WILL ROGERS. He will leave soon for the coast.

JACQUES DEVAL, French author, got into town yesterday on his way to the coast to fulfill a contract with Universal calling for two originals.

HARRY C. ARTHUR and IRVING LESSER left for Washington yesterday and expect to spend the week-end there. Both drove down.

HAL HORNE regaled the Ampas yesterday with his humor. In fact HAL'S performance was a better show than the elections.

ARTHUR L. MAYER and MRS. MAYER are on their way to Bermuda for a 10-day vacation.

LAWRENCE BOLOGNINO of Consolidated Amusements returns from the coast next Thursday.

GRADWELL SEARS, A. W. SMITH and CHARLES EINFELD return from the coast on Monday.

ETHEL MERMAN will be interviewed over WOR tonight by RADIE HARRIS.

ROBERT GILLHAM is due back from Hollywood next Tuesday.

## Retain "Century" Title

Harry Cohn has decided to retain "Twentieth Century" as the title of the film now ready for release by Columbia. All employes had been canvassed for a better title, but none was forthcoming.

The picture goes into the Music Hall shortly.

"No Greater Glory" has been booked into the Roxy starting May 4.

## See Hepburn Row Fixed

HOLLYWOOD, April 19.—The anticipated return of Katharine Hepburn to Radio within a fortnight, plus the fact the company has purchased an original by Howard H. Spellman, story editor, leads to local reports that the studio and the actress have settled their differences.

## McDonough West May 1

HOLLYWOOD, April 19.—J. R. McDonough is due here May 1 to spend a month with B. B. Kahane discussing the new Radio program and the company's annual convention at Chicago June 18-20.

## "U" to Do Dickens Yarn

HOLLYWOOD, April 19. — Charles Dickens' "Great Expectations" is to be filmed by Universal.

# MESSAGE FOR WINFIELD SHEEHAN

SORRY YOU CANT BE HERE TO WITNESS =TREMENDOUS RECEPTION "STAND UP AND CHEER" AT RADIO CITY MUSIC HALL. 1200 IN LINE WAITING FOR DOORS TO OPEN THIS MORNING. HOUSE CRAMMED TO CAPACITY AND S.R.O. WITHIN HOUR OF OPENING TIME. AUDIENCE INTENSELEY ENTHUSIASTIC APPLAUDING HIGH POINTS. CONGRATULATIONS. JOHN D CLARK

# "STAND UP AND CHEER!"

## THE SHOW OF 1,001 SURPRISES

A FOX PICTURE

# EVERY *Woman* WILL WANT

# EVERY *Man* TO SEE IT!

The tender, rapturous, impassioned love . . . of Richard Aldington's international best-seller . . . lifted to glorious heights by the brilliant acting of its inspired cast!

# ALL MEN ARE ENEMIES

with

**HUGH WILLIAMS**
**HELEN TWELVETREES**
**MONA BARRIE**

HERBERT MUNDIN
UNA O'CONNOR
HALLIWELL HOBBES
HENRY STEPHENSON

Produced by AL ROCKETT

From the novel by RICHARD ALDINGTON

Directed by GEORGE FITZMAURICE

A FOX PICTURE

## Strike Calls Put Up to Rosenblatt

(Continued from page 1)

a result of an appeal to Rosenblatt by the union, which set forth that the minimum wages prescribed by the code for the classifications of employes represented by Local 118 were "insufficient for a decent living." Rosenblatt previously had advised the local that the code's labor provisions would not be reopened at this time for adjustment and suggested that they seek relief through collective bargaining.

The union also sent appeals for "aid and sympathy" during the strike to Mrs. Franklin D. Roosevelt; Norman Thomas, Socialist leader; Heywood Broun, New York newspaperman, and to the *Jewish Daily Forward*. The appeal to the latter asked that it aid in a boycott of Loew's theatres, which, the union's letter charged, were leading the opposition to the ushers', doormen's and janitors' union.

Local 118 had set yesterday noon as a deadline for acceptance of its demands by the circuits, failing which the strike was set to become effective tomorrow.

## *Clearance to Stand Pending Objections*

(Continued from page 1)

protest with sufficient facts in detail to indicate that the existing clearance and zoning is unfair, unjust, unreasonable and inequitable in length and/or area, specifying in detail the facts which will be relied upon in support of the protest."

The protestant must also include the "name and address of all parties concerned, and name of distributors and/or exhibitors claimed to be directly involved."

Three copies of the protests must be made out, all to be filed with local secretaries.

## *Code Board Expense Is Being Tabulated*

A recapitulation on how Campi expects to spend the $181,362 to be collected from distributors, producers and exhibitors is now being made by Executive Secretary John C. Flinn. The report, when completed, will give the number of employes working for Campi and salaries paid them. In addition all other expenses, including rents of the various code offices, will be included. The report will be ready in a few weeks.

## *Seven Secretaries To Be Named Today*

Seven code board secretaries are expected to be approved by Campi today at its regular meeting. Nineteen already have been approved and five cities are not unanimous on their selections.

Basil Ziegler yesterday was unanimously recommended by the Philadelphia boards and his name will be one of the seven to be announced today. Emaline Fineberg is expected to get the Pittsburgh post.

## *Most Code Leases Set*

Leases for quarters for code boards in all cities but two have been signed by Executive Secretary John C. Flinn. Agreements for offices in New York and Detroit were signed yesterday.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Strictly Dynamite"*

*(Radio)*

HOLLYWOOD, April 19.—This is a fair comedy marred by a weak plot and slight overplaying.

Norman Foster, a struggling young poet, is persuaded by his wife (Marian Nixon) to write radio copy to solve their money problem. Posing as a dynamic literati, Foster sells his stuff, purloined from old joke books, to Jimmy Durante, a national radio favorite. Money rolls in until Foster gets tangled with Durante's gal (Lupe Velez). His wife leaves him; Durante fires him; his agent (William Gargan) burns up his contract, and Foster finds himself on the curb. The situation does an about-face when Miss Nixon accidentally sends Foster's most serious poem to Durante, who falls for it as a "new touch" for his program. Miss Nixon returns to her husband, his contract is renewed, and money rolls in again.

Uneven tempo and scattering of laughs keep this one from getting anything but mild reactions. The cast does well enough. The biggest laughs go to Sterling Holloway, a telephone repairman, and Leila Bennett, Foster's secretary. The dialogue, by Milton Raison and Jack Harvey, saves many of the situations. Elliott Nugent directed.

## *"Manhattan Melodrama"*

*(M-G-M)*

HOLLYWOOD, April 19.—"Manhattan Melodrama" is aptly titled. This romantic metropolitan saga of two men and one woman is earmarked for the box-office. All the production values hit the bullseye while preserving a powerful character drama. Punchy dialogue, rapid fire action and thrilling New York sporting shots endow the film with Manhattan's sidewalk flavor. Director W. S. Van Dyke capitalizes every punch, while Clark Gable, William Powell and Myrna Loy contribute outstanding performances.

The story parallels the diverging lives of two New York boys orphaned in the *General Slocum* steamboat disaster and left destitute as their foster father, George Sidney, is killed in a Trotzky riot. Gable becomes a big shot gambler, Powell a district attorney.

Surrendering his mistress, Miss Loy, to Powell, Gable kills the menace, Jackson, ex-Powell aide. Powell prosecutes and convicts Gable, his boyhood pal. Powell is elected governor. His wife, Miss Loy, pleads with him to commute Gable's death sentence. There is a dramatic death house scene which shows Gable urging Powell to stick to his duty, no matter what his fate, and going to the chair so there will be no blot on Mrs. Powell's path to the White House.

The picture has a powerful adult appeal. The three leads shine. Leo Carrillo, Nat Pendleton and Isobel Jewell are effective in the cast. The story teems with talkable showmanship angles for genuine advance interest and entertainment satisfaction.

# *Looking 'Em Over*

## *"The Woman Condemned"*

*(Willis Kent)*

The trouble with "The Woman Condemned" is that it is so engrossed in mystifying that it forgets to clear up the mystery it takes so much pains to build up. This is rather a pity, for the film really succeeds uncommonly well in keeping one guessing all along. But it ends very much up in the air and thereby loses the chance of being considered more than just so-and-so entertainment. Another case of too much plot.

Lola Lane, a radio luminary, goes to a surgeon to have a birthmark removed. She insists that the whole thing be kept a secret—just why, only she knows. During her absence her twin sister visits her apartment and is killed. Claudia Dell, who is hiding in the apartment, sees her shot immediately after Miss Lane's worthless husband leaves. Miss Dell is found in the apartment and charged with the murder. (Why she was there is another of the mysteries.) Miss Dell clears herself and it develops that the murderer is Miss Lane's husband. He had shot the twin sister under the impression she was his wife.

The acting is fair. Other players include Richard Hemingway, Jason Robards, Mischa Auer, Douglas Cosgrove and Tom O'Brien. Mrs. Wallace Reid directed. This is a Progressive picture.

(Additional review on page 8)

## Pathe Hopeful on RKO Notes—Webb

(Continued from page 1)

able," Webb's report states, "to adjust the accumulated dividends on the eight per cent preferred and Class A preference stock, in order that stockholders of all classes may benefit from the future growth of the company. With this in view, a registration application under the Securities Act is now in course of preparation for filing with the Federal Trade Commission."

"Outstanding progress" has been made by Pathe with an x-ray film for medical and scientific purposes, which was placed on the market by Pathe in 1932, according to the report. This, together with the Pathe interest in Du Pont Film Mfg. Co., makes it an "important and growing factor," the report says, "in two branches of the photographic industry, the annual sales volume of which exceeded $100,000,000 in 1929."

## *MPTO of Maryland Bans All Cut Rates*

Premiums and cut rate tickets have been voted down by the M.P.T.O. of Maryland, it was stated yesterday, following receipt of a letter from the unit divulging its stand on the matters. Among the 75 exhibitors present at the meeting of the organization, 66 voted against cut rate tickets and any type of giveaway, both of which are violations of the code.

However, unless an exhibitor files a complaint with the local grievance board, no action on giveaways and cut rate tickets can be taken. The boards do not file complaints; they merely act on them.

The Maryland vote was a test case and it is being referred to the code committee on unfair competition at the regular meeting today.

## *Suit in Louisville May End Giveaways*

LOUISVILLE, April 19.—An action brought in Criminal Court by the Better Business Bureau against Herman Straus & Sons Department store, may result in local theatres ending free or gift automobiles, and other offerings that border on lotteries.

The suit charges that the department store has been operating a lottery, in connection with advertising appearing in the *Louisville Courier Journal* and *Louisville Times*, offering free automobiles, on certain dates, to holders of numbered tickets.

## *Portland Prizes End*

PORTLAND, April 19.—Race nights, prizes and giveaways have been discontinued here. Notices posted on suburban houses say the discontinuance has been forced by the code.

## *Pick Cleveland Quarters*

CLEVELAND, April 19.—Code board headquarters have been established at the Statler. The grievance board received its first three cases today and will give a hearing Monday.

## *Meyer Is Still Critical*

HOLLYWOOD, April 19.—Fred S. Meyer continued critically ill tonight at the Cedars of Lebanon Hospital. His condition was reported "not good."

NO-O-O-O-O!!

POSITIVELY NO TICKETS FOR THE

**AMPA NAKED TRUTH DINNER**

WILL BE SOLD AT THE DOOR.....!!!

YOU'LL HAVE TO GET THEM FROM

**PAUL BENJAMIN . BRY 9-9800.**

BETTER HURRY! $5.00 PER PERSON

HOTEL ASTOR

Grand Ballroom Saturday, April 21st

Tickets $5.00 per person

Entire proceeds, after expenses, to be divided equally between the Film Daily Relief Fund and the Motion Picture Charity Fund

# Kansas Rules "Bank Nights" Are a Lottery

(Continued from page 1)

in the form of a bank account which is opened at a specified bank."

Answering the question whether the plan is a lottery, the attorney general says: "In order to constitute a lottery, three elements are essential. First, there must be a prize. Second, the receipt of the prize must be dependent upon chance, and third, there must be some consideration going to the giver of the prize.

"It is obvious in the plan above described that two elements of a lottery appear without question. That is, the prize, consisting of a bank account, and the element of chance, which consists of the registration and the drawing described. In order to constitute a lottery, however, the plan must have not only these two elements, but the element of consideration. The question, therefore, is, is there any consideration going to the theatre as a basis for the giving of a prize?"

On the third point he ruled that the fact signers had to pass box-offices constituted a "benefit from the operation of the plan," which, in his opinion, "is sufficient to constitute a consideration, which consideration supplies the third element necessary to a lottery."

## *Casino's Vaudefilm To Start April 27*

(Continued from page 1)

menthal, Jack Shapiro and Harry Shiffman have been debating over the future policy. Up to yesterday afternoon it looked as though the present type of show would be continued. Receipts took a drop yesterday which brought about the decision to add pictures and eliminate a few of the acts.

The house will be closed Sunday night for four days, when it will be reopened with Columbia's "The Whirlpool" and half a dozen acts.

## *NRA Seeks Prevent Dubinsky Labor Row*

(Continued from page 1)

served on operators and stagehands, according to union officials, but indications today were that the employes will remain pending a hearing on the dispute next week.

It is understood Dubinsky demands a reduction in manpower at the Liberty in line with other subsequent situations downtown and the unions are resisting.

## *Loew's, Montreal, Reports $702 Loss*

(Continued from page 1)

3,115 seats, is one of Canada's largest houses and is one of two remaining theatres in the Dominion to combine film and stage shows.

The balance sheet shows assets totalling $1,958,287, with a surplus carried forward of $206,438.

## *More "Elysia" Bookings*

Hollywood, April 19.—Thirty new contracts for Foy's "Elysia," nudist film, have been signed, mostly for F. W. C. houses.

# *First Grievance Award Made; Saxe Wins Ruling*

(Continued from page 1)

Ashley, which operates the Strand, Parkway and Orpheum in Madison.

The Saxe brothers declared that the sale of the product to the Ashley group left them with insufficient bookings for the Capitol for the rest of the season. The board heard the case for eight hours and deferred decision.

Vitagraph, according to the board, must release Ashley from its contract and turn over 30 pictures to the Saxe company. Terms and conditions under which Saxe gets the pictures are those which existed between the distributor and Ashley.

Considerable interest was evident in the trade yesterday following exclusive publication in Motion Picture Daily of the first grievance case in the country, which so happens to be the Saxe complaint against the Ashley Theatre Corp. and Vitagraph, distributor subsidiary of Warner and First National pictures.

Several inquiries were made from exhibitor sources for results of the case, but because the decision was handed down late yesterday, it was impossible to give out the details.

## Shows, Vaude Have Spurt Around K.C.

(Continued from page 1)

the "New Yorkers," an Anatole Friedland unit with George Givot, the Tower has a revue, and the Fox Uptown is supplementing its feature with a show made up of local radio favorites. The Tower, reopened last weekend, is alone in the field as a combination house with a regular stage and film policy. Even among the neighborhoods there has been a substantial return to occasional stage attractions.

A marked vaudeville revival has been noted in the Dubinsky circuit. The Liberty has been running a short stage program since downtown competition stiffened several weeks ago. Dubinsky's Electric in St. Joseph is on a combination policy and vaudeville is a regular feature at the circuit's houses in Jefferson City and Leavenworth. Fox Midwest houses in Topeka, Wichita and other Kansas spots have increased stage show bookings.

## *Hear Kuykendall Address*

San Francisco, April 19.—Ed Kuykendall addressed the I.T.O. of Northern California today. Seventy-five exhibitors were present. Morgan Walsh, president of the organization, presided.

## *Tec-Art Plant Reopens*

Hollywood, April 19.—Completely remodeled, the old Tec-Art Studios, idle the past year, reopened today as the Prudential Studios, with Elmer Clifton starting production on a series of shorts for Golden State Productions.

# *Looking 'Em Over*

## *"The Line-Up"*

(*Columbia*)

A consistently entertaining exhibit is "The Line-Up," which concerns itself with the stolen fur racket. There is suspense to its story and quality to its acting. Touches of humor here and there add to the pleasantness of the picture.

The love interest is entrusted to Marian Nixon and William Gargan. The latter, a detective, meets the former when she is detained by the police for questioning in connection with the theft of a fur coat from the check room of the hotel where she is employed. The dick he is working with insists she be held on the theory she is connected with a gang of fur thieves. Gargan, in love with her, succeeds in obtaining her release. In order to have her clear herself he prevails upon the chief of detectives to have her associate with an underworld character suspected of knowing the leaders of the gang. Gargan feels that thus she may lead the police to the apprehension of the thieves. That is exactly what happens, but not before Miss Nixon faces death from ammonia fumes in the fur vault of the gang, which learns of her purpose and holds her prisoner. At the end the pair are on their way to Niagara Falls.

Other players are John Miljan, Noel Francis, Harold Huber, Paul Hurst, Greta Meyer, Francis McDonald, Joseph Crehan and Charlie Browne. Harold Higgins is responsible for the direction.

*"A Modern Hero," Wednesday night's preview at the Strand, was reviewed on April 6.*

*"Stand Up and Cheer," yesterday's opener at the Radio City Music Hall, was reviewed from Hollywood by wire on March 29.*

*"Tarzan and His Mate," this morning's opener at the Capitol, was reviewed from Hollywood by wire on April 10.*

*"I'll Tell the World," last night's preview at the Roxy, was reviewed from Hollywood by wire on April 2.*

*"Wharf Angel," this morning's opener at the Paramount, was reviewed from Hollywood by wire on March 9.*

# Federation to Have Board on Ads and Films

(Continued from page 1)

include the production advisory services conducted in Hollywood by Joseph I. Breen, and the advertising advisory service here, headed by J. J. McCarthy. A statement issued by the federation gives as its reason for rejecting the offer, "the statements made by certain leaders in the motion picture industry, affiliated with the major organizations, to the effect that they favor the elimination of independent production.

"The members of the federation," the statement continues, "cannot subscribe to any set of rules or regulations of moral conduct or standards promulgated by any association or organization of which such parties are an integral part."

Declaring that the federation agrees with views that pictures need "radical improvement," particularly because of the over-emphasis on sex and the use of suggestive scenes and dialogue," members pledge themselves to produce "good, clean, human-interest pictures, or pictures of a manly or womanly action type, the tendency of which shall be to uplift rather than to lower the morals of the patrons; to cater to films for family and neighborhood patronage, and to elevate pictures in the eyes of the majority, instead of attempting to please only the sophisticated few."

Complaints of violations of these standards are to be heard by the arbitration committee of three, which Harry Thomas, federation president, is delegated to name. Any scenes or advertising found to be objectionable by the committee shall be eliminated or withdrawn, it is stated.

## *Des Moines Offices Open*

Des Moines, Ia., April 19.—Offices of the code boards were opened yesterday in the Iowa building with Dallas Day, newly appointed secretary, in charge. A scheduled meeting of the clearance and zoning board has been postponed to April 23 due to the absence of A. H. Blank. The grievance board will meet April 22.

MOTION PICTURE ALMANAC
1934-35
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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 93 | NEW YORK, SATURDAY, APRIL 21, 1934 | TEN CENTS

## Kuykendall in New Attack on Double Bills

### *No Section Favors Them, He Says in Frisco*

San Francisco, April 20.—Ed Kuykendall, M.P.T.O.A. president, brought the dual bill controversy into this town yesterday in a talk to industry leaders.

"I don't believe that in the whole United States there is a section that is wholeheartedly for double bills," he said. "If the practice continues the quickie companies will start grinding out product until we give Hollywood the definite impression that we want quantity, not quality. Women's organizations have found through a general canvass that women do not want

(*Continued on page* 4)

## W. S. McKay Named Secretary of "U"

Willard S. McKay, general counsel of Universal Pictures Co., Inc., was elected secretary of the company yesterday at a meeting of the newly elected directors. All other officers were re-elected.

McKay succeeds Helen E. Hughes, who was elected assistant secretary. William Bollman, former assistant secretary, continues with the company

(*Continued on page* 3)

## *Para. Studio Strikes Peak in Employment*

Hollywood, April 20.—Reaching a new high in employment, the Paramount coast studio now has on its regular payroll 2,230 persons. A new record also is being made with 70 stars and featured players under contract, 24 directors working and 63 writers turning out scripts. Average employment of extras totals 500.

### *Piling It On*

**Tampa, April 20. — Solly Childs, who operates the Columbus, in the Ybor City section, believes in giving the fans their money's worth. Wednesday is bargain day, with two feature pictures, a stage show, with band, followed by an amateur contest. Three and a half hours of show and the price is a dime for the kids and 15 cents for the grownups.**

## Sears Can See Drawbacks to 20¢ Sales Ban

### *Code Boards' Sentiment Important, He Says*

Chicago, April 20.—Commenting on reports that sales managers are discussing a 20-cent minimum admission for new season contracts, Gradwell Sears, in charge of southern and western distribution for Warners, said here today on his way to New York from the coast that the sentiment of code boards will have an important bearing on the question. Whether exhibitors will cooperate with distributors to the extent indicated by M.P.T.O.A. leaders at the organization's meeting in Los Angeles last week, he said, will also have to be taken into consideration.

Sears said it was too early to tell whether exhibitors want to hike ad-

(*Continued on page* 4)

## *Cummins Challenges Censors on "Hitler"*

On the ground that "Hitler's Reign of Terror" is a record of current news and actual events, Samuel Cummins, president of Jewel Productions, has withdrawn his application to the New York Censor Board for permission to show the film. He says he will open it April 30 at the Mayfair under Section 1083 of the censorship law covering newsreels.

Cummins says the censor board has repeatedly delayed acting on the film.

The picture was made by Cornelius Vanderbilt, Jr., in Germany, and Edwin C. Hill has worked on it.

## *Zanuck Will Advise Russia on Pictures*

Darryl Zanuck has been enlisted by the Russian government to confer with an official in Russia some time next month on a five-year plan for making pictures in the Soviet.

Zanuck will lay out the plans for the five-year program at the conference and also advise on film mechanisms.

## *St. Louis Proposes New Sales Tax Levy*

St. Louis, April 20.—Exhibitors here face the prospect of another tax —a one per cent sales levy in addition to the present state sales tax of

(*Continued on page* 3)

### *White Pays First*

**First of the 28 checks received yesterday by Campi from exhibitors paying assessments under the code was from J. F. White, Jr., of the White Amusement Corp., operating the Sunset theatre in Asheboro, N. C.**

**The amount: Nine dollars.**

## Strike Calls For Theatres Delayed Week

Local 118, Theatre & Amusement Employes' Union, agreed to postpone for one week its strike against Greater New York circuits, which was scheduled to have begun this morning, pending a checkup by Division Administrator Sol A. Rosenblatt of the percentage of employes represented by the union in Loew's and RKO houses here.

If the checkup shows a majority of affected employes in the union's membership, Loew's and RKO may be obliged to accept the local's demands for higher wage scales for ushers, doormen, janitors and matrons and a "closed" shop in the theatres, or

(*Continued on page* 3)

## Report of Review Board Held Again

Washington, April 20.—A further delay in preparation of the report of the National Recovery Review Board on the film and other codes it has investigated, originally scheduled to go to the President on April 15 and then postponed until tomorrow, makes it likely that the board's findings will not reach the White House until some time next week.

Members of the board yesterday conferred with Senator Nye of

(*Continued on page* 3)

## *Lawson Aided Disney Snare British Honor*

London, April 20.—Robb Lawson, publicity director for United Artists in Great Britain, has been largely responsible for getting the Arts Workers' Guild to shatter tradition by admitting Walt Disney to honorary membership. It all resulted from an illustrated lecture on "The Art of Walt Disney" delivered by Lawson several weeks ago before the guild,

(*Continued on page* 3)

## Theatres Get Month to Pay Code Charges

### *Delinquents Lose Film Unless Given Time*

Exhibitors are being given 30 days from day of receipt of bills from Code Authority to pay assessments under the code. Division Administrator Sol A. Rosenblatt yesterday approved a resolution adopted by Campi to enforce the assessment clause.

Bills started going out Wednesday and several have been returned to Campi with check enclosures.

Unless theatremen pay up on time. product will be shut off, the resolution states. However, exhibitors in dire straits can appeal to the local grievance boards to recommend an extension of 30 days. Campi is notifying all boards upon receipt of payments,

(*Continued on page* 3)

## Pick Secretaries For Local Boards

Lillian Silver, who has been identified with the Theatre Owners Chamber of Commerce, and Florence Abramson, long an employe of the New York Film Board of Trade, have been named secretaries of the local grievance and clearance and zoning boards, respectively.

Both girls have for years made stenographic records of arbitration proceedings in the local territory and have experience which makes them unusually qualified for their posts.

(*Continued on page* 3)

## *Coleman Impartial Member for Boston*

George W. Coleman was named yesterday by Division Administrator Sol A. Rosenblatt as impartial member of the Boston clearance and zoning board.

### *Ask Labor Day Shift*

**New Orleans, April 20.—A bill is being prepared for introduction in the State Legislature which meets in May, changing Labor Day from the first to the last Monday in September. Sponsors claim that the holiday ends the summer business which should continue through September.**

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Radio Folk to See Film

PHILADELPHIA, April 20.—A special showing of "Twenty Million Sweethearts" for radio performers of this city will be put on by First National at local station WCAU on Sunday night in advance of the film's world premiere at the Stanley here Tuesday, the day before it opens at the Strand, New York. After the screening the radio folk will broadcast their reactions to the film and a program of songs from the picture. The broadcast will be relayed to England.

## M.P.P.D.A. Has Shakeup

Extensive alterations are included in a new one-year lease just made by the M. P. P. D. A. on its top floor quarters at 28 West 44th St. When complete, the alterations will double the space of the board meeting room, enlarge the office space of Carl E. Milliken and that of the auditing department and provide a new lobby and reception room.

## Laemmle En Route West

Carl Laemmle left for the coast yesterday after a few days in the east to attend the annual meeting of stockholders of Universal Pictures Co., Inc. and the election of officers. With him is Jack Ross, Laemmle's secretary.

## Agfa Ansco Cuts Loss

Agfa Ansco Corp. and subsidiaries, raw stock manufacturers, yesterday reported a net loss for 1933 of $519,474, after depreciation, interest, bad debts and other charges. This compares with a loss of $588,049 for 1932.

## Pittsburgh Variety Show Is a Big Draw

PITTSBURGH, April 20.—The Variety Club's annual benefit stage and screen show this year was the most successful the organization has ever held. It drew 3,850 to the Penn, where the seating capacity is 3,300.

Ed Lowry, former master of ceremonies at the Stanley, came in from Hollywood, where he is now living, to m. c. the show. The talent included Stanley Brothers, Hilton Sisters, Milano and Davis, Ray Saxe, Elaine Arden, Bill Aronson, the Darling Twins, Joe and Jane McKenna, Clyde Hager, Allan, Lynn and Allan, Burns, Moriarity and Burns, Don Zelaya, Gilda Grey and Dixie Dunbar, Harry Kalmine, zone manager for Warners, and Mike Cullen, Loew's city manager, were chairmen of the entertainment committee.

## Cartoon Shows Gain In St. Louis Houses

ST. LOUIS, April 20.—Cartoon programs are spreading in this territory. George Tyson and Cullen Espy originated the idea of tying cartoons together in place of a feature picture about a year ago at the Ambassador and Missouri. Children and parents took to the innovation.

The Missouri has been repeating the stunt about once in every six weeks, and the Ambassador revived it successfully during the fag end of the Lenten season.

As a result, the plan is spreading among neighborhood houses.

## End 5-Year Labor Row

ZANESVILLE, O., April 20.—A five-year union battle has been ended here between Zanesville Theatres, Inc., and the I.A.T.S.E. and the A. F. of M., largely through the efforts of Arthur H. Bischoff, business agent for the stage hands and operators, and R. F. Cullis, president of the musicians' local. Four houses are affected.

## "U" Will Move April 30

The Universal home office will be established on the ninth, 10th, 11th and 12th floors of the RCA building, Rockefeller Center, on April 30, the company stated yesterday.

## More Western Stars Join Circus Troupes

CANTON, O., April 20.—Motorized circuses are going in strong for western film stars this season.

Barnett Bros., playing the upper Ohio Valley, have Harry Carey. He arrived this week from Hollywood bringing his horse.

Jack Hoxie and Dixie Starr are with the Downie Bros. circus. Buzz Barton, who has been touring the south with his own stage rodeo unit, has joined the Gorman Bros. circus. Tom Mix, a few years ago featured with Sells-Floto, is now en route with the Sam Dill-Tom Mix motorized show.

## Gibson May Make Six Abroad for Warners

Hoot Gibson may make a series of six westerns for Warners next season, contingent on reaction of the first, "A Cowboy in London," which he will make in London around the middle of June.

Warners has an option on Gibson's services after the first picture and may continue the series with "A Cowboy in Africa," "A Cowboy in Paris," "A Cowboy in Germany," etc. Gibson leaves for London the early part of June and is now appearing in vaudeville in the East.

## Skouras Forms New Unit

ALBANY, April 20.—Neo Amusement Corp. has been chartered here with a capital of $3,000 in $1 shares with Julia, Sarah and Florence Skouras and Brevet Lane as directors and subscribers.

George Skouras yesterday stated this is one of the many companies being formed in preparation for the reorganization of Fox Metropolitan Playhouses. Skouras operates a number of houses in this circuit.

## Selznick Here Sunday

David O. Selznick, George Cukor and Howard Estabrook arrive from the coast tomorrow morning. The party will spend several days here before sailing for England for preparatory work on "David Copperfield."

## Eastman Climbs 2½ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30½ | 30¼ | 30¼ | — ⅜ | 200 |
| Consolidated Film Industries | 4⅝ | 4⅝ | 4⅝ | ..... | 100 |
| Consolidated Film Industries, pfd | 17 | 16⅝ | 17 | + ⅛ | 300 |
| Eastman Kodak | 96¼ | 93½ | 95¾ | +2½ | 2,300 |
| Fox Film "A" | 16¾ | 16⅛ | 16¾ | + ⅜ | 2,300 |
| Loew's, Inc. | 34¾ | 34 | 34⅝ | + ⅜ | 15,500 |
| Paramount, cts. | 5⅜ | 5⅛ | 5¼ | ..... | 7,500 |
| Pathe Exchange | 3¼ | 3⅛ | 3¼ | ..... | 2,300 |
| Pathe Exchange "A" | 23¼ | 22¾ | 22¾ | — ¼ | 2,800 |
| RKO | 3⅜ | 3½ | 3½ | ..... | 800 |
| Warner Bros. | 7¾ | 7⅜ | 7¾ | + ¼ | 5,300 |
| Warner Bros., pfd | 30½ | 30 | 30½ | +1½ | 300 |

## Curb Issues Remain Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9¾ | 9¾ | 9¾ | ..... | 200 |
| Trans Lux | 2½ | 2⅜ | 2½ | ..... | 200 |

## Warner Bonds in One-Point Rise

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅞ | 10¼ | 10½ | ..... | 34 |
| General Theatre Equipment 6s '40, ctf | 9¾ | 9⅜ | 9¾ | + ¼ | 24 |
| Loew's 6s '41, ww deb rights | 102 | 101¼ | 101¾ | + ¼ | 38 |
| Paramount Broadway 5½s '51 | 38 | 37⅛ | 38 | ..... | 3 |
| Paramount F. L. 6s '47 | 53½ | 53 | 53½ | — ½ | 31 |
| Paramount Publix 5½s '50 | 53½ | 52⅞ | 52⅞ | — ⅝ | 25 |
| Warner Bros. 6s '39, wd | 66 | 65 | 66 | +1 | 121 |

## Purely Personal

JACQUES DEVAL, well known French playwright, arrived from Paris yesterday and will attend the Ampa "Naked Truth" dinner at the Astor tonight with PAUL GULICK of Universal. He leaves for Hollywood tomorrow night to begin a writing assignment at Universal.

NED DEPINET, ERNEST O. HEYL, JOHN KRIMSKY, DUKE WELLINGTON, LEO ABRAMS, LEO BRECHER, ABE MONTAGUE and ABE SCHNEIDER were among those present at the M. P. Club yesterday for lunch.

HERBERT S. WILCOX of British and Dominions, and HUBERT T. MARSH, chairman and managing director of the company, arrive in New York from London shortly.

IRVIN SHAPIRO, general manager of DuWorld Pictures, is on a trip through Ohio, Michigan and Illinois setting engagements on "Romance in Budapest."

BOBBY CONNOLLY left for the coast yesterday with a five-year Warner contract in his pocket. He will direct dance numbers for musicals.

SAM DEMBOW, JR., arrives from the coast tomorrow after attending the M. P. T. O. A. Hollywood convention.

HERMAN ROBBINS and GEORGE DEMBOW of National Screen are prolonging their western trip an additional 10 days or two weeks.

MOE STRIEMER returns Monday from a two weeks' vacation. He's manager of the local U. A. exchange.

R. M. SAVINI left yesterday on a tour of exchanges for conferences with Astor Pictures franchise holders.

JOSEPH M. SCHENCK, AL LICHTMAN, SAM HARRIS and HARPO MARX left yesterday for a week's vacation.

TRISTRAM TUPPER'S "The New World" or "Stratosphere" has been bought by Monogram.

JOE WEIL, assistant to CARL LAEMMLE, leaves for the coast by plane tomorrow.

AL FRIEDLANDER is due in town today from a tour of First Division exchanges.

EDWARD E. ROSE's play, "Rear Car," will be made into a picture by M-G-M.

HARRISON JACOBS' "The Little Big Shot" has been bought by Warners.

SAM SONIN is back at his desk after several weeks.

## Plans to Film "Pickwick"

HOLLYWOOD, April 20.—"The Pickwick Papers," Charles Dickens classic, will be the basis of a picture to be made by Warners. Guy Kibbee may have the title role.

## "Hollywood" to Coast

Having previewed the picture at the home office, M-G-M executives are sending "Hollywood Party" back to the Coast for minor cuts.

## Johnson Goes to Coast

GRAND RAPIDS, April 20.—Allan Johnson, of the Our and Royal theatres, and Mrs. Johnson have gone to California for a month.

# Theatres Get Month to Pay Code Charges

(Continued from page 1)

which at the same time makes exhibitors qualified to register complaints, if any, with local grievance committees.

Non-assenters are not being sent bills. Only the 7,800 exhibitors who signed the code are getting them, but those who did not comply and want to benefit by the 10 per cent cancellation clause must send in checks for their particular classification.

Distributors will be notified by Campi when exhibitors do not pay. They will automatically discontinue serving the theatres unless an extension is granted.

**Text of Resolution**

The resolution follows:

"RESOLVED: That upon the failure of any person engaged in the exhibition of motion pictures to pay to the Code Authority the amount assessed against the theatre or theatres of such persons as hereinabove provided within thirty (30) days after the receipt of notice of such assessment and the amount thereof, unless a local grievance board shall unanimously recommend that such thirty (30) day period be extended, such person shall refrain from exhibiting in the theatre or theatres of such person, any motion picture to which is attached or made a part thereof, the insignia (blue eagle) of the National Recovery Administration and any exhibition of any motion picture in violation of this resolution shall be deemed a violation of the code of fair competition for the motion picture industry."

## *Fed. Meeting on Codes*

Federation of the M. P. Industry will meet next Wednesday or Thursday to develop further its plans for enforcing a code of ethics for the production and advertising of its independent producing and distributing members, Harry Thomas, Federation president, said yesterday. Thomas will name an arbitration committee of three at the meeting, the committee to hear complaints against offending members and enforce the codes.

## *Quits Coast Board Post*

Los Angeles, April 20.—Minnie Kopple, assistant secretary of the I.T.O. of Southern California, today turned down her appointment as secretary of the local code boards because of other duties. In all probability she will be succeeded by Lola Gentry, Film Board secretary. Miss Kopple's resignation came before the boards had a chance to begin functioning.

## *No Word from MPTOA*

No word had been received up to yesterday by Campi from the M. P. T. O. A. on the recent resolution adopted at the coast convention against duals and an increase in the cancellation clause from 10 to 15 per cent.

Fred S. Meyer, secretary, is in a Los Angeles hospital recovering from an operation.

# Pick Secretaries For Local Boards

(Continued from page 1)

They are expected to assume their new duties next week when offices in the Bond building are opened.

In addition Charles R. Zears has been named as secretary for the Oklahoma City boards, Regina Molseed for Omaha, Emaline Fineberg for Pittsburgh, James B. Fitzgerald for Washington, Benjamin Stosverg for Atlanta, Basil Ziegler for Philadelphia and Lila B. Schofield for St. Louis.

These complete the secretarial setup for all boards except Indianapolis. The boards in this territory have not yet agreed upon a selection and Campi has not yet acted, but it is expected that an appointee will be made at the next session of Code Authority, May 4.

Leslie E. Thompson will be chairman of the next session. Attending yesterday's meeting were W. C. Michel as chairman, Charles L. O'Reilly, Division Administrator Sol A. Rosenblatt, R. H. Cochrane, W. Ray Johnston, Harold S. Bareford, Jay Emanuel, Neil Agnew and C. C. Moskowitz. Moskowitz acted as alternate for J. Robert Rubin, who was ill.

## *Denies Extra Kicks Must Go to Casey*

Hollywood, April 20.—Mrs. Mabel Kinney, chairman of the extras' code committee, before departing for Sacramento on state welfare business, made it emphatic that all complaints and adjudications concerning extras must clear through her office. This was put in writing to all studio casting directors and other parties concerned. The issue was forced by the appearance of reports to the effect that complaints must clear through the office of Pat Casey, who heads the code studio labor board. Mrs. Kinney returns next week to resume extra code work.

## *Vincent Lawrence's Para. Claim Denied*

An order expunging a claim of $113,000 filed against Paramount Publix by Vincent Lawrence, writer, for an alleged breach of contract, was signed by Referee Henry K. Davis following a hearing yesterday. Lawrence's contract was voided by the Paramount Publix trustees May 31, 1933. The claimant, who has since been engaged on individual writing assignments for Paramount, sought to collect $1,750 per week for the balance of his contract plus a one-year option for renewal.

## *To Build Mary Morris*

Hollywood, April 20.—Following the reaction of a preview audience to her role as a hard, cruel, selfish woman in "Double Door," Paramount has decided to build Mary Morris into a female Boris Karloff. The studio is now looking for a story, of the horror type, in which to star the actress.

## *"U" Makes Title Change*

Hollywood, April 20.—Universal has changed the title of "Sin for Cinderella," a musical on the 1934-35 schedule, to "Romance in the Rain."

# Report of Review Board Held Again

(Continued from page 1)

North Dakota, whose protests against operation of codes were in part responsible for the setting up of the Darrow organization. They are believed to have acquainted him with the views they have reached as a result of their hearings.

At the White House today it was said the President has an appointment to meet Chairman Darrow in the near future, but that no date had been set. Asked whether the report would be made public, it was declared the President's action would depend upon what it contained.

## *Product Problem Up To K. C. Board Soon*

Kansas City, April 20.—Among problems facing the Kansas City grievance board, one in particular is expected to be a difficult nut to crack. It involves the alleged refusal of four major distributors to sell C. E. Esterley, operating the recently reopened Nu-Era.

Esterley says he cannot obtain product from Warners, Paramount, Fox and M-G-M, and the dearth of available pictures may force him to quit. At his request, a committee of the I. T. O. investigated and reported that two companies made outright refusals to enter into deals on the ground they did not want to jeopardize a long-established account, the Summit, owned by Charles Burkey, which is competitive to the Nu-Era.

The I. T. O. informed Esterley the distributors were within their rights in refusing contracts and there was nothing it could do, but Esterley is dissatisfied with that decision.

It is said Esterley wants to maintain a dual bill policy at an admission price mainly of 10 cents and will need seven or eight features a week. The competitive house charges 15 cents and is one of the few suburbans not double billing consistently.

## *Lawson Aided Disney Snare British Honor*

(Continued from page 1)

whose members were so delighted with the whole business that they unanimously decided to admit Disney to their ranks. Disney is the first representative of the industry to be so honored. Fellow members of the guild are George Bernard Shaw, Sir Edwin Luewtens, Laurence Binyon and a long line of Royal Academicians.

## *Plans a Disney Party*

W. G. Van Schmus, managing director of the RKO Music Hall, will stage a Walt Disney program at a press party Monday. It will be called "An Hour With Walt Disney" and will include a preview of "The Big Bad Wolf."

## *4 Newsreels at Embassy*

Hearst Metrotone newsreel is being added today to the Embassy's program, giving the house four newsreel services. Pathe, Paramount and Universal reels are also used. A travelogue will also be used. The admission price remains the same.

# Strike Calls For Theatres Delayed Week

(Continued from page 1)

again face the threatened strike. If it is found that the union does not represent a majority of the employes involved, it is believed that a strike would be ineffectual and would probably lead to dissolution of the union.

The agreement to postpone the strike was obtained by Rosenblatt following a conference at Code Authority headquarters yesterday attended by Charles C. Levey, head of the local; Abner Rubien, counsel for the local; C. C. Moskowitz of Loew's, Major L. E. Thompson of RKO, and other affiliated and independent circuit representatives, and Ben Golden, executive secretary of the Regional Labor Board.

Both the union and the circuits are to submit their records to Rosenblatt on Monday for the check-up, with a report on its results expected within the next few days following. A majority of union membership among Loew's and RKO employes, it is believed, would be accepted by other leading metropolitan circuit operators as a satisfactory representation of the situation in their own employes' ranks, with a city-wide agreement resulting.

# W. S. McKay Named Secretary of "U"

(Continued from page 1)

in the same department. Officers reelected are: Carl Laemmle, president; R. H. Cochrane, vice-president; Samuel Sedran, second vice-president; Charles B. Paine, treasurer, and Eugene F. Walsh, assistant treasurer.

## *St. Louis Proposes New Sales Tax Levy*

(Continued from page 1)

one half of one per cent. Mayor Bernard F. Dickmann has indicated his intention of asking for such a tax in an address to the Board of Aldermen.

The idea is to raise an additional $3,500,000 to relieve the levy on real estate. Real estate taxes are about $15,000,000 in arrears.

This new proposal comes in the face of the fact that the state tax has been a disappointment, having produced only $350,000 a month for January, February and March. The state sales tax, in conjunction with liquor taxes, was designed to bring in about $10,000,000. At the present rate it looks as though they will total less than half that amount, and the state deficit is piling up as a result.

## *Chatterton Is Back West*

Hollywood, April 20.—Ruth Chatterton is back from New York with a contract ready to be signed which provides for her making a picture for Irving Thalberg. She brought along several scripts and novels which she read on the train. The contract signing is contingent on her approval of a story.

# Kuykendall in New Attack on Double Bills

(Continued from page 1)

quantity, but insist on quality and variety in programs."

His talk was delivered before a group which included Morgan Walsh, president of the Independent Theatre Owners of North California, and about 75 exhibitors. Herman Wobber, Arch Bowles, Robert McNeil, the Nasser brothers, M. A. Lightman and David Palfreyman also were present.

Kuykendall described the Los Angeles M.P.T.O.A. convention as "the most constructive and representative in the history of the industry."

In his following remarks he touched on many of the highlights of recent convention speeches. Code board members are thoroughly representative of the industry, he said. He also had a few kind words for Division Administrator Sol A. Rosenblatt.

### Sees Need for Vigilance

Speaking in behalf of exhibitor organizations, he described them as the "shock absorbers of the industry." Vigilance is needed, he said, to protect the industry from menacing legislation. In this connection he emphasized that exhibitors should make themselves public relations men and should take part in all movements for the public good. He attacked exploitation which prejudices influential persons against the industry.

Discussing labor problems, Kuykendall said labor was playing a dominant role in the NRA. He said he favored living wages for theatre employes and fair treatment, but, he went on: "We cannot permit labor to tear both houses down—theirs and our own—without a fight."

During an open forum that followed Bowles asked what exhibitors should do about the national admission tax. Kuykendall urged that the matter be not revived at this time when Congress is under pressure to devise more taxes. He recommended that the tax be allowed to run its course to July 19, 1935.

## *Sunday Shows Up to Monessen Ministers*

MONESSEN, Pa., April 20.—Sunday shows here are up to the ministers of the city. An invitation to the members of the Monessen Ministerial Ass'n. to attend the next Sunday shows has been extended by Andrew Askounes, manager of the Manos and Star, in response to protests by the association. The ministers' committee plans to attend Sunday.

"If the ministers insist on the theatres being closed on Sundays after they have investigated," Askounes said "they will be closed."

## *Poli Manager Shifted*

HARTFORD, April 20.—First move by Loew's in changing the Poli managerial setup since control passed from A. C. Blumenthal and N. L. Nathanson is the shift of Harry Watts from Loew's in Syracuse to the Poli here succeeding Charles Brenan.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Springtime for Henry"*

(*Lasky-Fox*)

HOLLYWOOD, April 20.—Typical of the production care and the good taste characteristic of all Lasky product, "Springtime for Henry" is seven-eighths adult and sophisticated fare and one-eighth down-to-the-earth movie. In point of performance the picture is fortunate, with first honors for laughs going to Nigel Bruce in a typical, slow-moving plodding middle class Englishman role. Otto Kruger, as a roue who thinks he has turned pure, is second best, but still very good indeed. Women in the case are Nancy Carroll, who likes Kruger and eventually lands him, and Heather Angel as a demure miss simulating purity when she is really after a wealthy husband.

The picture moves slowly and essentially is a photographed stage play in skimpiness of story substance which apparently made necessary over-long sequences with the result that interest lags too often for the general good of the job undertaken.

Marking the effort with unevenness is a sequence where Kruger, seeking solace for soul and heart, tries ekeing out comfort at a Ray of Hope Mission. A bangup fight which results is almost entirely slapstick. While it is probably the highlight of the picture, it seems strangely out of gear compared with what goes before and follows it.

"Springtime for Henry" has its moments, but they are all too few.

K.

# *Looking 'Em Over*

## *"Battling Buckaroo"*

(*State Rights*)

Produced by Willis Kent, this western rates very little in the way of entertainment. It's primarily designed for children, particularly favorites of Lane Chandler. It is poorly directed by Oliver Drake, badly acted by Chandler, Doris Hill, Yakima Canutt and Lafe McKee. Photography is mediocre.

Following the usual formula, Chandler, a government official, poses as Blackjack, a notorious bandit, to clean up McKee and his clique, who are molesting the heroine and her father, owners of a gold mine. After much fighting and stunting on the part of the hero, the culprits are brought to justice and the heroine succumbs to the impulsive love making of Chandler.

## *Poles May Lift Ban On German Pictures*

WARSAW, April 20. — The ban against German pictures in Poland is expected to be lifted as a result of reconsideration of film relations between the two countries developing out of the recently signed trade treaty between them. For almost a year films made in Germany have been excluded completely from the Polish market. The new Polish contingent law, recently passed, limits the number of foreign-made films shown in Poland to 200 per year.

## *"Naughty Marietta" Set*

HOLLYWOOD, April 20.—M-G-M has definitely decided upon making "Naughty Marietta" co-featuring Jeanette MacDonald and Nelson Eddy. It will be the latter's first big part since he was placed under contract a year ago.

## *Directors of Keith Meet*

B. F. Keith Corp. directorate met yesterday. Recently a meeting of the directors of RKO Canadian Corp. elected Nate Blumberg a director of the company.

## *Baltimore Theatres Aid Drive for Lyric*

BALTIMORE, April 20.—This city has the unusual spectacle of film theatres aiding a drive to keep their competition alive. A drive is under way here to raise a fund to pay off the $150,000 mortgage on the Lyric, where the city's musicals are put on.

Frank Hornig, president of the M.P.T.O., conferred with Mayor Howard Jackson on the problem and offered to have members run trailers. The proposal was accepted.

## *Cleveland Vaude Out*

CLEVELAND, April 20.—The RKO Palace will discontinue vaudeville after May 4, when the theatre will go into a straight picture policy. The Allen dropped vaudeville last week. After May 4 all first runs will be playing straight pictures.

## *Ginsberg Heading East*

HOLLYWOOD, April 20.—Henry Ginsberg is on his way east tonight to join Hal Roach and other M-G-M executives at the home office conferences on next season product.

# Sears Can See Drawbacks to 20¢ Sales Ban

(Continued from page 1)

missions since local boards are just swinging into operation.

"We didn't sell 10-cent houses last year and probably won't next year," he asserted, "but I am not prepared to say that this will be a definite sales policy. Also equally indefinite at this time is whether rentals will be hiked for the new season. It is well known that the NRA has increased production costs $25,000 to $35,000 per negative, but there is nothing definite to indicate this will be reflected in film rentals."

### Mum on Plans

Sears indicated conditions in the theatre business will be a major factor in deciding the question. He refused to divulge plans or policy for the new season, explaining no announcement will be made ahead of the sales convention, the date for which has not been set.

Queried on doubles, Sears pointed to Jack L. Warner's stand against doubles at the M.P.T.O.A. convention, adding that while the company opposes the practice as detrimental to the industry, it must, because of the fact half of the country's exhibitors are double-billing, sell them as a business measure. It was said by Sears that selling this year will start as late as last.

In the party were A. W. Smith, in charge of eastern and Canadian distribution for Warners; S. Charles Einfeld, its director of advertising and publicity; Richard Curtis, Eastman sales manager, and Jack Alicoate, *Film Daily* publisher. The group left immediately for New York.

## *Warner Party Is Back*

Harry M. Warner, accompanied by Mrs. Warner, Mr. and Mrs. Sam E. Morris and Mr. and Mrs. Sam Sax, returned yesterday from a four weeks' vacation in Europe and the Holy Land.

## *Women Endorse "Earth"*

Additional endorsements of Warners' "As the Earth Turns" by women's organizations have been received by the company from 21 California clubs. Prior endorsements were made by a number of Indiana women's organizations.

## *Reopen in East Akron*

AKRON, April 20.—Miles Royal, largest East Akron neighborhood theatre, dark several years, has been reopened with dual second run film policy. The house has been completely renovated and new sound installed.

## *Miss Sidney Is Re-Signed*

HOLLYWOOD, April 20.—Sylvia Sidney has been signed to a new two-year contract by Paramount.

## *Fred S. Meyer Improving*

HOLLYWOOD, April 20.—Fred S. Meyer's condition was reported slightly improved today at the Cedars of Lebanon Hospital.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 94 | NEW YORK, MONDAY, APRIL 23, 1934 | TEN CENTS

## Showmanship Is Restoring Para.-Zukor

### *Sounds Optimistic Note In Review of Year*

Stressing the value of showmanship and admitting "we got into trouble only when we lost sight of the all important fact that we were showmen first, last and always," Adolph Zukor, in reviewing the progress made by Paramount during the last year, finds an improved coordination of the many departments and a return to sound, basic principles of showmanship.

"For nearly a score of years Paramount forged ahead by adhering to

(*Continued on page* 11)

### *Para. Sales Policy Up at Chicago Meet*

Sales policies for the new season will be set by Paramount at a two-day meeting of home office executives, division and district sales heads starting Saturday at the Edgewater Beach Hotel in Chicago. The plan decided upon will be officially announced at

(*Continued on page* 11)

### *Rogers Stays With Para. Until July 1*

HOLLYWOOD, April 22. — Charles Rogers stays with Paramount to July 1, although his contract expires next month. By that time his scheduled 10

(*Continued on page* 11)

### *Ferguson Inducted; Ampa Party Success*

Pledging full support to the organization in a brief speech, William R. Ferguson of M-G-M was inducted into the presidency of the Ampa Satur-

(*Continued on page* 11)

### *Titles Are Short*

**Hollywood, April 22.—Recently released films and new story purchases among the majors indicate a definite trend for one word titles.**

**Last week Radio purchased "Exoneration" and has "Afterwards" listed on their schedule for early production. Paramount bought "Intimate." Other pictures, released or in various stages of filming are "Glamour," "Riptide," "Du-Barry," "Wanted" and "Resurrection."**

## M-G-M Plans To Distribute Own Trailers

### *Began Making Them with "Queen Christina"*

M-G-M will distribute its own trailers beginning with the first release of January, 1935, the company's exchanges throughout the country are now advising exhibitors.

The company has been making all of its own feature trailers since February, the first to come from its own studios having been that for "Queen Christina." National Screen Service, however, has continued to handle distribution, being supplied by M-G-M with one positive and one negative of each trailer, and has been making the prints. The arrangement continues throughout this year, but will be ended by January, at which time virtually

(*Continued on page* 11)

### *Universal Pictures Has Net of $24,507*

A consolidated net profit of $24,507 is reported by Universal Pictures Co., Inc., for the three months ending Jan. 27. The profit statement is after deduction of all charges including depreciation of fixed assets in the amount of $131,699, and compares with a net loss of $213,211 for the same period of the preceding year.

Universal's financial statement declares that: "The business of the company since Jan. 27 shows a considerable gain over the corresponding period of last year. The indication is that a substantial profit will be realized as a result of the operations for the quarter ending April 28."

### *Ohio Selective Tax Flop, Says Governor*

COLUMBUS, April 22.—That the selective sales tax has fallen short of estimates was disclosed in a speech of Governor White before the General Assembly, made in an effort to influence passage of the general sales

(*Continued on page* 6)

### *Last Secretary Set*

**Last of the code board secretaries was set Saturday by Campi by long distance telephone, winding up the list of 32 for 31 cities. All cities but New York have one secretary, the local territory having one for each board.**

**Miriam Yergin is the final selection and she will begin this week the work of handling details for the Indianapolis boards.**

**It took two and a half weeks to pick the secretarial lineup for the entire country.**

## Four Division Meets Set for Secretaries

First hand information on the work they are to do under the code will be given to secretaries all over the country within the next 10 days by Executive Secretary John C. Flinn.

Four one-day meetings will be held in Los Angeles, Kansas City, Chicago and New York which will be attended by secretaries from territories of the surrounding cities named. Secretaries

(*Continued on page* 6)

### *Some Cancellations Are Held Up in K. C.*

KANSAS CITY, April 22.—Exhibitors are complaining that while some exchanges are readily granting the 10 per cent cancellation privilege, others are refusing on the ground they have no definite instructions from their sales managers. This has given rise to speculation whether all distributors have agreed to the cancellation clause retroactive to Dec. 7.

### *Seattle Men Oppose NRA Order on Wages*

SEATTLE, April 22.—An action to test the power of the NRA in attempting to force local suburban and

(*Continued on page* 6)

## "Phase Shift" Sound Tested In 4 Studios

### *New W. E. Refinement Is Hailed as Important*

By RED KANN

HOLLYWOOD, April 22.—Viewed by Erpi as marking the greatest advance in sound to date, "Phase Shift," minus fanfare or announcement, has quietly made its appearance at Paramount, M-G-M, Columbia and General Service Studios. It is hailed as an approach to the ultimate in Western Electric sound purification.

Developed by Bell Telephone Laboratory engineers, this is a refinement of "Wide Range" recording and is claimed to eliminate pressure and con-

(*Continued on page* 6)

## Seek Way to Study Reaction to Duals

HOLLYWOOD, April 22.—Leaders of the M.P.T.O.A., having completed discussions with producers on ways and means of abolishing duals to the end that the quality of product may be improved, are now determined on finding an ideal method of getting reports

(*Continued on page* 6)

## Pathe Group May Fight Webb Option

Opposition to the stock option offer made by the board of directors of Pathe to Stuart Webb, president, is expected to develop at the annual stockholders' meeting scheduled for tomorrow. The offer to Webb was

(*Continued on page* 6)

### *SMPE Men Converge Upon Atlantic City*

ATLANTIC CITY, April 22.—Delegates to the annual convention of the S.M.P.E., which opens here Monday

(*Continued on page* 6)

### *Hickey's Week*

**Los Angeles, April 22.—Sheriff George Hickey, western division sales head for M-G-M, is being honored by the local and San Francisco exchanges with a George Hickey Week.**

**It is dated for June 1-7.**

## *Grosses in 21 Key Spots Show Jump to $1,571,695*

Grosses in 21 of 22 key cities listed in MOTION PICTURE DAILY's weekly compilations showed a swift reaction following the close of Lent. Denver was the only spot which failed to show a marked increase. Total of the takes for the week ending April 6-7 was $1,571,695. For the week ending March 30-31 the total was $1,247,322.

This $1,571,695 figure was the biggest since New Year's week which

(*Continued on page* 11)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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## Names Six Exploiteers

Samuel Cummins has put on six exploiteers for "Hitler's Reign of Terror." Madalene Woods, Fred Mindlin and L. A. Edwards will handle the Chicago opening and Garritt Cupp, Edward Gallner and Ben Mindlin will take care of the New York opening at the Mayfair on April 30.

## Roxy's 7th Anniversary

The Roxy celebrates its seventh anniversary week starting April 27, when a pretentious stage show will supplement "Journal of a Crime" on the screen.

# Insiders' Outlook

AMID - WESTERN theatre executive operating in a racket-infested city was called upon some three years ago by fellow exhibitors to negotiate a settlement of an operators' union strike which had crippled neighborhood theatre business over a period of months and threatened to reach a climax of violence unprecedented in the industry.

Although not directly affected by the strike himself, this theatre operator commanded contacts with the racketeering hierarchy of the city which made him peculiarly useful in the desperate situation. All other efforts to settle the strike amicably having failed, the theatre executive agreed to do what he could, which was to get in touch with the racketeers who ruled the operators' union and determine the terms on which peace in the local theatre world would be restored. The price quoted for a settlement was high, but there was no appeal from it, and in view of the fact that the agreement called for a reduction in the number of men formerly required in the projection booths in the city it was regarded, in the light of future savings, as a bargain.

▼

The local exhibitor organization collected the money and paid it over to the intermediary, who was the theatre executive. He in turn paid the bulk of it, in accordance with the agreement, to the racketeers. The remainder, several thousands of dollars, went to transport imported strikebreakers out of town.

▼

Recently, a Federal investigation of labor racketeering got under way in the city. Undercover men of the Department of Justice unearthed the exhibitor organization's record of the substantial payment made three years ago to the intermediary. Naturally enough, the intermediary's books do not reveal where the money went, to whom it was paid or for what it was paid. A Federal grand jury now is waiting to hear the exhibitor's explanation of why the amount paid him "for settlement of labor troubles," as the exhibitor organization's records state, was not reported in his Federal income tax statement for the year.

▼

The intermediary finds himself faced with either the prospect of a jail sentence for evasion of income tax on an amount which he handled but did not receive as his own, or disclosing to a Federal grand jury the identity of the racketeers to whom the money was paid. If he elects the latter course he can clear himself of any suspicion of guilt in the matter, but those familiar with the situation, and particularly the intermediary himself, are aware that if he does so he may never again know personal security.

THE INSIDER

## E. J. Loeb Recovering

LOS ANGELES, April 22.—Edwin J. Loeb of Loeb, Walker and Loeb, attorneys for the M-G-M studio, has returned from the Mayo clinic at Rochester, Minn., where he underwent an operation a couple of months ago and is virtually recovered.

## "Tarzan" Book Issued

A press sheet unusually rich in exploitation ideas has been prepared by M-G-M on "Tarzan and His Mate" under the supervision of William R. Ferguson, manager of exploitation. There is especially an abundance of suggestions for tieups.

## LeRoy Returns April 28

HOLLYWOOD, April 22.—Mervyn LeRoy returns here from the Orient via Honolulu April 28. Warners have no definite assignment for the director following completion of his honeymoon.

## Eastman Pfd. Up 1 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Eastman Kodak | 95¾ | 95¼ | 95½ | — ¼ | 300 |
| Eastman Kodak, pfd | 136 | 135 | 136 | +1 | 3,000 |
| Fox Film "A" | 16¾ | 16½ | 16½ | — ¼ | 500 |
| Loew's, Inc | 34¾ | 34⅜ | 34½ | — ⅛ | 2,400 |
| Paramount, cts | 5¼ | 5⅛ | 5⅛ | — ⅛ | 1,100 |
| Pathe Exchange | 3⅛ | 3⅛ | 3⅛ | ..... | 200 |
| Pathe Exchange "A" | 23¼ | 22¾ | 23¼ | + ½ | 200 |
| RKO | 3½ | 3½ | 3½ | ..... | 400 |
| Warner Bros | 7⅝ | 7½ | 7½ | — ¼ | 200 |
| Warner Bros., pfd | 31 | 31 | 31 | + ½ | 300 |

## Warner Bonds Rise ⅞

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10½ | 10½ | 10½ | ..... | 10 |
| General Theatre Equipment 6s '40, ctf | 9¾ | 9¾ | 9¾ | ..... | 7 |
| Keith B. F. 6s '46 | 71 | 71 | 71 | ..... | 5 |
| Paramount Broadway 5½s '51 | 37⅞ | 37⅞ | 37⅞ | — ⅛ | 5 |
| Paramount F. L. 6s '47 | 53 | 53 | 53 | — ½ | 25 |
| Paramount Publix 5½s '50 | 53 | 52⅞ | 53 | + ⅛ | 18 |
| Pathe 7s '37 ww | 98 | 97½ | 97½ | ..... | 6 |
| Warner Bros. 6s '39, wd | 67 | 66 | 66⅞ | + ⅞ | 60 |

## Name Zone Chairmen For the NVA Drive

Thirty-two zone chairmen connected with major producing companies have been named to cooperate in the NVA drive as a result of a luncheon agreement arranged by Major L. E. Thompson of Radio, chairman of the drive.

The zone chairmen are: Albany, Columbia, Charles Johnson; Atlanta, Universal, W. M. Richardson; Boston, Warners, Tom Spry; Buffalo, Fox, Sid Sampson; Charlotte, Warners, Frank P. Bryan; Chicago, Fox, Clyde Eckhardt; Cincinnati, Paramount, George Smith; Cleveland, M-G-M, Frank Drew; Dallas, United Artists, Doak Roberts; Denver, Universal, Jack Langan; Des Moines, M-G-M, W. E. Banford; Detroit, M-G-M, J. E. Flynn; Indianapolis, Fox, George Landis; Jacksonville, Paramount, Scott Chestnut; Kansas City, Warners, William Warner; Los Angeles, M-G-M, J. J. Milstein; Memphis, Fox, Tom Young; Milwaukee, Universal, George Levine; Minneapolis, United Artists, Max Stahl; New Haven, Warners, Nat Furst; New Orleans, Columbia, Houston Duvall; New York, RKO, R. S. Wolff; Oklahoma City, RKO, R. B. Williams; Omaha, United Artists, D. V. McLucas; Philadelphia, M-G-M, Bob Lynch; Pittsburgh, Paramount, H. Goldstein; Portland, Universal, G. C. Craddock; St. Louis, Columbia, Clarence Hill; Salt Lake City, Paramount, Charles Apperson; San Francisco, Warners, Charles Muehlman; Seattle, RKO, Edward Lamb; Sioux Falls, RKO, Sherman Fitch; Washington, Columbia, Sam Galanty.

## Hays Wins Victory As M-G-M Scraps 2

HOLLYWOOD, April 22.—Announcing its inability to prepare an acceptable treatment, M-G-M is abandoning "The Postman Rings Twice" and is also scrapping "Professional Co-Respondent," thus marking a double victory for Hays' moves to check allegedly objectionable material prior to production.

At an estimated cost of $30,000 the company is reshooting the underwater nude sequence in "Tarzan and His Mate" and is also reediting to reduce the brutality sequences. The underwater sequence in the film was ruled out by the decision of a committee composed of B. B. Kahane, Winfield Sheehan and Carl Laemmle, Jr.

## Harry Katz Returns; Silent About Deals

Back from a trip from the midwest where he was accompanied by Milton Feld, Harry Katz Saturday stated no theatres were acquired but that the trip mainly had to do with an inspection of the Monarch group and "some others."

He said there was some talk on about additional theatres, but nothing has yet developed.

## Va. Censors Admit Two

RICHMOND, April 22.—Court action over the ban on "Road to Ruin" has been averted through the licensing of the feature after cuts of 3,000 feet.

"Henry the Ache" also has been licensed after an appeal.

# Letter for Elmer Rhoden

FOX FILM CORPORATION

HEAD OFFICE 444 WEST 56TH STREET, NEW YORK

TELEPHONE COLUMBUS 5-3320 CABLE ADDRESS. FOXFILM-NEW YORK

April 23, 1934

Mr. Elmer Rhoden
Midwest Theatres
Kansas City, Mo.

Dear Elmer,

You will be interested to read the following New York newspaper reviews on "Stand Up and Cheer!" The critics all stress the happiness and gaiety of this production -- an important box office angle, especially today.

N. Y. AMERICAN:
Gay film summons laughter and songs to rout bad times ...a great idea.

N. Y. EVE. JOURNAL:
Drew enthusiastic applause. Very light, gay and diverting. Enlivened by tuneful songs.

N. Y. MIRROR:
Handsome and entertaining... gay and exhilarating. Attractive and unusual film.

N. Y. POST:
Deserves its special cheer. Lavish, gay...a wealth of song and dance numbers.

N. Y. WORLD-TELEGRAM:
Genuinely fine, amusing and entertaining. Something to cheer about.

N. Y. TIMES:
A case of bringing smiles to the faces of the nation.

N. Y. DAILY NEWS:
Designed to wipe away the fears and blues of these hard times. Little Shirley Temple earned spontaneous applause. Nick Foran sings with vim and vigor and in good voice. Nigel Bruce gathered laughs

# STAND UP AND CHEER!

A FOX PICTURE

JOHN
Barrymore

*"I have never done anything I like as well as I do this role! It's immense! A role that comes once in an actor's lifetime."* John Barrymore

# in 20th CENTURY

*From the notable New York stage success by*
Ben Hecht — Charles MacArthur — Chas. B. Milholland

*A Columbia Picture*

CAROLE
Lombard

"She is probably the greatest actress I have ever worked with."

John Barrymore

in 20th CENTURY

with

CAROLE LOMBARD

WALTER CONNOLLY — ROSCOE KARNS

A HOWARD HAWKS PRODUCTION

A Columbia Picture

# "Phase Shift" Sound Tested In 4 Studios

(Continued from page 1)

flict on light values and by so doing to increase the sound cycle range in both lower and upper registers. It necessitates changes in studio amplifiers and refinements in present recording equipment, but does not require changes in theatre reproducers, according to well authenticated information available here.

Erpi is known to be installing "Phase Shift" as rapidly as possible, but in view of the fact that the changeover from "Wide Range" involves engineering problems and three days to change each recorder new installations are naturally limited by these factors.

"Wide Range" recording gives reproduction additional values over standard theatre equipment and this is seen as similarly applying to "Phase Shift." Whether or not the ultimate in the new development can be brought about simply through changes in reproducers, as is the case with "Wide Range" recording, which reaches its maximum over "Wide Range" reproducers is not apparent, but the same factor is likely to prevail in furthering the development of "Phase Shift."

# Seek Way to Study Reaction to Duals

(Continued from page 1)

on public reaction to pictures to studio executives, it has been learned here. With this purpose in mind the executive committee of the organization will gather soon in New York. Meanwhile, a plan to clear through the Hays organization is being extensively discussed here. The possibility also looms that data on specific pictures will be forwarded directly to the studios.

Should the industry decide to solve the problem through the scheme reported to have been advanced by major producers—that a clause be included in new season contracts forbidding an exhibitor to show their pictures when coupled with any other feature—it is believed now is the time to put such a move in effect with the new season still sufficiently removed.

# Pathe Group May Fight Webb Option

(Continued from page 1)

made at a time when the stock was selling below the current market price.

According to the offer, Webb will have the right to purchase 12,500 shares of common stock at $2 over a period of four years and 3,000 shares of "A" preference at $12 for three years. Saturday, the common stock closed at $3⅛ and the "A" at $23¼.

Election of officers is scheduled and minor changes are anticipated. In addition to Webb as president, Arthur B. Poole is vice-president and treasurer, John C. Walsh, secretary and assistant treasurer, and Ellen U. Keogh, assistant secretary. Fifteen directors are also to be named. Those now members of the board include Robert W. Atkins, Paul Fuller, Jr., Henry Guild, Ellery W. Mann, George S. Montgomery, Jr., Poole, Arthur Sewall, 2nd, Charles A. Stone, Theodore C. Streibert, Webb and Charles B. Wiggin.

Proxies are coming in rapidly and four-fifths of the number necessary to hold the meeting are on hand. No postponement is expected, although this may happen if the necessary additional proxies do not arrive by tomorrow.

# Looking Over Shorts

## "The Lost Jungle"

(*Mascot*)

If this serial can carry on the exciting pace it does in the first three chapters it is bound to prove good entertainment. On the strength of its opening footage "The Lost Jungle" can be booked by exhibitors, for kid shows particularly, without qualm. Clyde Beatty is starred, and his role as an animal trainer gives him plenty of opportunity to display his wares. To add to the excitement there is scene after scene of combat between wild beasts.

The villainy is supplied by a rival animal trainer, played by Warner Richmond, who resorts to every means imaginable to get Beatty out of the way and step into his shoes. At the end of the season with an American circus, Beatty, accompanied by Richmond and Sid Saylor, press agent, book passage on a dirigible on its maiden trip to trap animals for the outfit. When the airship is wrecked in a storm the three are thrown on a mysterious island covered with wild animals. Richmond stumbles upon a secret treasure, and to acquire it for himself he is ready to do anything. His first step is to release a wild tiger, which is on the point of mauling Beatty as the second episode closes.

The animals in the film are from the Hagenbeck-Wallace circus.

Also in the cast are Cecelia Parker, Edward Le Saint and Wheeler Oakman. Saylor provides the comedy relief. "The Lost Jungle" may be obtained as a serial in 12 chapters, as a feature followed by 10 chapters or as a straight feature. The first chapter runs 27 minutes, the others 18 each.

## "Arizona Nights"

(*Astor*)

A short of average merit, "Arizona Nights," a William Steiner production, presents Jack Perrin as a member of a border patrol along the Rio Grande delegated to trail a gang of smugglers. Most of the film is taken up with a fight between Perrin and the gang. It is one of those exaggerated slam-bang encounters common to western films. Fortunately this one happens to be done with a touch of humor. Running time, 28 mins.

## "Everybody Likes Music"

(*Van Beuren-Radio*)

Fun at a party where Irene Taylor tries to inveigle the President of Bullvania to give her husband a minister's post. There is entertainment followed by a lot of excitement when it is believed important papers of the president are lost. He declares war, calls it off and before the party is over is deposed.

Donald Novis renders a song beautifully, assisted by Meyer Davis and his orchestra. Directed by Leugh Jason. Running time, 20 mins.

## "Wolf! Wolf!"

(*Universal*)

Oswald goes into the forest, leaving two frisky lambs at home with a warning to call should the big, bad wolf show up. Like the boy in the fable, they cry "Wolf!" just to play a joke on Oswald. They do this once too often. When the wolf really comes they cry in vain, for Oswald thinks they are fooling. In the nick of time Oswald realizes they are in danger and goes to the rescue. "Let this be a lesson to you," says Oswald in effect after Mr. Wolf has been slain. Running time, 8¼ mins.

## "Palsie Walsie"

(*Universal*)

It's pretty funny. Lillian Elliott, a doting mama, wants her husband, Henry Armetta, to keep designing gals from their big freckled boob of a son, Mickey Daniels. Armetta and the boy get into court and the judge sentences the boy to the custody of his father for 30 days. In a weak moment Armetta takes the boy to a restaurant with the judge's daughter. When the mother discovers them a first class riot develops. Running time, 20½ mins.

## "Marine Marvels"

(*Paramount*)

A Grantland Rice Sportlight that should thrill any audience. The scenes, all featuring water sports of some kind, are taken in Florida hotel pools and at Crystal Springs. Helene Madison, Pete DesJardins and Jim Foley are featured. Running time, 12 mins.

# Caldaref Foy Manager

HOLLYWOOD, April 22.—George Caldaref has been appointed western divisional manager of the Foy exchanges for Foy Productions Ltd.

# SMPE Men Converge Upon Atlantic City

(Continued from page 1)

at Chalfonte-Haddon Hall, began converging on this seashore resort early Saturday. A registration of between 300 and 400 is indicated by the numbers of advance arrivals.

Alfred N. Goldsmith, president, is scheduled to call the convention to order at 10:00 A.M. tomorrow. The four-day session will include addresses on virtually every phase of sound, projection, exchange, non-theatrical, amateur-film, studio, laboratory and photographic practice. The society's annual banquet will be held Wednesday evening. Division Administrator Sol A. Rosenblatt will be the principal speaker.

# Four Division Meets Set for Secretaries

(Continued from page 1)

of the Los Angeles, San Francisco, Portland, Seattle and Salt Lake City boards will convene at Los Angeles some time this week, probably Wednesday. This session will be followed by one in Kansas City, where secretaries of the Dallas, New Orleans, Oklahoma City, Denver, Des Moines, Atlanta, Kansas City, St. Louis and Memphis will meet.

The third gathering will be at Chicago with secretaries of the Minneapolis, Milwaukee, Detroit, Chicago, Cincinnati, Cleveland and Indianapolis will discuss the code. The final meeting will take place here and will be attended by secretaries from Pittsburgh, Buffalo, Philadelphia, Albany, New Haven and Boston and will meet at Campi headquarters.

Flinn leaves by plane for the coast today to confer on the Hollywood office. It is expected he will name a secretary before he leaves. Sidney R. Kent is on the coast now and in addition to conferring with Fox studio officials on new product, he is also looking into the studio situation for code data. Flinn will remain on the coast for about three days before leaving for Kansas City.

# Seattle Men Oppose NRA Order on Wages

(Continued from page 1)

neighborhood houses to increase salaries of operators is being undertaken here by a group of exhibitors. According to their statements, they are paying the same scale as paid on August 1, 1933, as provided by the code. The NRA, however, claims that the scale at that time was on the basis of a reduced summer wage, and was to be effective for the summer season only. Exhibitors have been notified to raise salaries to the point contemplated before the code was adopted.

# Ohio Selective Tax Flop, Says Governor

(Continued from page 1)

tax, defeated in the House last week, following two previous defeats within the past year.

The Governor pointed out that the 10 per cent imposts on admissions, cosmetics, beverages and malt wort, enacted last fall, were supposed to produce $666,000 each per month, when, as a matter of fact, the returns have been between $400,000 and $450,000 monthly from each classification.

Legislative strategy, some of which is believed to be without precedent, is being resorted to in order to railroad the general sales tax through the House, with certain modifications of the original draft. If the measure can be passed in both branches, it is assured gubernatorial signature, and will replace the selective sales impost. Otherwise, the present taxation setup will remain in effect until the end of 1937.

THE MOST

EXCITING

ADVERTISE-

MENTS EVER

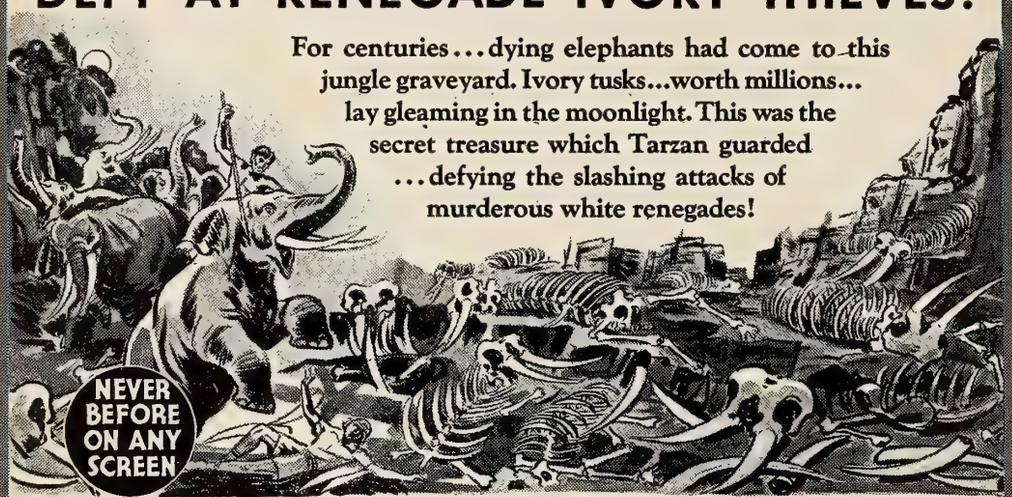
WRITTEN IN

THIS INDUSTRY!

# READY— SET— GO!

## JUNGLE WAR RAGES AS TARZAN HURLS DEFY AT RENEGADE IVORY THIEVES!

For centuries... dying elephants had come to this jungle graveyard. Ivory tusks...worth millions... lay gleaming in the moonlight. This was the secret treasure which Tarzan guarded ...defying the slashing attacks of murderous white renegades!



NEVER BEFORE ON ANY SCREEN

JOHNNY WEISSMULLER

*More Thrilling Than Ever in a New and Greater*

# TARZAN AND HIS MATE

A METRO-GOLDWYN-MAYER-PICTURE

with MAUREEN O'SULLIVAN

NEIL HAMILTON • PAUL CAVANAUGH

An amazing new thrill-drama based upon the characters created by Edgar Rice Burroughs. Directed by CEDRIC GIBBONS. Produced by BERNARD H. HYMAN

**TARZAN'S ARMY**
At Tarzan's call saber-toothed apes hurl jagged rocks at the invading Safari.

**LEFT FOR DEAD**
Shot by renegades and left for dead, Tarzan is nursed back to health by his friends, the apes!

**!!SEE!!**

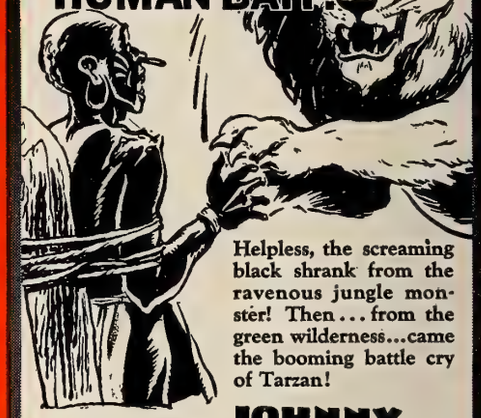
**SEE...** "The Lion Tooth Men," strangest of all savages, with fangs like huge jungle monsters!

**SEE...** Hideously painted cannibal warriors of the "Ju-Ju" country, hungry for human flesh!

**THE CALL OF LOVE**
White goddess of the Jungle — she traded civilization for the love of Tarzan... her mate.

**ATTACKED!**
The gleaming teeth of the lioness were close to his throat! Was this to be the end?

## "LION TOOTH MAN" USED FOR HUMAN BAIT!



Helpless, the screaming black shrank from the ravenous jungle monster! Then... from the green wilderness...came the booming battle cry of Tarzan!

JOHNNY

# WEISSMULLER

*The one and only Tarzan, more thrilling than ever in a NEW and GREATER*

# TARZAN AND HIS MATE

with MAUREEN O'SULLIVAN

NEIL HAMILTON • PAUL CAVANAUGH

*Directed by* CEDRIC GIBBONS

*Produced by* BERNARD H. HYMAN

NEVER BEFORE ON ANY SCREEN

**NURSED TO HEALTH!**
Murderously assaulted by renegade ivory thieves, Tarzan is carried to the tree tops by friendly apes! Herbs and leaves soothe his wounds.

A METRO-GOLDWYN-MAYER PICTURE

**HORNED MENACE!**
The swift charge of the rhino caught Tarzan unawares. Now only his superhuman fighting instincts could save them from a shocking death!

•

**SAFE** in the arms of the one man strong enough to face the terrors of the jungle.

**!!SEE!!**

**SEE...** "The Lion Tooth Men," strangest of all savages, with fangs like huge jungle monsters!

**SEE...** The Elephant Burial Ground, a hidden graveyard centuries old, with a secret treasure of millions in ivory!

•

**THE MASSACRE!**
The fight at the river with "The Lion Tooth Men" ends in a massacre...when the ivory traders set fire to the ammunition dump!

*It's Here!*

# TARZAN AND HIS MATE

## "LET ME HAVE YOUR GREAT ARMS TIGHT AROUND ME... YOU ARE MY MATE!"

Tonight...their Paradise would ring with his mating cry!

Tomorrow...he would grapple with jungle death!

**GIANT APES** ...came at Tarzan's call, hurling jagged death-dealing rocks ...they put the savage "Lion Tooth Men" to rout!

**NEVER BEFORE ON ANY SCREEN**

**FEARLESS!** Even the mad rhino holds no terror for Tarzan.

**ATTACKED!** The gleaming teeth of the lioness were close to his throat! Was this to be the end?

## JOHNNY WEISSMULLER

*Brawny Adonis in new adventures with*

**MAUREEN O'SULLIVAN**

**A Metro-Goldwyn-Mayer-Picture**

*with* NEIL HAMILTON PAUL CAVANAUGH

**!! SEE !!**

SEE...The "Lion Tooth Men," strangest of all savages, with fangslike huge jungle monsters!

SEE...The Elephant Burial Ground, centuries old, with a secret treasure of millions in ivory.

SEE...Hideously painted cannibal warriors of the "Ju-Ju" country, hungry for human flesh!

---

**RESCUED BY THE APES!** Murderously assaulted by renegade ivory thieves, Tarzan is carried to the tree tops by friendly apes. Herbs and leaves soothe his wounds.

# SEE!!

"The Lion Tooth Men," strangest of all savages, with fangs like huge jungle monsters!

The Elephant Burial Ground, a hidden graveyard centuries old, with a secret treasure of millions in ivory!

Hideously painted cannibal warriors of the "Ju-Ju" country, hungry for human flesh!

**...A TENT AS BIG AS YELLOWSTONE PARK ...COULDN'T HOUSE THE WONDER-THRILLS OF THIS ROCKETING DRAMA!**

THE ONE AND ONLY **JOHNNY WEISSMULLER**

**MORE THRILLING THAN EVER IN A NEW AND GREATER**

# TARZAN AND HIS MATE

*with* **MAUREEN O'SULLIVAN**

**NEIL HAMILTON · PAUL CAVANAUGH**

METRO-GOLDWYN-MAYER'S *Amazing New Thrill-Drama based on the characters created by* EDGAR RICE BURROUGHS. *Directed by* CEDRIC GIBBONS. *Produced by* BERNARD H. HYMAN.

**JUNGLE LOVE!** While Tarzan's brawny arms held her close...the jungle's furies meant nothing to this White Goddess of wild Africa.

**NEVER BEFORE ON ANY SCREEN**

**THE AMAZING ELEPHANT BURIAL GROUND!**

For centuries...elephants have come to this secluded grove. Through some weird instinct, they have made it their graveyard. Millions in ivory lay upon the ground. Already, white renegades had tried to murder Tarzan, to possess this fabulous treasure!

**HAND-TO-HAND FIGHT!** The gleaming teeth of the lioness were close to his throat! Was this to be the end...?

---

## DRAMA TO TIE YOUR NERVES INTO KNOTS!

Wild Africa...ransacked for new thrills and strange, startling adventures! Now they zoom to the screen... to awe and amaze you!

# JOHNNY WEISSMULLER TARZAN AND HIS MATE

A Metro-Goldwyn-Mayer Picture with

**MAUREEN O'SULLIVAN**

**NEIL HAMILTON • PAUL CAVANAUGH**

Based on the characters created by EDGAR RICE BURROUGHS

**!! SEE !!**

SEE..."The Lion Tooth Men," strangest of all savages, with fangs like huge jungle monsters!

SEE...The Elephant Burial Ground, a hidden graveyard centuries old, with a secret treasure of millions in ivory!

**SAFE...** in the arms of the one man mighty enough to face the terrors of the jungle.

**OUT OF THE SKY!** Startling the hunters, a beautiful girl crashes through the trees to be saved from certain death by Tarzan the Mighty

**DEATH TO THE BLACK PANTHER**

Now...the snarling cat launched itself in vicious attack! Its great claws slashed at its human prey! Gripping his hunting knife Tarzan waited. He, too, could rip and tear.

**IT'S NEW!**

# THIS BOOK IS THE BEST-SELLER OF EVERY FILM ROW!

**GET THIS GIANT PRESS BOOK TODAY! IT'S GREAT!**

# Showmanship Is Restoring Para.-Zukor

(Continued from page 1)

the elemental principles of show business," the president of the company states. "We pioneered in many fields but always with the showman's angle in mind.

"We got into trouble only when we lost sight of the all important fact that we were showmen, first last and always.

"During the past year we have had time to take stock of ourselves and the organization. The depression forced us to use all of our accumulated knowledge of showmanship in order to carry on our business. It has likewise made increasingly clear the necessity for a strong and harmoniously-operated organization.

**Departments Rebuilt**

"In the past 12 months we have rebuilt our several departments to the highest point of efficiency and have simultaneously developed an inter-departmental cooperation comparable with the spirit which existed during the best years in the company's history. As a result, our business has during 1933-34 been highly satisfactory from every angle.

"Production has shown a sharp upturn in the quality of the pictures we have made. Distribution has achieved the maximum circulation for this quality product. The foreign activities of the company have more than kept pace with the progress made by the domestic departments. And our theatre department, through a series of reorganization moves, notable in the decentralization of operation and the formation of locally operated partnerships, is rapidly getting back into its original field—practical show business.

"In the final analysis, all of these moves of the past 12 months have been in only one direction—a return to the business of selling the best possible entertainment to the greatest possible number of theatre patrons."

## *Para. Sales Policy Up at Chicago Meet*

(Continued from page 1)

the annual sales convention in Los Angeles June 18-20.

Attending the Chicago session will be: George J. Schaefer, Neil F. Agnew, Joseph J. Unger, Stanley Waite, G. B. J. Frawley, and District Managers Milton S. Kusell, New York; Percy A. Bloch, Philadelphia; Eddie Fontaine, Cleveland; William Erbb, Boston; Oscar Morgan, Atlanta; Jack Dugger, Dallas; Charles Reagan, Chicago; Ralph C. LiBeau, Kansas City; Hugh Braly, Denver; Myke Lewis, Los Angeles; Ben Blotcky, Minneapolis, and Morris A. Milligan, Toronto.

## *Rogers Stays With Para. Until July 1*

(Continued from page 1)

will be finished and Rogers will move elsewhere.

Schulberg is also rounding out one year on his Paramount deal for eight, with three now in work and two to go. He expects to finish in August, but a renewal is not viewed as remote.

# *Grosses in 21 Key Spots Show Jump to $1,571,695*

(Continued from page 1)

registered $1,714,824 for 136 theatres. With the exception of that week, the total was higher than at any time since last September when the present series of box-office compilations began.

Comparative grosses compiled from day to day reports for 28 weeks show this:

| | Week Ending April 6-7 | | Week Ending March 30-31 | |
|---|---|---|---|---|
| | No. Theatres | Gross | No. Theatres | Gross |
| Boston | 6 | $119,000 | 6 | $100,000 |
| Buffalo | 5 | 46,600 | 5 | 36,800 |
| Chicago | 7 | 134,500 | 7 | 126,000 |
| Cleveland | 7 | 70,200 | 6 | 37,600 |
| Denver | 5 | 29,000 | 5 | 31,750 |
| Detroit | 6 | 89,500 | 6 | 70,100 |
| Indianapolis | 5 | 24,500 | 5 | 19,700 |
| Kansas City | 5 | 44,400 | 5 | 24,900 |
| Los Angeles | 8 | 90,815 | 7 | 88,296 |
| Minneapolis | 5 | 25,000 | 5 | 24,500 |
| Montreal | 4 | 42,500 | 5 | 40,300 |
| New York | 11 | 338,330 | 11 | 259,676 |
| Oklahoma City | 4 | 17,700 | 4 | 11,600 |
| Omaha | 4 | 24,000 | 4 | 22,750 |
| Philadelphia | 10 | 118,500 | 11 | 82,700 |
| Pittsburgh | 6 | 51,500 | 6 | 42,500 |
| Portland | 6 | 34,700 | 5 | 20,400 |
| Providence | 6 | 46,500 | 6 | 32,000 |
| San Francisco | 7 | 87,200 | 7 | 65,000 |
| St. Paul | 5 | 19,500 | 5 | 19,000 |
| Seattle | 6 | 28,750 | 6 | 26,250 |
| Washington | 7 | 89,000 | 7 | 65,500 |
| | 135 | $1,571,695 | 134 | $1,247,322 |

| Week Ending | Theatres | Grosses |
|---|---|---|
| September 29-30, 1933 | 135 | $1,342,710 |
| October 6-7 | 141 | 1,417,886 |
| October 13-14 | 143 | 1,544,838 |
| October 20-21 | 141 | 1,581,308 |
| October 27-28 | 143 | 1,509,422 |
| November 3-4 | 142 | 1,500,740 |
| November 10-11 | 141 | 1,379,560 |
| November 17-18 | 144 | 1,375,132 |
| November 24-25 | 141 | 1,431,209 |
| December 1-2 | 141 | 1,418,753 |
| December 8-9 | 142 | 1,558,832 |
| December 15-16 | 139 | 1,221,032 |
| December 22-23 | 133 | 1,071,457 |
| December 29-30 | 138 | 1,433,289 |
| January 5-6, 1934 | 136 | 1,714,824 |
| January 12-13 | 138 | 1,435,649 |
| January 19-20 | 136 | 1,305,267 |
| January 26-27 | 135 | 1,348,517 |
| February 2-3 | 135 | 1,338,371 |
| February 9-10 | 135 | 1,270,345 |
| February 16-17 | 136 | 1,317,011 |
| February 23-24 | 136 | 1,316,421 |
| March 2-3 | 135 | 1,350,548 |
| March 9-10 | 134 | 1,378,865 |
| March 16-17 | 133 | 1,302,020 |
| March 23-24 | 128 | 1,291,695 |
| March 30-31 | 134 | 1,247,322 |
| April 6-7 | 135 | 1,571,695 |

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## *Report Warners to Buy London Studio*

LONDON, April 22.—A deal for outright purchase of the Teddington studios by Warners is reported to have been closed during the recent visit here of Harry M. Warner and Sam E. Morris. The move is interpreted in British film circles as presaging an expansion of Warner activities here which will probably include production increases.

H. M. Warner could not be reached at his office on Saturday for comment on the London report.

## *"One Night" Breaks Seattle Run Record*

SEATTLE, April 22.—All records for long run engagements here have been shattered by "It Happened One Night." The Columbia opus has gone into its ninth week at the Liberty, thereby shattering the eight-week record previously set by "The Jazz Singer" at the 950-seat Blue Mouse several years ago. More than 175,000 people have seen the current show, which is running at an advance of 10 cents over the usual scale of 25 cents top. A tenth week is entirely possible, executives say.

# M-G-M Plans To Distribute Own Trailers

(Continued from page 1)

all National Screen contracts with exhibitors for Metro trailer service will have expired. Thereafter, exhibitors will contract directly with M-G-M for the service.

M-G-M cites as advantages in making its own trailers the opportunities to work farther in advance on this form of exploitation and advertising, and the elimination of rush work in turning out trailers to meet release dates. Under the new arrangement the company reports it is possible to begin preparation of trailers as soon as production of a picture starts, rather than waiting until it has been completed to make the trailer. Larger selection of special scenes and music is also offered, the company reports.

Warners is the only other large company making its own trailers.

## *Ferguson Inducted; Ampa Party Success*

(Continued from page 1)

day evening at the "Naked Truth" Dinner at the Astor. He promised 100 per cent cooperation and stated he will continue the good work of his predecessor, John C. Flinn.

The retiring president reviewed the work of the administration under him and thanked the industry for the opportunity it had given him to head the association.

The dais was studded with personalities in and out of the business, including Adolph and Mrs. Zukor, E. W. and Mrs. Hammons and Mrs. August Belmont. The affair was a sellout and more than $15,000 was netted for the *Film Daily* Relief Fund and the M. P. Charity Fund.

## *Children's Theatre Measure Bumps Snag*

ALBANY, April 22.—The Burchill bill to allow a city, town or village to pass an ordinance permitting children to attend picture theatres unaccompanied by parent or guardian when school is not in session, has struck a snag and probably will not be passed at this session.

Certain welfare agencies of New York City, including the Society for Prevention of Cruelty to Children, have objected. Upstate welfare officials are said to favor the bill.

## *Lesser to Start May 18*

HOLLYWOOD, April 22.—Sol Lesser has leased space at the Mack Sennett studios where he will produce "Peck's Bad Boy" beginning May 18, which will be followed by "When a Man's a Man," "Chandu" and a series of westerns.

## *75 in Phila. on Duals*

PHILADELPHIA, April 22.—Approximately one-third of the theatres in this territory are operating on a double feature policy, according to records of distributors here which show 75 houses to be dual customers.

## Didn't See It

**Kansas City, April 22.—This business of double bills is confusing. The other night a patron asked Mrs. A. Baier, owner of the Lindbergh, why "The House Beautiful" wasn't shown. That descriptive label, in the newpaper ad, referred to the theatre. To prevent further misunderstanding, Mrs. Baier has changed the tag, which now reads: "That cheerful theatre." No one, she says, would mistake that for a title.**

## Three Boston Houses Make Policy Shifts

BOSTON, April 22.—Three downtown theatres have changed policies. All are M. & P. Publix houses managed by Robert M. Sternberg. Scollay Square goes to vaudeville and double features with program changes Thursdays and Saturdays. Modern and Beacon theatres, formerly twin houses, resume that relationship, playing day and date, with two features, short subjects and newsreel. Paramount and Fenway continue day and date bills with two features, first run. This gives Boston two sets of twin houses for the first time.

## Oppose Cincy Union

CINCINNATI, April 22.—Charles H. Elston and Arthur H. Fix, attorneys, representing Operators' Local 327, have filed suit in Common Pleas Court here against the Sound Projectionists' Union of America asking an injunction against using the name they have adopted, and a declaration that the organization is not a bona fide union.

The petition, signed by John P. Hawthorne, president of the local, charges that the defendant organization consists principally of strike breakers and beginners in projection work, and that it is violating the code.

## Preston Foster Quits Fox

HOLLYWOOD, April 22.—Preston Foster's contract with Fox has been terminated by mutual consent. The actor requested a settlement because of unsuitable roles offered him.

## Fabian Heads Golfers

PREAKNESS, N. J., April 22.—Simon H. Fabian, Warner theatre executive, has been re-elected president of the Preakness Hills Country Club, in Preakness.

## Sign Hackett, Goodrich

HOLLYWOOD, April 22.—As a result of their adaptation of "The Thin Man," Albert Hackett and Frances Goodrich have been given new long term contracts at MGM.

## Sutherland Joins Fox

HOLLYWOOD, April 22.—Fox has signed Edward Sutherland to direct the Joe Cook picture tentatively titled, "Fun in the Air."

## Canton Strand to Close

CANTON, O., April 22.—The Strand, independent, is scheduled to close in the next few weeks for complete renovation and remodeling.

# Who? What? When?

*Who are the appointees on code boards announced by Code Authority in New York?*

*More thumbnail sketches, gathered by* MOTION PICTURE DAILY *correspondents, furnish the answer:*

## Albany

ALBANY, April 22.—JOSEPH SHURE, who replaces Charles W. Koener as first run affiliated representative on clearance and zoning, is connected with RKO here. He started in show business with an independent in Kansas City, Mo., in 1919. After two years he went into the mercantile business and did radio jobbing. In 1925 he joined the Orpheum circuit in Chicago. He remained in Chicago six years and was then transferred to Dallas with RKO Southern Corp. He remained in this job until RKO Southern was turned back to Karl Hoblitzelle. After a few months with Hoblitzelle he returned to RKO, which was about a year ago. Before coming to his present post here he served for a time in the New York office. He was named to replace Koener when the latter was transferred by RKO from this city to Boston.

## Chicago

CHICAGO, April 22.—JUDGE HARRY HIBBARD PORTER, who replaces Lowell Mason as the impartial member of the grievance board, had to turn back the pages of time a bit when he received word from Division Administrator Sol A. Rosenblatt of his appointment. But their days together at Harvard Law School were quickly recalled, and that explains why the chief justice of the Municipal Court of Evanston has been asked to sit in on the problems of the industry.

Judge Porter, who has lived in Evanston the past 20 years, is a Northwestern University graduate, class of 1921 with an A. B. He emerged from the Harvard Law School in 1924 with an LL.B. Extremely popular in his home town, Judge Porter is also well known in Chicago for his untiring fight against red tape and legal maneuvering. He is recognized as a fearless champion of justice and has several times made the front pages by refusing to let friendship interfere with its execution. One time he fined himself a dollar for over-parking, and the novelty struck public fancy.

Judge Porter was married June 6, 1931, to Beatrice Vahle. They have a daughter 20 months old. He is a member of the Kiwanis, B. P. O. E., Evans Lodge 524 of A. F. & A. M. and a member of the Veterans of Foreign Wars. He has had no previous association with the industry.

## Des Moines

DES MOINES, April 22.—ARTHUR A. MORROW, impartial member of grievance, has been dean of the college of law, Drake University, Des Moines, for the last eight years, and was previously dean of the college of commerce. He has been admitted to the bar in Michigan as well as Iowa. He is president of the Frederick Apartments Co. here. He was born in West Alexander, Pa., in 1893, and is a graduate of Bethany College, Bethany, W. Va., and of the University of Michigan Law School.

## Indianapolis

INDIANAPOLIS, April 22. — ROY CHURCHILL, manager of the RKO exchange here, replaces J. Harold Stevens on the local grievance board. He has been manager of the local exchange for two years. Before coming here he was in Kansas City.

PAUL Q. RICHEY, impartial member of clearance, is president of the Russell Seeds advertising agency and was president of the local chamber of commerce in 1929. He is a former newspaper man, having worked on the *Muncie Star* and the *Indianapolis Star*. In 1909 he left the *Star* to join the advertising agency.

GEORGE S. OLIVE, impartial member of grievance, is senior partner of the accounting firm of George S. Olive & Co. He is a local man and a Harvard graduate. He was formerly accountant for the Indianapolis Water Co. Olive was a member of the board of directors of the local chamber of commerce at the time Richey was president.

## Minneapolis

MINNEAPOLIS, April 22.—EMMONS L. ABELES, Minneapolis attorney, impartial member on grievance, is 40 years old, lives at 2115 Aldrich Ave. S., Minneapolis, and maintains a law office at 1054 McKnight Building. He is engaged in the general practice of law and has had no connection with the film business except to represent an occasional client in the course of his practice. He was born in Minneapolis, and educated in the Minneapolis schools and the University of Minnesota. He has been practicing since about 1916.

EVERETT DILLEY, who replaces Eddie Ruben on grievance, is an old timer in the theatre business in Northfield, Minn., having taken over the Grand there about 15 years ago. For about five years in the heyday of prosperity, the house was operated by Publix under an agreement with Dilley but he took it back about two years ago. He is one of the well known names of the rural theatre business in the Northwest and is about 50 years old. He is married.

EDWARD G. TUNSTALL, who replaces Fred Holzapfel on clearance and zoning, grew up in the theatre business, having been connected with Metropolitan Theatres in Minneapolis and St. Paul since boyhood. He is now treasurer of the Metropolitan Theatre in Minneapolis as well as owner of the Southern Theatre, a neighborhood located at the famous Seven Corners in Minneapolis. He spent several years in the independent business, operating the Tri-State Film Co. in Minneapolis, moving to Milwaukee for some years and then returning here for another short hitch. For several years he was general manager of the St. Paul and Minneapolis Metropolitan Theatres. He took over the Southern theatre, four or five years ago from M. J. Cavanaugh and has been operating it since. He is about 50 years old, married and has one boy.

A. A. D. RAHN, impartial member on clearance and zoning, is a veteran Minneapolis lumberman. He has been connected with the Shevlin-Carpenter & Clarke Co. for nearly 40 years, having started under T. H. Shevlin as a timber cruiser in his early youth. He is now vice-president of the company. He has been in Washington working on lumber codes, both wholesale and retail, since January. He is chairman of the Shippers' Advisory Board of the American Railway Ass'n for the Northwest. He is also a past potentate of Zuhrah Temple of the Shrine and is now a national officer of the lodge. He was born in Valparaiso, Ind., is married and has three children. His home is at Crystal Bay, Lake Minnetonka (suburb of Minneapolis).

## New Haven

NEW HAVEN, April 22.—GEORGE S. STIRLING, impartial member of clearance and zoning, is a member of the investment banking firm of Stoddard and Williams and a former vice-president of Mechanics Bank here.

## Portland

PORTLAND, April 22.—PHILLIP BLUMAUER, owner of the Capitol, Portland, recently celebrated his 69th birthday, having been born here in 1865 on the identical spot where his theatre stands. Following his schooling, he worked in various trades until he became associated with the wholesale drug house, Blumauer-Frank Drug Co., one of the pioneer concerns, and was with this firm for over 20 years. Following his resignation from the firm some three years ago, he took over the Capitol from the lessees, since which time he has operated the house. Blumauer is a real, simon-pure independent, steady, reliable and uncheageable in his house policy, which has never changed since he took it over, showing vaudeville and pictures, principally subsequent run, though at times he has used a first run independent film. He is well aware that the film business needs remodeling and is willing to devote his time to the betterment of the business.

## Lease Birmingham Spots

BIRMINGHAM, April 22.—Three theatres here figure in new deals. The Galax has been leased to Galax Theatres, Inc., Frank V. Meritt, president, and will be remodeled and new equipment will be installed. The Pantages, dark several years, has been leased to Birmingham Theatres Co., which operates the Ritz and others.

The Trianon has passed out of the film picture, having been leased for a chain dress shop.

## Offers Jobs to Cops

**Cleveland, April 22 — Because members of the police force are to be put on part time due to the city's lack of funds, H. M. Addison, Loew division manager, has offered to put some of the policemen on as doormen in their "off" time to help bolster their incomes. Present doormen will not be dismissed but will be given other work.**

# Variety Club Chatter

## Albany

ALBANY, April 22.—First luncheon since inception of the Albany chapter was held last week with NATE SAUBER and ALEC SAYLES as the kings for a day at the DeWitt Clinton Hotel.

Guest of honor was MAYOR THATCHER, who welcomed Variety Tent No. 9 to Albany and presented Chief Barker CHRIS. BUCKLEY with the key to the city.

Fifty members and 10 guests made up the assemblage. The gavel was wielded by SAUBER who defined the purpose and motives for the weekly noon day affair and the king for a day idea.

TOM BAILEY, Fox district manager, was the guest of TONY RYAN, Fox exchange manager. His remarks were short and sweet but to the point. He explained that a Variety Club was in the making in Boston.

MAYOR FITZGERALD of Hudson Falls, N. Y., was a guest of RAY SMITH, Warner manager. He competed with Albany's mayor in eloquence.

Chief Barker BUCKLEY gave MAYOR THATCHER credentials that will identify him as an associate member.

Permanent headquarters are definitely set in the Harmanus Bleeker Hall Building. These quarters formerly housed the American Legion. It is expected to have the quarters equipped May 12.

GEORGE WILLIAMS was named one of the king for a day team for April 23. GEORGE is editor-in-chief of the *Times Union*. His partner will be W. W. FARLEY, theatre operator in Albany and Schenectady.

## Buffalo

BUFFALO, April 22.—Good natured jibes at the expense of the industry and a comparison between screen drama and the drama of the courtroom were highlights of an address by City Court Judge ROBERT J. SUMMERS at the second king for a day luncheon.

WILL MAHONEY and CHIC YORKE, headliners in Shea's Buffalo and Great Lakes theatres, respectively, were entertainers. MAHONEY sang songs of his own composition and YORKE recited poetry. Judge SUMMERS and the vaudevillians were made honorary associate barkers.

DAVE MILLER, chief barker, announced permanent headquarters will be on the sixth floor of Hotel Lafayette and will be remodeled and ready by May 1.

Kings for the day were HARRY A. SEED and JOHN SITTERLY.

Of the 125 barkers and their guests present, Rochester sent a delegation of eight and Syracuse of four.

SIDNEY SAMSON got a cake with one candle on it in honor of his birthday. He wouldn't tell how old he was.

HARRY T. DIXON and GEORGE GAMMEL are kings for the day for the luncheon April 23. Details are being kept secret.

## Cincinnati

CINCINNATI, April 22.—A new set of rules has been drawn up by the house committee, headed by BILL ONIE, chairman.

BILL KEYES came down from Dayton, O., last week, and was presented a radio by the membership. The case was O. K., but there was no mechanism.

Plans are being formulated for a dance to be held by the club in the near future. According to advance information, it will be one of the gala events of the local social season.

Visitors from the Columbus tent at the local club last week included PETE WOOD, MAX STEARN and J. REAL NETH.

## Cleveland

CLEVELAND, April 22.—The largest attendance since the formation of the Variety Club turned out to meet the Cleveland baseball team. More than 340 guests were checked in. Kings were ED BANG, *News* sports editor; BEN SCHWARTZ, attorney; M. B. HORWITZ and JOHN KALAFAT, exhibitors. BANG introduced the baseball team as well as ALVA BRADLEY, owner; WALTER JOHNSON, manager, and BILLY EVANS, business manager.

BEN SCHWARTZ was master of ceremonies, and introduced FRANK BUCK and CARL FRIEBOLIN, local legal light and author of the annual City Club plays. Autographed baseballs were given to the guests.

## Indianapolis

INDIANAPOLIS, April 22.—Arrangements for permanent rooms have been made in the Claypool Hotel. JOE CANTOR, president, says they will be opened about May 1.

MARTY SOLOMON and I. M. HALPERIN were the kings for a day at the luncheon last week. Entertainment was provided by FRANK LIBUSE, vaudeville headliner, appearing last week at the Lyric.

LIBUSE came in as one of the waiters. Only those in charge of the program were in the know and when LIBUSE elbowed a few and stepped on a few corns, CARL NIESSE got up in arms and started to call the manager. A. C. ZARING was ready to back him up and ask for the waiter's dismissal.

TOM DEVINE and LOUIS STOCKMAN came in late and were called to task by LIBUSE.

The club will hold an informal dance April 28 in TOM DEVINE's ballroom. Floor show entertainment and a "name" band will be the attractions.

JACK FLEX and COL. KEN COLLINS will be in charge of the entertainment this week.

## Kansas City

KANSAS CITY, April 22.—Paramounteers had their inning as rexes for "der tag" at the April 16 luncheon. First Assistant Chief Barker ARTHUR COLE delivered DR. BURRIS A. JENKINS in person for an illuminating address. The doctor is pastor of the Community Church, exhibitor, friend of the industry, novelist, former newspaper editor and an entertaining speaker.

The house committee decided to defy superstition and open the club rooms on Friday the 13th. After a directors' meeting, Chief Barker FRANK HENSLER declared the quarters open and the crowd attending inscribed their names in the registration book. Housewarming will be held later.

PECK BAKER, chairman of the house committee, says the rooms will be open daily from 11 A.M. to 1 A.M., with a steward in attendance at all times.

Among early visitors were NORMAN FRESCOTT, with the "New Yorkers" company at the Mainstreet, an associate member of the Pittsburgh tent. Also HAROLD GOLDBERG, company manager, a barker from Cleveland.

Tent topics: IRWIN DUBINSKY a bridge addict . . . DICK BIECHELE and PECK BAKER frequent dropper-inners.

By-laws and constitution having been adopted, ELLIOTT JONES is obtaining the state charter.

BILL WAGNER is the local associate editor for "The Barker," national V. C. publication.

GEORGE (NEWMAN) BAKER lately has become a polo addict.

MAX ROTH spent a few days in Des Moines where JOE LEVY, Columbia branch manager, and MRS. LEVY were injured in a motor car smashup.

## Detroit

DETROIT, April 22.—Sally Rand minus her fans, was the guest of honor at the noon-day luncheon for which Barkers FRANK A. WETSMAN and LOU WISPER were kings for the day and proved herself as much at home on the rostrum as before the footlights. She told the barkers that competition of the right kind was a much needed tonic in the show business at present.

President J. E. FLYNN, who spent some time recently in Florida, has returned there to bring home his wife, who has been ill.

ELLIOTT S. KINNEY, who resigned from Allied to become secretary of the local NRA boards, is a barker. He was honored at a dinner in the Book-Cadillac on Wednesday night.

BEN LYON, appearing with wife, BEBE DANIELS at the Michigan, attended the get-together last Saturday night in the club rooms.

HAROLD ROBINSON has returned from Miami.

H. M. RICHEY and HAROLD ROBINSON will be kings for the next luncheon.

BILL HURLBUT is back from a business trip to Boston.

HERMAN HUNT, local manager for National Theatre Supply, is the newest barker.

## Pittsburgh

PITTSBURGH, April 22.—The quota for a number of Variety Club charters set for September of this year has already been reached with the organization of the Variety Club of Washington, D. C., which is No. 11. The national officers have determined that not more than 11 charters would be issued up to September of this year and April finds that quota completed.

The total roster of Variety Clubs now consists of Pittsburgh, Columbus, Cincinnati, St. Louis, Detroit, Cleveland, Kansas City, Buffalo, Albany, Indianapolis and Washington, D. C. The first club was organized in Pittsburgh seven years ago and the second in Columbus four years ago. The nine other clubs have been organized since September of last year.

In spite of the numerous requests for charters no additional ones will be issued before next September. It is the desire of the national officers that the organization be slow so that each of the new clubs will be equally as strong as the Columbus and Pittsburgh clubs.

They are more than enthused with the type of men who make up all these new organizations and they have been particularly active in the matter of charity and civic contacts. The club was originally organized in Pittsburgh by the man who now heads the organization as national president—JOHN H. HARRIS.

## Washington

WASHINGTON, April 22.—The Committee of Eleven of Tent No. 11 has met with Chief Barker JOHN J. PAYETTE in the chair. The tent's progress has been temporarily decelerated to a snail's pace because of the unexpected lack of space in acceptable hotels for headquarters.

Ways and means, house, transportation, membership, finance, entertainment and other committees were slated to have been chosen. Reports indicate that none of them were named.

It is understood that the names of 64 candidates for membership (which is arbitrarily limited to 75) were discussed.

## St. Louis Men Shifted

ST. LOUIS, April 22.—In a shuffle of St. Louis Amusement Co. managers Sid Johnson of the Congress has gone to the Shenandoah, James Irving of the Shenandoah has gone to the Mikado, and John Hoehn, assistant manager of the Granada, has been made manager of the Union. Henry Cole has quit the Union for the Shaw, and Ernest Fox of the Shaw has gone to the Congress.

## Spring Is Here

**When they start repairing chairs**
**In deserted open airs**
**Then you'll know that SPRING IS HERE.**
**When dailies give their space**
**As to when conventions will take place**
**Then you'll know that SPRING IS HERE.**
**When exhibitors start complaining that**
**Their rentals were too high**
**And exchanges say at last year's prices**
**They just can't get by;**
**When the theatre doormen shout**
**"Cooler here inside than out"**
**Then you'll know that SPRING IS HERE.**

**JACK ELLIS**

# *Carl Laemmle*

*takes just pride and keen pleasure in publicly tendering his congratulations* ~

*To* MARGARET SULLAVAN

*To* FRANK BORZAGE ~

*To* Douglass Montgomery

Fred Kohler, Alan Hale, Mae Marsh, George Meeker, Muriel Kirkland, DeWitt Jennings, Hedda Hopper, Catherine Doucet, Bodil Rosing, and other members of the cast ~

*To* Hans Fallada, William Anthony McGuire, Norbert Brodine, Charles D. Hall, Milton Carruth, Maurice Pivar, Lew Borzage, Gilbert Kurland ~

~ *for the efforts each made in producing that inspired Universal Production*

# LITTLE MAN, WHAT NOW?

# A Column of GOOD NEWS

FROM

Film DAILY

**A WOW**

**FAST COMEDY**

**BEAUTIFUL**

**CLASSY COMIC**

**UNUSUAL**

The Three Ritz Brothers in
"Hotel Anchovy"
(Coronet Comedy) 19 mins.
Educational

**A Wow**

A goofy riot of laughs that will slay 'em anywhere. The Ritz Brothers take over the running of a hotel which the proprietress, Doris Hill, is about to sell. She has a couple of buyers coming in, so she hires the Ritz boys to keep the guests from leaving and make everything look prosperous. And how they do it! It is one continuous series of howls as these boys go through their loony antics with the guests. It's fast, original, and filled with uproarious situations. Can't miss. Produced by Al Christie.

Tom Howard and George Shelton in
"The Big Meow" 19 mins.
Educational

**Fast Comedy**

Carries in the business plenty of laughs as Tom Howard and George Shelton who are hired by a judge to trace a gangster who is threatening to do him bodily injury for sending him to jail. By mistake, the two sleuths trail the judge's wife instead of the gangster's moll, with very disastrous results to all hands. Moves fast, and the comics have an original line of humor!

"Hula Honeymoon"
(Treasure Chest Series) 8 mins.
Educational

**Beautiful**

A very delightful and atmospheric short of Hawaii, showing the native dances to celebrate the coming of their ceremonial maturity of one of the Island. It is very maidens of the Island. It is very artistically done, with beautiful photography and the haunting Hawaiian melodies.

Buster Keaton in
"The Gold Ghost" 20 mins.
Educational

**Classy Comic**

A fine comedy starring Buster Keaton in the well executed short of material that he can handle to perfection. When his ritzy girl gives him the air until he proves himself a man and not just an idle son of a rich man, Buster starts out in his car, and breaks down eventually in a ghost mining town on the Nevada desert. A new gold strike is discovered by a couple of old prospectors, and Buster finds himself running the town as sheriff, he having grabbed himself the badge from the sheriff's office. Filled with the delightful Keaton touches, it will go over big with all his many admirers. Directed by Charles Lamont.

"Born to Die"
(Battle for Life Series) 9 mins.
Educational

**Unusual**

Very entertaining and absorbing presentation of minute sea life, showing a series of the bottom of known habitants of the ocean. The photography is exceptionally fine, and the narrative tells the story of the different species in a terse and graphic manner. Unusual subject that will have wide appeal.

**Put 'em All Together and They Spell**

*Educational Pictures*

Educational Pictures
"THE SPICE OF THE PROGRAM"

**Distributed in U. S. A. by FOX Film Corporation**

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 95 | NEW YORK, TUESDAY, APRIL 24, 1934 | TEN CENTS

# Legislatures Near End; Industry Is Hit Lightly

## First Hearing On Grievances Set for May 2

### *It Will Be Followed by Weekly Meetings*

Airing of local grievances will start May 2 and weekly meetings thereafter will be held on Tuesdays. The board is expected to meet three days a week the first few weeks in order to dispose of more than 100 complaints which have piled up. Harry H. Thomas will be chairman.

Although everyone will be given a fair chance, protestants will be asked to try to settle minor disputes before hearings. This is reminiscent of arbitration hearings held here in the past where every attempt was made to settle cases before going before the board.

Lillian Silver, formerly of the

(Continued on page 7)

## Zoning Board Sets Its Meeting Dates

Thursday is the day set for weekly meetings of the local clearance and zoning main board. Advisory committees are scheduled to convene on Mondays and Wednesdays to work on reports to be taken up by the main group on Thursdays.

Leo Abrams of Universal will be chairman of the meeting slated for April 26. No actual zoning problems will come up at this session, the purpose being mainly to get down to organization work.

## *Postpone Cleveland Grievance Hearings*

CLEVELAND, April 23.—Three cases filed for hearing by the local grievance board today were postponed to next Monday, one by request of the complainant, A. E. Ptak; another by request of the defendant's attorney, David Siegel, and a third because the complainant, Paul Gusdanone, failed to appear.

All are cases involving distribution of dime passes.

## *Flinn Reaches Coast Today for Meetings*

HOLLYWOOD, April 23.—Executive Secretary John C. Flinn arrives here tomorrow by plane from New York. He was summoned by S. R. Kent,

(Continued on page 7)

## Code Board To Get K. C. Controversy

KANSAS CITY, April 23.—Local exhibitors look for Kansas City's price and protection situation to be split wide open when the clearance and zoning board swings into action this week. The first function of the board will be to take up the Independent Theatre Owners' petition demanding shorter first run protection. Subsequents object to the 30-day clearance after first runs, contending the present protection schedule was adopted when downtown first runs charged 50 cents

(Continued on page 7)

## *Pettijohn-Schaefer Sought for Debate*

BOSTON, April 23.—Charles C. Pettijohn, general counsel of the M. P. P. D. A., and George J. Schaefer, vice president of Paramount, have been invited by the Women's Republican Club of this city, to defend block booking against two opponents on May 16.

It is understood that Dr. A. Lawrence Lowell, president emeritus of Harvard and former honorary presi-

(Continued on page 8)

## *Sisk Off Theatres; Will Handle Films*

Robert F. Sisk, director of advertising and publicity for RKO for the past two years, will relinquish within

(Continued on page 8)

## SMPE Looks For Comeback Of Color Film

ATLANTIC CITY, April 23.—Strong belief that there will be a return to color in features was expressed today in a report presented by the progress committee of the S.M.P.E. at the opening session of the society's annual convention at Chalfonte-Haddon Hall here, with President A. N. Goldsmith presiding.

"There is evidence," the report stated, "that the public is showing more interest in color pictures, and the stage seems set for a pronounced

(Continued on page 9)

## *Pittsburgh Changes Time; Protest Fails*

PITTSBURGH, April 23.—Despite the protests of showmen and an extensive postcard ballot conducted by every theatre in town, Mayor William N. McNair has decreed daylight saving for Pittsburgh again this year.

It goes into effect, Sunday, April 29, and will last until the final Sunday in September.

## *Actors Hear Plea to Fight Dickstein Bill*

HOLLYWOOD, April 23.—Addressing a group of more than 50 M-G-M contract players today, Louis B. Mayer declared grave danger lurked in the Dickstein bill if passed. He urged all

(Continued on page 8)

## *Code Boards Here Vary Rule in Picking Alternates*

Although the code provides that when a member of the clearance and zoning board is absent a member of similar standing on the grievance board be appointed as his alternate, and vice versa, this procedure is being dropped for the New York territory and the members themselves are naming their substitutes.

At the first meetings of the boards, local members were told to name alternates at the first regular meetings. The personnel of the grievance board will designate alternates at the May 2 meeting while members of the clearance and zoning board will submit their substitutes at the meeting on Thursday.

All alternates must be approved unanimously by the boards.

## *Sessions in 47 States With More Than 300 Measures In*

With the fate of virtually every important legislative measure affecting the industry already settled, indications are that a net gain instead of an anticipated loss can be chalked up for the industry from the turbulent 1933-34 legislative sessions.

The sessions approaching a close were the busiest in which the industry ever has been involved. Tax-hungry legislatures met in 47 of the 48 states, Mississippi being the only state not meeting, and considered more than 300 measures affecting the industry during the time they were in session. In addition, 18 Federal measures involving the industry were introduced at Washington. The legislatures of

(Continued on page 9)

## President, Darrow Have a Conference

WASHINGTON, April 23.—Chairman Clarence Darrow of the National Recovery Review Board today had a brief conference with President Roosevelt at which he is understood to have discussed the report to be submitted this week on codes which have been investigated and the future activities of his organization.

Reports that the board as now con-

(Continued on page 7)

## Production Gains Slightly in Week

HOLLYWOOD, April 23—Production last week registered a slight increase over the preceding week, yet it is about two features behind normal. Total features in work for this week are 38 as against 36 for the preceding week, and 13 shorts, as against 11 for the previous period.

Twenty-four features are in the

(Continued on page 9)

## *Levey Will Answer Charge of Coercion*

Charles C. Levey, secretary-treasurer of Local 118, Theatre & Amusement Employes Union, will appear in City Court, Brooklyn, today to answer charges of coercion brought against him by the Tivoli, Brooklyn, where

(Continued on page 8)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 35 April 24, 1934 No. 95

MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Donat Guest at Luncheon

Robert Donat was guest of honor at a luncheon given at the Lombardy yesterday by Harry M. Goetz, president of Reliance Pictures. More than 100 representatives of the press were present. Donat left later in the afternoon for the coast where he is to have the title role in "The Count of Monte Cristo."

## "Rothschild" Opens Big

PORTLAND, April 23.—"The House of Rothschild" opened at the United Artists Saturday with a gross of $1,500, in spite of heavy competition and an advanced 55-cent scale.

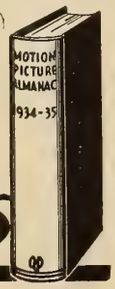

MOTION PICTURE ALMANAC

1934-35

NOW IN PREPARATION

WHERE THE WORLD LOOKS FOR MOTION PICTURE facts

PRICE $5.00





# The Pay-Off

*Hollywood, April 23*

CLIPPED from the *Los Angeles Times* and typical of the pap concocted and dished up in the manner of which Hollywood most approves. Bing Crosby talking:

"If only the truth—the real truth—were told about the salaries of Hollywood, kidnaping and extortion threats against all of us who are in the spotlight would cease. And we could enjoy life and our children and our homes with the same peace and happiness that heaven intended.

"With the disturbed economic conditions in the country, men out of work, families losing their homes and children not getting enough to eat, in many, many instances—it's understandable why embitterment fills the hearts of persons who read about the other fellow making a fabulous fortune, when they have nothing themselves. I'd feel that way myself if conditions were reversed.

"But if the unvarnished truth were told about Hollywood incomes—if the correct figures, and not the phoney and highly colored ones, were actually stated, after deducting income taxes, and commissions, and living expenses necessary for the peculiar position in which our work places us—then it would be discovered that most of us are far from being rich.

"What accumulated fortune any of us might happen to have possesses only a relative value anyway, because our incomes stop the minute we slip in popular favor. Each one of us is perpetually faced with imminent danger of taking an abrupt box-office toboggan. In my own case, I feel lucky if I can save between 15 and 20 per cent of my yearly salary, over and above normal deductions. So from a financial standpoint I wouldn't be a great shakedown for kidnapers.

"When people read those articles they don't stop to analyze what's behind the figures. They just see large, beautiful, fairy-tale numbers."

▼

AND so there is ruined for us what might otherwise have been a rather perfect day loaded with California sunshine and rich in bursting blossoms.

We suppose that, between his Paramount contract and his radio broadcasting, Crosby grosses not less than $5,000 a week. Between living and cursing the income tax collectors, he may spend half of that amount, leaving perhaps an income of $130,000 a year.

Tough to take, you must agree, and leading to only one conclusion:

Pity the poor Hollywood star who has to struggle along on four figures a week. What a struggle!

KANN

## "Bengal" Shown on Ship

Nearly 400 persons, representatives of the press and the trade, saw a private showing of Harry Schenck's "Beyond Bengal" on the *Queen of Bermuda* last night at the foot of 55th St. The party was given by D. J. Mountan, president of Showmen's Pictures, Inc., which is roadshowing the picture. The feature was produced with the cooperation of Sir Alang Iskadar Shah, Sultan of Perak.

## M-G-M Signs Yardley

HOLLYWOOD, April 23.—Major Herbert O. Yardley, organizer and former head of "American Black Chamber," intelligence division, has been signed by M-G-M to work in collaboration with C. Gardiner Sullivan on his own story "The Blonde Countess." Larry Weingarten is slated to produce.

## Pathe "A" Up ½ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30½ | 30½ | 30½ | + ¼ | 600 |
| Consolidated Film Industries | 4½ | 4½ | 4½ | — ⅛ | 100 |
| Consolidated Film Industries, pfd | 16⅞ | 16¾ | 16⅞ | ..... | 500 |
| Eastman Kodak | 95½ | 95 | 95½ | ..... | 600 |
| Fox Film "A" | 16⅜ | 16 | 16 | — ⅛ | 600 |
| Loew's, Inc. | 34⅜ | 34 | 34 | — ½ | 6,200 |
| Paramount, cts. | 5⅛ | 5 | 5⅛ | ..... | 9,100 |
| Pathe Exchange | 3¼ | 3 | 3 | — ⅛ | 2,200 |
| Pathe Exchange "A" | 24⅛ | 22¾ | 23¾ | + ½ | 5,500 |
| RKO | 3½ | 3⅜ | 3⅜ | — ⅛ | 700 |
| Warner Bros. | 7¾ | 7½ | 7¾ | + ¼ | 7,400 |

## Trans-Lux Drops ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10 | 9¾ | 9¾ | ..... | 500 |
| Trans-Lux | 2⅜ | 2⅜ | 2⅜ | — ⅛ | 1,400 |

## All Bonds Take a Loss

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅜ | 10⅜ | 10⅜ | — ⅛ | 7 |
| General Theatre Equipment 6s '40, ctf | 9¾ | 9¼ | 9¼ | — ½ | 9 |
| Keith B. F. 6s '46 | 69⅞ | 69⅛ | 69⅛ | —1⅞ | 1 |
| Loew's 6s '41, ww deb rights | 101 | 101⅞ | 101⅞ | — ⅞ | 6 |
| Paramount Broadway 5½s '51 | 37½ | 37⅛ | 37⅛ | — ¾ | 5 |
| Paramount F. L 6s '47 | 52 | 51½ | 51½ | —1 | 3 |
| Paramount Publix 5½s '50 | 52⅞ | 52½ | 52⅞ | — ⅛ | 23 |
| Warner Bros. 6s '39, wd | 65½ | 64½ | 64¾ | —1¼ | 67 |

# Purely Personal

HOWARD S. HUMMEL, general manager of Showmen's Pictures, accompanied by LARRY JACOBS, exploitation man, left last night for Columbus, Cincinnati, Cleveland, Chicago, tation man, left last night for Co-Denver, Salt Lake City and San Francisco to set dates for "Beyond Bengal."

M. D. STRONG, general manager of the Inter-Americas Film Corp., returned yesterday on the *Morro Castle* from Cuba where he arranged the distribution of a series of Spanish language films, the first of which will be "Santa."

MARY PICKFORD will be guest of honor at the Toronto Centennial on May 7-8. She was invited by the mayor of Toronto, her home town. After the centennial, MISS PICKFORD is scheduled to leave for the coast.

FRANK BRUNER, personal representative for MARY PICKFORD, has returned to the Rivoli here, where he is in charge of publicity. MYER BECK returned to the home office.

SAM DEMBOW, JR., was back at his desk yesterday following two weeks on the coast, which included attendance at the recent M.P.T.O.A. Hollywood convention.

MOE STRIEMER, instead of returning from a two weeks' vacation at Atlantic City yesterday, has gone on a fishing trip and will be away for another week.

RICHARD ARLEN and MRS. ARLEN (JOBYNA RALSTON) will return from their European vacation in time for him to return to work at Paramount on May 15.

JOHN MONK SAUNDERS' "West Point of the Air" has been purchased by M-G-M with WALLACE BEERY and ROBERT MONTGOMERY set for featured spots.

ROBERT GILLHAM, Paramount advertising and publicity director, arrives from the coast today after a 10-day visit at the Paramount studios.

HENRY GINSBERG arrives from the coast today to start conferences with Felix Feist and Fred Quimby on short subject product for next season.

HARRISON JACOBS' "The Big Little Shot," and RALPH BLOCK's and DORIS MALLOY's "I Am a Thief" have been acquired by Warners.

JOHN D. CLARK, Fox general sales manager, returned to his desk yesterday after a vacation in Florida.

MAJOR EDWARD BOWES will be the guest of honor today at a luncheon of the Advertising Club.

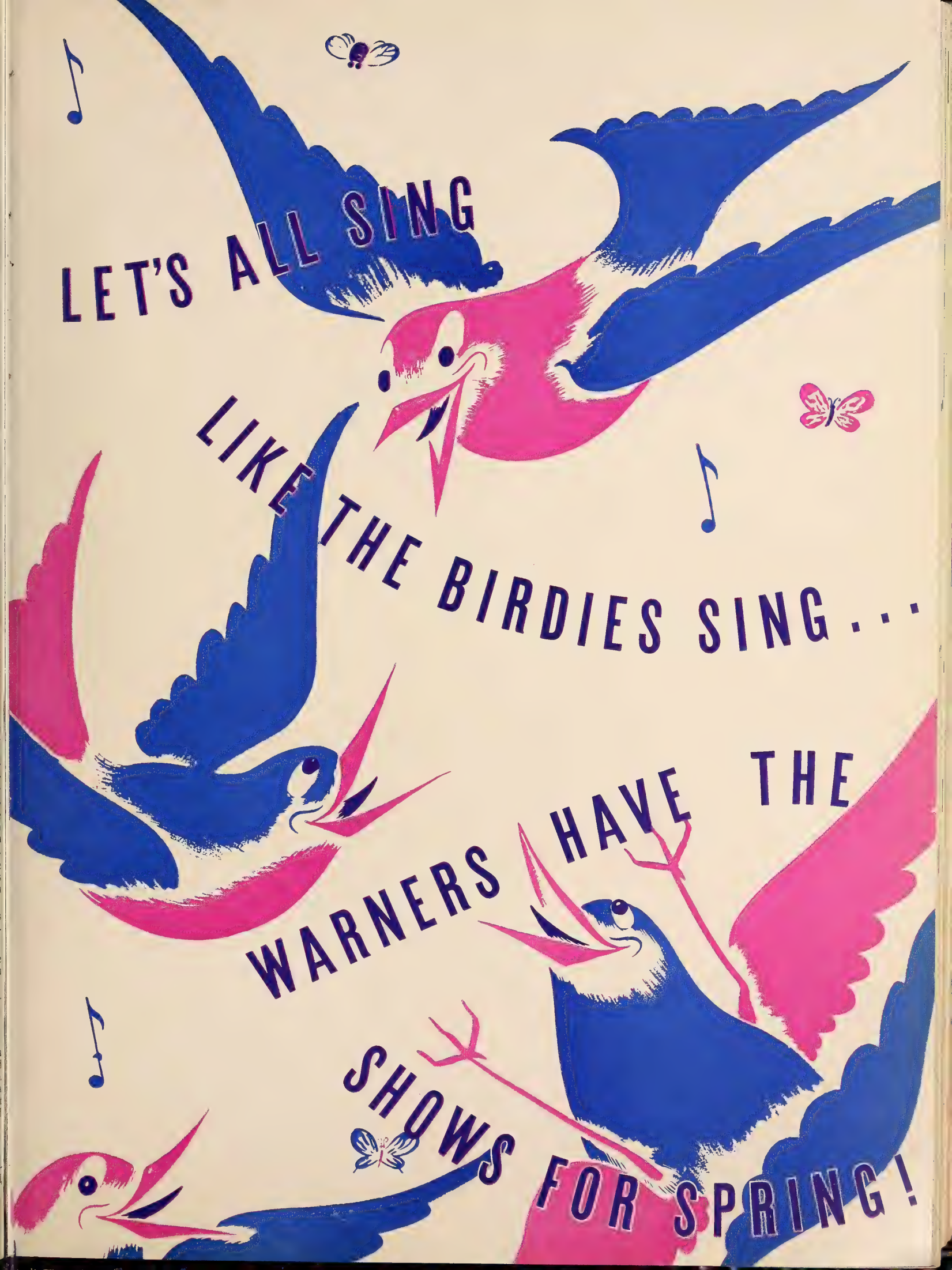
TOM KENNEDY has joined the editorial staff of *Screenland*.

## Announce Garbo's Next

HOLLYWOOD, April 23. — Greta Garbo's next will be "The Painted Veil" by Somerset Maugham. The script is being prepared by Salka Viertel and John Meehan. Hunt Stromberg will produce and Richard Boleslavsky will direct.

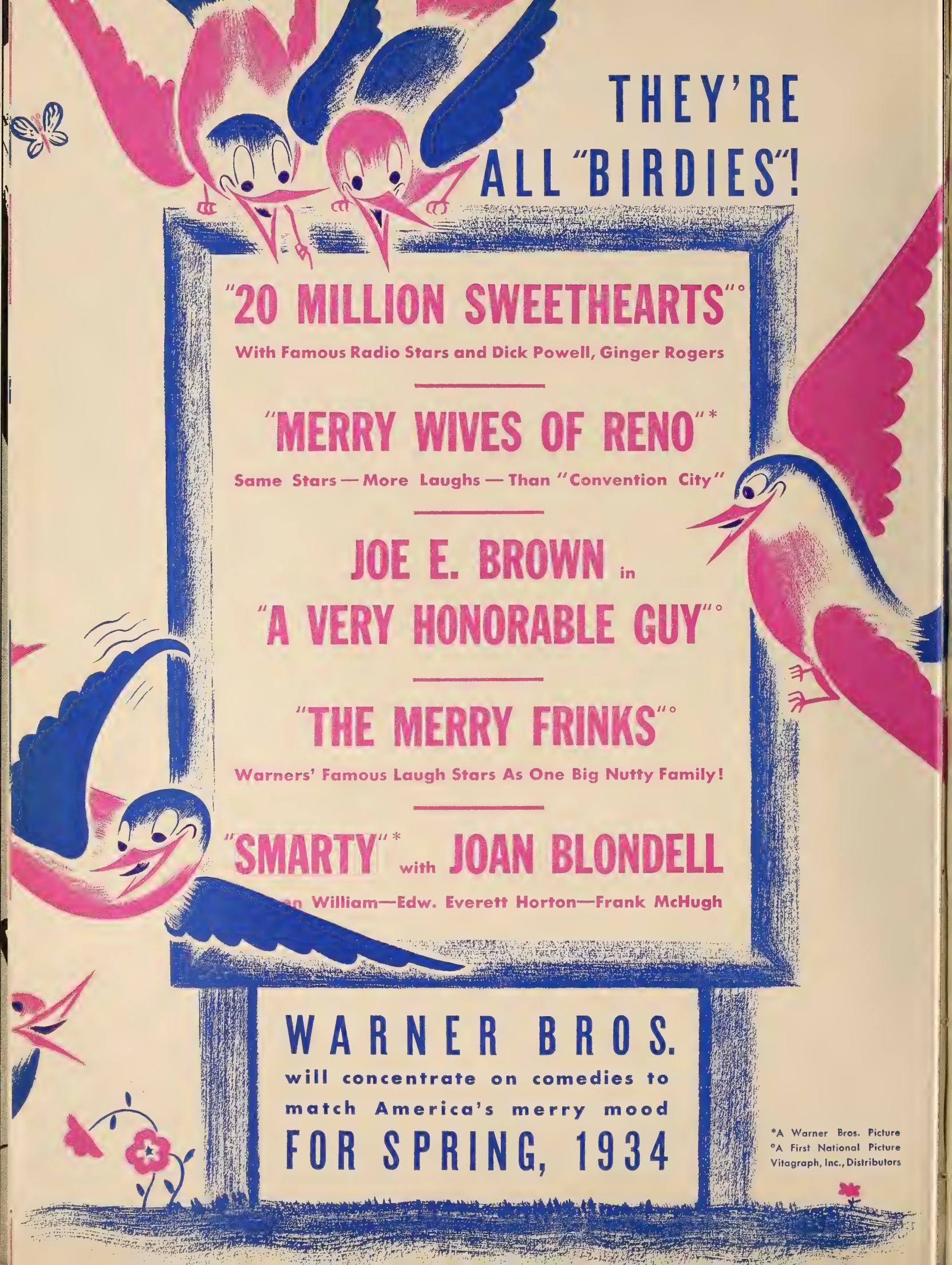
## Start Virginia House

HARRISONRURG, Va., April 23.—Work has been started on the Strand, a $50,000 theatre project.


LET'S ALL SING
LIKE THE BIRDIES SING...
WARNERS HAVE THE
SHOWS FOR SPRING!

"I just got a birds-eye view of Warner Bros.' Spring Schedule. They're releasing 5 big comedies in a row in the next 5 weeks!"
"And very wise, too!... It's been a long, hard winter and America's 1934 spring song is gonna be 'Let us be gay!'"
"Of course we've been South all Winter—but we hurried back to see 20 MILLION SWEETHEARTS. I hear it's simply too hilarious."

"Why doncha watch where ya're goin?"
"Was my throat red when Glenda Farrell started making love to Guy Kibbee in MERRY WIVES OF RENO . . . Such goings-on!"
"I was just thinking what a riot it's going to be when all those Warner Stars get together as one big nutty family in The Merry Frinks."
"What's the big idea, fella?"
"That new JOE E. BROWN show, A VERY HONORABLE GUY, is just what the doctor ordered for America's Spring Fever!"
"A lot of my clients have been lying awake nights laughing at JOAN BLONDELL in SMARTY, and I'm practicing up to put 'em to sleep."


THEY'RE ALL "BIRDIES"!
"20 MILLION SWEETHEARTS"°
With Famous Radio Stars and Dick Powell, Ginger Rogers
"MERRY WIVES OF RENO"*
Same Stars — More Laughs — Than "Convention City"
JOE E. BROWN in
"A VERY HONORABLE GUY"°
"THE MERRY FRINKS"°
Warners' Famous Laugh Stars As One Big Nutty Family!
"SMARTY"* with JOAN BLONDELL
...n William—Edw. Everett Horton—Frank McHugh
WARNER BROS.
will concentrate on comedies to match America's merry mood
FOR SPRING, 1934
*A Warner Bros. Picture
°A First National Picture
Vitagraph, Inc., Distributors

# First Hearing On Grievances Set for May 2

(Continued from page 1)

T. O. C. C., and Florence Abramson, last identified with the Film Board of Trade, yesterday assumed their duties as secretaries of the grievance and clearance and zoning boards, respectively. The clearance and zoning board meets Thursday.

Before Executive Secretary John C. Flinn left by plane for the coast yesterday, he called in both secretaries and gave them final instructions.

Defendants, who are non-assenters, will be given the right to appeal in the event decisions are rendered against them by grievance boards, it is officially stated. However, they cannot file protests with either clearance and zoning or grievance boards.

PHILADELPHIA, April 23.—The local grievance board meets tomorrow in the RKO building at 2 P. M.

## *Name Three to Serve On Complaints Body*

Charles L. O'Reilly, J. Robert Rubin and Division Administrator Sol A. Rosenblatt have been named to the Trade Practice Complaints Committee, the first two with power to vote. Rosenblatt only has the power of veto subject to review by the NRA.

The committee will set up local industrial adjustment agencies, which are the local grievance boards, to handle all complaints other than production, vaudeville presentation and labor. This is in line with the plan to keep all trade practice complaints within the industry and away from local NRA regional boards.

Impartial members do not necessarily have to be present at clearance and zoning discussions. When they do not attend, no vote can be taken. Government observers must be present at all grievance hearings. Secretaries are being notified of this procedure by Campi.

## *Ohioans Ask Change In Code's Ad Clause*

COLUMBUS, April 23.—Reopening of the code to change the advertising clauses under Article V, Section E, Part 5 (a) and (b) is sought by the Independent Theatre Owners of Ohio. Copies of a resolution calling for the move have been sent to John C. Flinn, executive secretary of Code Authority, and to Division Administrator Sol A. Rosenblatt.

This clause as it now stands prevents advertising by subsequents until after the close of the prior run.

## *Flinn Reaches Coast Today for Meetings*

(Continued from page 1)

who, in addition to conferences with Fox studio executives, is working on code setups for the coast.

Later in the week, Flinn will hold the first of four divisional code secretarial meetings in Los Angeles, to be followed by one in Kansas City, Chicago and New York. He is due in New York May 3.

# *Who? What? When?*

*Who are the appointees on code boards announced by Code Authority in New York?*

*More thumbnail sketches, gathered by* MOTION PICTURE DAILY *correspondents, furnish the answer:*

PHILADELPHIA, April 23.—LEONARD S. SCHLESINGER, affiliated representative on clearance and zoning, has been 13 years in the show business, his experience ranging from part-time usher to zone manager. A relief usher's job at the Missouri in St. Louis was his first contact with the business in October, 1921. He went from usher to the assistant managership of the theatre. When Skouras took over the theatre in 1925, he was made publicity director, then manager. He operated the Missouri, assisted in the operation of the Ambassador and ran several neighborhood houses for Skouras in St. Louis.

In December of 1928 he entered the booking and buying department of the Skouras circuit. He remained in that capacity until Warners took over the Skouras interests and he then became assistant to Charles Skouras when the latter was in charge of Warner theatres in St. Louis, Indianapolis, Oklahoma City, Memphis, Louisville and Milwaukee. When Skouras withdrew from Warners in 1931 Schlesinger became general manager of Warners' St. Louis Amusement Co. Before a year had elapsed he was sent to Cleveland as assistant zone manager in charge of booking and buying for that area. When a similar position presented itself in Philadelphia, Schlesinger was transferred there. In November, 1933, he became zone manager for Warner in the Philadelphia area with 130 houses under his jurisdiction. Schlesinger is single, fond of golf and sports of all kinds, but regards his business as the most diverting pastime of all.

PERCY BLOCH, representing affiliated distributors on clearance and zoning, is Paramount's district manager here. Starting his career as a rice buyer and grader in Texas, he turned to pictures in 1914, working under Felix Feist in the Cleveland World Film Corp., New York office. He came to Philadelphia under S. R. Kent in exchange work just before America entered the war. He enlisted and served in the Ordnance Department. Later he went to Kansas City for Goldwyn, then to Cleveland. He joined Famous Players-Lasky in 1920 and was exchange manager in Chicago, Cleveland and then Philadelphia. Bloch was appointed district manager here, with jurisdiction over Philadelphia and Washington, in 1932.

MILTON ROGASNER, representating independent subsequent runs on clearance and zoning, is a Philadelphian by birth and has long been an independent exhibitor. He is interested in several neighborhood theatres with the Iris in the Kensington section as his headquarters. He started in 1914 by building and operating the Logan in North Philadelphia. Later he acquired the Susquehanna, Bellevue, Star, Lafayette and Iris in Philadelphia, and the Grand and Globe in Vineland, N. J. He is an active M. P. T. O. member, is married and has one son attending Harvard.

LOU LINKER representing first run unaffiliates on the clearance and zoning board, is a prominent south Jersey exhibitor, operating two houses in Bridgeton, N. J., and the Lennox in Philadelphia. He is a veteran in the exhibitor field, having joined it in the early days of the business after a long association with the Campbell Soup Co. as a tomato buyer. He is a member of the board of managers of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware.

M. S. LANDOW, representing unaffiliated distributors on the grievance board, is manager of the Universal exchange here. A Philadelphian, he has been associated with pictures since 1914, starting as an exhibitor in Bristol, Pa. In 1920 he sold out to Sablosky and McGuirk and entered the Paramount exchange here. In 1925 he became Universal manager here, returning to the exhibition field in 1929 with the Appell Amusement Co. in York, Pa. After nine months this outfit sold out to Warners and Landow went to Universal again as district manager for Philadelphia, Pittsburgh and Washington. When the districts were separated, he became exchange manager for the Philadelphia territory. At present he is president of the Philadelphia Film Board of Trade. During the life of the Hays Arbitration Board, he served on the Philadelphia committee. He is unmarried and is a 32nd degree Mason.

FRANK L. MCNAMEE, representing affiliated distributors on the grievance board, is local exchange manager for RKO-Radio and has been in the film field since 1919. Born in Butler, Pa., in 1892, he attended Washington and Jefferson College and graduated from University of Pittsburgh Law School in 1918. He entered the service and was assigned to the officers' training school (field artillery) at Camp Taylor, Louisville, Ky., where he served until the armistice. He broke into films in 1919 as city salesman for Universal in Pittsburgh and later went out as special representative for the company in the middle west, his territory including Chicago, Oklahoma City, Kansas, Minneapolis and Omaha. In 1922 he became Universal's exchange manager in Salt Lake City. In 1923 he went to Washington to manage the FBO exchange, staying there until 1932, during which time FBO became RKO. Then he came to Philadelphia to handle the local RKO-Radio exchange.

During his Washington residence, for five years McNamee was a member of the Hays Arbitration Board. He is a member of the Press Club of Washington, also of the Phi Gamma Delta fraternity (W. & J.). He is married but has no children.

LEWEN PIZOR, representing unaffiliated exhibitors on grievance, has operated a chain of independent theatres in Philadelphia for 18 years. He is president of the M. P. T. O. of East-

(Continued on page 8)

# Code Board To Get K. C. Controversy

(Continued from page 1)

or more as top for single features against the present policy of 25 cents at most first runs. One has double bills.

Independents are against the present policy of two bits at most first runs, one with double bills. Unaffiliates favor giving first runs merely prior protection unless they boost scales to former level. They want zoning changed immediately for the balance of the present season pending a new schedule for next year. Some also want protection next year over competitors in the same zone, cutting normal scales to 10 cents some nights a week.

First runs here will resist the I.T.O. petition filed with the zoning board for revision of the Kansas City zoning protection schedule.

Numerous complaints filed by individual exhibitors with Code Authority, charging competitors with unfair practices, were received today by the local code office from New York. They are being returned to the complainants for filing on the required forms and certification by a notary. Grievances involve two for ones, price cutting, giveaways, lotteries and other practices. The grievance board meets Thursday, but since the complaints are not in proper form it is doubtful if the board will have much to do for the next two weeks.

## President, Darrow Have a Conference

(Continued from page 1)

stituted would be suspended have resulted in so much opposition that it is now indicated that it will continue indefinitely, and hearings have been scheduled which will carry it through until June 1.

The first report of the board, to include the film code investigation, has not yet been completed, it was learned today, and will not go to the White House until the end of the week at the earliest.

## *Dubinsky Row Goes To St. Louis Board*

KANSAS CITY, April 23.—Following an agreement to arbitrate the labor dispute under way for some time between Ed Dubinsky and operators and stagehands, Dubinsky extended a notice expiring last night for another week.

Arbitration was agreed upon following the intervention of Robert K. Ryland, Missouri state NRA compliance director. It revolves around Dubinsky's demand for three operators at the Liberty instead of four.

## *'Merry Widow' Gets Going*

HOLLYWOOD, April 23.—"The Merry Widow" has gone into production at M-G-M.

## Actors Hear Plea to Fight Dickstein Bill

(Continued from page 1)

interested in the acting profession to sign a petition of protest to be forwarded to Senator Coolidge.

John Emerson outlined numerous reasons why the measure should be fought. He said only one-twentieth of all salary payments made to actors went to foreign talent, adding that if we barred foreign talent Europe would retaliate even to the extent of banning our pictures. He asserted the determination of American producers to use foreign talent might result in their operating in foreign studios, where pictures, he said, can be made much cheaper than here.

The meeting voted enthusiastically against the bill. Each present signed the petition. Mayer plans to extend the drive to include other studios with the intention of making the protest against the measure unanimous.

## Pettijohn, Schaefer Sought for Debate

(Continued from page 1)

dent of the M. P. Research Council, will be one of the opposing speakers, and Mrs. Florence Bagley of this city, who was reported at one time to have been considered by the Administration for the post of government representative on the film Code Authority, will be the other. Mrs. Bagley, according to the report, was to have received the post left vacant when Dr. Lowell resigned from Code Authority, expressing disappointment that the code did nothing to curb block booking. The post has never been filled.

Asked yesterday if they would accept the Boston organization's invitation, Pettijohn and Schaefer said that they had not received the invitations yet, but indicated they would accept if and when they arrived.

## Levey Will Answer Charge of Coercion

(Continued from page 1)

a strike of members of Levey's union has been in progress for several weeks.

The theatre charges in its complaint that Levey "threatened violence" against Harry Lewis, manager, for his refusal to reinstate several employes, members of the union, who, the complaint says, were discharged for "incompetency."

"There are no grounds for the charges," Levey said yesterday. "There were no threats of violence made and the orders to reinstate the discharged employes were issued by the Regional Labor Board after a thorough hearing of the theatre's case and ours."

## Halliday Replaces Cortez

HOLLYWOOD, April 23.—John Halliday has replaced Ricardo Cortez in the cast of Warners' "House Wife." Cortez is recovering from an operation at the Cedars of Lebanon Hospital.

## Flash Review

*Private Scandal*— . . . sure-fire entertainment. . . .

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

# Who? What? When?

(Continued from page 7)

tern Pennsylvania, Southern New Jersey and Delaware and is a charter member of the organization. He has been particularly active on legislative committees of this organization and for several years has been one of the hard-fighting leaders of the independent exhibitors' cause.

CHARLES SEGAL, representing independent subsequent runs on the clearance and zoning board, is one of Philadelphia's veteran exhibitors, having started in the business in 1907 with a small theatre at Front and Diamond Sts. in the Kensington section. At present he is secretary and treasurer of the Principal Theatres Corp., controlling Keith's, the Arcadia and Segal'sApollo in Philadelphia. He is also associated with Sol Lesser in the latter's west coast activities.

After his start in the exhibition field, Segal turned to theatre construction, at the same time increasing his exhibitor holdings. In the revolt against the Stanley Co. of America Segal joined several local independents as president of the United Theatre Owners. Later he entered the Stanley Co. as chairman of the board of Stanley Exhibitors, later assuming the post of chairman on construction, appraisals and purchases for the Stanley outfit. He withdrew about eight years ago to form the Principal Theatres group. Segal was one of the first presidents of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware and was once national treasurer of the organization. A widower, he has one son and one daughter. He is a life member of the Masonic order and is honorary director of Temple Beth-El.

HARRY WEINER, representing unaffiliated distributors on clearance and zoning, started in the business as a salesman for Universal 12 years ago. After two years he joined the Independent Film Co., at that time franchise holder for Warners. He was connected with the firm up to the time the franchise was sold to Vitagraph, with which he became associated as Philadelphia-New Jersey salesman. After four months he was promoted to branch manager of its Washington office. He returned to Philadelphia as branch manager of Associated Exhibitors. When the company was dissolved, he rejoined the Independent Film Co., then franchise holder for Columbia. When the firm sold the franchise to Columbia several months later, he was appointed branch manager here for the latter, a post he now holds. When the first zoning board was organized in 1930, he was one of its first members.

M. B. COMERFORD, representing affiliated exhibitors on grievance, is general manager and treasurer of Comerford Theatres, Inc. He was born in Larksville, Pa., and educated at St. Vincent's Academy in Plymouth, Pa., the Stroudsburg Normal College in Stroudsburg and the Wharton School of Finance in Scranton, Pa. He taught school in Pennsylvania and was also a builder of many of Pennsylvania's fine roads. He has been associated with his uncle, M. E. Comerford, for 15 years. He is married.

COLONEL HARRY B. SALTER, impartial member of the grievance board, was born in New Jersey in 1873. His education was obtained in the public schools of Trenton. After leaving school in 1890 he was engaged in reportorial work for New York and Philadelphia newspapers. From 1894 until 1904 he was assistant city clerk of Trenton. In 1904 he was elected city clerk and served until his appointment in 1917 to the position of chief auditor and assistant to the comptroller of the State of New Jersey. He is aide-de-camp to Governor Moore, and carries the title of lieutenant colonel in the department of the Quartermaster General, to which position he was appointed in 1905. During the World War he served in the Department of the Adjutant General of New Jersey in connection with selective service administration, under General Enoch H. Crowder in Washington, D. C.

In politics he is identified as a Republican, but has had no political activity since 1914.

## Report Cooper to Expand

OKLAHOMA CITY, April 23.—Rumors here are to the effect that Cooper-Regal is planning an expansion program which will reach 15 leading towns in the state.

Recently a new 800-seat house, the Inca, was opened by the Cooper interests in Okmulgee, Okla.

## "Big Wolf" Is Cincy Hit

CINCINNATI, April 23.—Walt Disney's "Big, Bad Wolf," after playing a week at the RKO Palace, has moved to the Capitol for a second week, which is something of a record for this town.

## Drop "Dark Tower" Title

HOLLYWOOD, April 23.—Warners have changed the title of "Dark Tower," starring Edward G. Robinson, to "Strange Case of Mr. Chautard."

## New Theatre for Hickory

HICKORY, N. C., April 23.—Construction of a new theatre will get under way in the next few days, according to John F. Miller, of the Hickory Amusement Co. The theatre will be known as the Carolina.

## Davis, Pittsburgh, Dark

PITTSBURGH, April 23.—Warners' Davis, downtown first run, has closed for the summer. Business has been falling off of late. The Davis has been playing double features day and date with the Regent in East Liberty.

## Lebensburger in New Job

CLEVELAND, April 23.—M. A. Lebensburger today became branch manager of the First Division exchange here.

## Sisk Off Theatres; Will Handle Films

(Continued from page 1)

the next few weeks that part of his work which has involved RKO theatres, and will concentrate exclusively on the handling of Radio Pictures advertising and publicity only, it was learned yesterday.

John Dowd, who has handled the RKO theatres' advertising and publicity under Sisk, will continue in that capacity probably without other changes in the department under him.

The change is understood to have been directed by J. R. McDonough, RKO general manager, who felt that the pictures and theatres should be handled separately. Given his choice of the two departments, Sisk selected the Radio Pictures post.

## Fix Responsibility For Immoral Shows

ALBANY, April 23.—Under the terms of the Quinn bill, just passed and sent to the Governor as an amendment to the penal law, only the producer can be held responsible for the presentation of an immoral show. This relieves theatre employes and the owner of the prospect of arrest.

## Research Budget Fixed

HOLLYWOOD, April 23.—With the newly organized Technical Research Council of the Academy now in its second month of operation, the budget has been set at $800 per month, which is prorated among the major producers. These expenses consist of salary of the manager, a secretary, rent of an office, telephone, stationery, postage, etc.

The work of each of the sub-committees is individual when it comes to requiring money necessary for actual research and engineering investigation. This will be taken from a revolving fund of $1,500 which has been deposited to the credit of the council.

## Kendrick Gets New Post

PITTSBURGH, April 23.—Harry Kendrick, former assistant to Harry Arthur, operator of Fox Metropolitan theatres in New York, has been named manager of the Enright in East Liberty by Harry Kalmine, zone manager for Warners. Kendrick takes over his duties with the switch of the 4,000-seat Enright to a double feature policy. He succeeds Ted Thomas, who will probably be transferred to another post in the Pittsburgh territory.

## Harrington to Seattle

SEATTLE, April 23.—Ronald Harrington has just been appointed assistant manager of the Fifth Avenue by Frank L. Newman, Sr. He succeeds Henry Ross, resigned. Harrington was formerly assistant manager of the Liberty in Portland.

## Seattle Orpheum Cuts

SEATTLE, April 23.—The Orpheum has cut its scales from 25 to 15 cents for matinees and from 35 to 25 cents at night.

## Team Raft and Lombard

HOLLYWOOD, April 23.— George Raft and Carole Lombard are again to be teamed by Paramount, this time in "Rhumba," by Guy Endore.

# Legislatures Close; Films Hit Lightly

(Continued from page 1)

19 states met twice during the past year, and those of five states met three times, making a total of 76 state legislative sessions at which industry interests were at stake.

Of the measures of major importance, only one adverse proposal has been made a law. That was the passage of the Ohio admission tax. Approximately 30 such tax measures were actually introduced in state legislatures. Overbalancing this was the repeal by South Carolina of its admission tax and the passage of measures legalizing Sunday shows in three states.

Tax bills proposed other than those on admissions included levies on footage, licensing and sales.

The industry's successful fight against unfair or discriminatory legislation during the past 12 months demonstrates again, according to observers, that in this annual battle, if in no other, all component parts of the industry stand together.

## *Deal for Roxy Seen About 6 Months Off*

With four reorganization plans still under consideration, the first mortgage bondholders for the Roxy will not close any of the deals for another six months, it is understood.

Loew's, Herbert Lubin and Harry C. Arthur are among those having submitted the plans under advisement, but no deal is near consummation, it is said.

The main difficulty, it is said, is that $1,000,000 in cash must be put up before the management of the house changes. Raising the money by the principals other than Loew is proving a task, it is said. Loew's has cooled on the deal and is said to have dropped out of the bidding entirely, although the bid is still on record downtown.

## *Hode Heads Columbians*

New officers have been elected by the Columbians, the employes' organization of Columbia Pictures, as follows: Hal Hode, president; Milton Hannock, first vice-president; Sam Hacker, second vice-president; Vincent Borelli, treasurer; Clara Gorin, secretary; Minna Stieglitz, assistant secretary; Ruth Cohen, financial secretary; Mary Koben, chairman of the board of governors, and Daniel Heiss, press agent.

Plans are being made for the annual spring dinner dance at which the officers will be installed.

## *Christie Joins Mitchell*

HOLLYWOOD, April 23.—Charles H. Christie, veteran comedy producer, has joined the Mitchell Camera Co. as vice-president in association with Stanley S. Anderson, who has been vice-president of the company for several years. Christie's duties will center on cultivating a world market for the company's product and he will go abroad next month, visiting the Orient, Paris, London, Vienna, Germany and Russia.

# Ampa Intermingles Seriousness, Fun

Seriousness and fun were intermingled at the "Naked Truth" dinner in a way that still has the industry talking. More than 1,000 persons turned out for the gathering at the Astor and a net of $15,000 was realized for the *Film Daily* and Motion Picture Charity Fund.

Dinner service began shortly after 8 o'clock and speechmaking was more or less haphazard for a time. When the new president, William R. Ferguson, attempted to talk after an introduction by the retiring president, John C. Flinn, about 30 boys ran up with telegrams and a crowd of "newspaper" photographers took many flashlights. A Scotch bagpipe band interrupted his third effort to talk and he gave up. Later a watch was presented to Flinn in a serious moment.

### Warm Greeting for Mrs. Belmont

Mrs. August Belmont was warmly received, in spite of the fact that she said there were many "degrading" pictures being turned out. She declared the M. P. Research Council, which she heads, did not want to be a "scold," but hoped by constructive cooperation with the industry to bring about an uplift in general taste for the protection of children. Louis Nizer answered in a later address that there was much of cultural value in pictures and that not all of them could be turned out for children. Terry Ramsaye, editor of the *Motion Picture Herald,* spoke briefly.

The entertainment continued until after 1 o'clock. From 10 to 11 o'clock the affair was broadcast over Columbia hookup on the General Foods hour which goes to Little America each week. Admiral Byrd's remarks were inaudible because of static.

### Forty on Dais

The dais was said to have been the longest ever used at a film gathering, running the whole length of the ballroom. Among the 40 seated at the long table, in addition to the speakers already mentioned, were: Mayor Fiorello H. LaGuardia and Mrs. LaGuardia, Aldermanic President Bernard S. Deutsch and Mrs. Deutsch, Nathan Burkan, E. W. Hammons, P. S. Harrison, all the retiring Ampa officers and the incoming slate, and Irene Dunne, Jay Emanuel, Jack Alicoate, Tom Hamlin and others.

Stage, screen and radio talent entertained intermittently throughout the evening. A burlesque reel stirred plenty of laughs. Dancing began about 1:30 o'clock.

## *Erskine Busy on Deals*

Having finished dubbing on "Frankie and Johnnie" yesterday, Chester Erskine is now working on a deal for release through a national company. Some reports have it Columbia will handle the picture.

Erskine starts his next in two months and is now working on star and story material. Production is set at the Biograph studios here.

## *Jay Golden in Town*

Jay Golden, city manager for RKO in Rochester, is in town for booking conferences with home office executives. He leaves tonight for his headquarters.

# Production Gains Slightly in Week

(Continued from page 1)

final stages of preparation and 39 in the cutting rooms, with the shorts registering five and 13.

Paramount as in the past four weeks, continues to lead the field with eight features in work, five preparing and five editing. M-G-M has six working, one preparing and eight cutting; Radio has six working, four and six; Warners, four, two and seven; Columbia, three, two and three; Fox, three, three and five; Universal, three, two and two; Columbia, three, two and three, while the combined independents report a total of five, four and six.

Short subject producers show M-G-M with two working, none preparing and four cutting; Roach has three cutting; Universal reports none working, two preparing and one editing; Columbia has one, one and three; Radio, one, two and two, while the independent group shows nine, two and five.

## *Oklahoma City Goes Into 10-Week Drive*

OKLAHOMA CITY, April 23.—George Henger, city manager for Standard Theatres, operating Cooper-Regal and Warner houses under a joint plan, has set up a hard mark for his employes to shoot at.

Henger explains that the advent of warm spring weather means a kick in the pants for the show business. Hence his idea of a two phase business drive. The first phase is one which concerns every employee. The object is to gross as much business for a 10-week period beginning April 1, as was rolled up during a 10-week period which ended April 1, an approximate total of $200,000. The second phase concerns managers alone, which sets as a goal a 90 per cent operating expense for the second 10 weeks as compared to the first 10 weeks.

If the goal is reached there will be prizes aplenty for all employes pushing the first phase and prizes for the managers if they achieve the second phase.

## *Omaha Orpheum Is Sold*

OMAHA, April 23.—Dependent upon court approval, the Orpheum here was sold today to a corporation formed by the bondholders of the house for $125,000. The bid was the only one received and was made with the reservation that any part of the property may be rejected with a view to negotiating new leases at more favorable terms. A. H. Blank is at present operating the house.

## *Selznick Arrives Here*

David O. Selznick arrived from Hollywood yesterday and will be here several days before sailing for London to do preliminary work on "David Copperfield." Selznick is accompanied by George Cukor and Howard Estabrook.

## *Hold "Whirlpool" Date*

Because the management feels Radio's "The Finishing School" is a stronger opening attraction, Columbia's "The Whirlpool" will open at the Casino May 4 instead of April 27.

# SMPE Looks For Comeback Of Color Film

(Continued from page 1)

increase in color in important feature pictures."

The convention, which continues through Thursday, attracted an attendance of more than 100. Exhibitors and projectionists of Atlantic City joined with the society in honoring William Reed as the oldest projectionist in the world in point of continuous service. He was introduced by F. H. Richardson of *Motion Picture Herald,* who pointed out that Reed began his career as a projectionist with the earliest beginnings of commercial films in 1896.

At a luncheon Dr. Goldsmith described recent progress of the society, which, he said, had grown from a membership of 561 on Jan. 1 of this year to 768 at the moment. Following Dr. Goldsmith, William F. Casey, representing the mayor of Atlantic City, welcomed the conventioneers. Another speaker at the luncheon was T. L. Husselton, executive manager of the Atlantic City Chamber of Commerce.

Many technical advances were described in papers and in demonstrations. Striking progress was shown to have been made recently in the use of 16mm. film, as well as in both sound and image.

The equipment exhibit, while containing several interesting technical developments, proved smaller than usual.

## *Ohio Shifts Vaudeville*

CLEVELAND, April 23.—Starting May 4, vaudeville will be discontinued at the RKO Palace for the summer. With the elimination of stage shows, the scales will drop to the average local first run level of 30c-35c-44c.

DAYTON, April 23.—Five acts of vaudeville go into the RKO Colonial May 4, replacing a straight picture policy. Bookings will be for a week, and will follow the run at the RKO Grand at Cincinnati. Prices have been set at 25 and 35 cents, including 10 per cent state tax.

## *James Winn Recovering*

KANSAS CITY, April 23.—Recuperating from a serious illness which kept him in California the last year and a half, James Winn, former Warner manager in St. Louis, arrived here en route to Lincoln, Neb., for a visit with relatives. After a short stay he will return to the coast for further treatment. It is expected that in six months he will be in condition to resume work, which will probably be a Warner assignment in California.

## *Miss Hopkins Is Injured*

HOLLYWOOD, April 23.—A sprained ankle suffered by Miriam Hopkins while at work on "She Loves Me Not," starring Bing Crosby, has forced Paramount to postpone production on the film until she recovers.

# "WE'RE NOT

if it's a PARAMOUNT PICTUR

# DRESSING"

with

# Bing Crosby

and

CAROLE LOMBARD
GEORGE BURNS
and GRACIE ALLEN
ETHEL MERMAN
and LEON ERROL

Directed by Norman Taurog

Paramount Pictures

it's the best show in town!

# "Wild Cargo" Is Cleveland Hit, $21,000

CLEVELAND, April 23.—"Wild Cargo," with Frank Buck appearing in person, just about ran away with the big business here last week. The $21,000 gross at the RKO Palace was over normal by $3,000. The picture was transferred directly from the Palace to Keith's East 105th St., RKO's ace neighborhood house.

"Catherine the Great," on a straight picture policy, took $5,000 at the Allen. This equals the normal take with a vaudeville program.

"Men In White" was strong at $12,000 in Loew's State, the take being only slightly under "Riptide."

Total first run business was $50,200. Average is $45,500.

Estimated takings for the week ending April 20:

**"CATHERINE THE GREAT" (U. A.)**
ALLEN—(3,300), 25c-35c, 7 days. **Gross:** $5,000. (Average, $3,000)

**"GAMBLING LADY" (Warners)**
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $6,000. (Average, $5,000)

**"THE NINTH GUEST" (Col.)**
**"MARRIAGE ON APPROVAL" (Monogram)**
WARNERS' LAKE—(800), 30c-40c, 7 days. **Gross:** $2,200. (Average, $2,500)

**"WILD CARGO" (Radio)**
RKO PALACE — (3,100), 30c-40c-60c-75c, 7 days. Stage: Frank Buck in person, and vaudeville headed by Rae Samuels & Co. **Gross:** $21,000. (Average, $18,000)

**"MEN IN WHITE" (M-G-M)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $12,000. (Average, $10,000)

**"YOU'RE TELLING ME" (Para.)**
**"CARNIVAL LADY" (Goldsmith)**
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000)

# "Jimmy" Tops Dull Indianapolis Week

INDIANAPOLIS, April 23.—"Jimmy, the Gent" was the only attraction in town to show any strength. Its $6,500 at the Lyric was $500 up.

"Gambling Lady" at the Circle reached a par $3,500, but business was off elsewhere.

Total first run business was $19,000. Average is $16,500 without the Indiana.

Estimated takings for the week ending April 21:

**"BOTTOMS UP" (Fox)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $2,000. (Average, $2,500.)

**"GAMBLING LADY" (Warners)**
CIRCLE—(2,800), 20c-40c, 7 days. **Gross:** $3,500. (Average, $3,500.)

**"MELODY IN SPRING" (Para.)**
**"ONE IS GUILTY" (Col.)**
INDIANA—(3,100), 20c-40c, 7 days. **Gross:** $3,000.

**"JIMMY, THE GENT" (Warners)**
LYRIC—(2,000), 20c-40c, 7 days. **Gross:** show. **Gross:** $6,500. (Average, $6,000.)

**"LOOKING FOR TROUBLE" (U. A.)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500.)

## *Rome, Bach in New Jobs*

BALTIMORE, April 23.—J. Louis Rome, managing director of Associated Theatres, Inc., controlling six houses, and Samuel Bach, vice-president of his organization, have just been elected to the board of the Gwynn Amusement Co., of which Robert Kanter is president. This company operates the Gwynn, a residential house.

# *Insiders' Outlook*

*April 23.*

*Ten thousand feet up, looking down, at and through some of the current goings on in Hollywood. Written on the airline between Hollywood and San Francisco:*

BEHIND M-G-M's announced decision to forget "The Postman Rings Twice," novel by James Cain, is a victory for the Hays organization here in its constant campaign to keep out of pictures material which, in the light of public reaction it feels will meet objections upon release. Columbia looked over the yarn some weeks ago and there ensued quite a fuss with Lewis ("Milly") Milestone, who was slated to direct. No action on making it there. Later, Warners took a looksee and decided to drop it. This was voluntary and with no pressure exerted. Then came the third, or M-G-M, phase. The company paid $25,000 for the best-seller and now scraps it on the ground no acceptable treatment could be prepared. The Cain yarn, admittedly powerful on paper, is viewed by Hays officials as the type of material that simply cannot be recorded on celluloid. . . .

▼

Regarded as Victory Number 2 is the scrapping of a story dubbed "Professional Co-Respondent." This, like the Cain opus, was on the Metro schedule, This, like its predecessor, goes into the refuse dump because no suitable treatment emerged from the writing mill on the Culver City lot. Number 3 is an extremely interesting situation swing around "Tarzan and His Mate." One of the too hot-cha sequences in that attraction showed Maureen O'Sullivan, or someone doubling for her, swimming in the altogether. And the altogether proved too much for the Hays office. Shooting that sort of thing through water purposely disturbed is one thing, but what turned out to be altogether too disturbing was clear water and feminine curves disporting face up toward the grinding camera. . . .

▼

The opposition registered, a jury of Hollywood peers composed of Winnie Sheehan, Ben Kahane and Junior Laemmle sat in judgment and ruled against M-G-M. Prior to that Irving Thalberg waxed bothered, also hot, and built a long argument around his claim that the same sort of thing had been done—and allowed—in "White Shadows of the South Seas" several seasons ago. At his insistence, the two telltale reels were screened in an M-G-M studio projection room, but what Thalberg believed was there to bolster his argument proved not to be upon screen examination. Thumbs down resulted at a cost of $30,000 to Metro, which had to re-shoot, at the same time toning down the "excessive" brutality to animals against which the Hays association had similarly raised official voice. . . .

▼

The first two instances, typical of others under way in Hollywood today, reflect the practical application of a theory propounded by Will H. Hays a year ago almost to the day. Then the bank holiday had socked this industry, like others, with a situation unparalleled in its history. To stem the rising tide of Hollywood discontent, the heads of the major companies traveled west. Thereafter, they cogitated over many ways and means to effect reasonable economies in production without eliminating any of the competitive effort. Vehicles gathering dust were to be put on a weekly auction block with story editors of all studios sitting around as props. There was to be an exchange of patents, an inter-company agreement on the leasing of standing sets. And more. . . .

▼

It sounded feasible and, from many angles, actually it was. But Hollywood is just that. Which is another way of saying the plan went the way of plans usually advanced by the East to the West not many weeks after the presidential parade returned to New York. Published in MOTION PICTURE DAILY at the time, however, was the Hays idea of scanning and dissecting vehicles prior to purchase to the end that costly mistakes thus might be avoided. The thought bore fruit principally because of the heartaches through which Paramount then was passing in attempting to treat the sex implications in Noel Coward's "Design for Living" in a manner which would have kept the bloodhounds of critics on the outside straining, but not breaking their leashes. . . .

▼

Whether or not Hays was able to keep the breath of life in his scheme is something this writer does not know. That he ran counter to opposition is an inside story known to so many today that it no longer is inside. It is a fact on the other hand that in the last couple of months the untried formula of a year ago has sprung into action. How much progress it makes can be computed only in ratio to the desires of the producers to make it succeed. The opening blows of the sledgehammer have been helpful and decidedly worthwhile.

KANN

# Boston Tips "Wild Cargo" Big $22,000

BOSTON, April 23.—"Wild Cargo" kept things humming at Keith's, piling up a $22,000 gross. This is $6,000 over par.

Grosses, generally, were somewhat under the previous week in spite of the help from the Patriots' Day holiday, but were still good. "The Trumpet Blows" was up $5,000 on a $33,000 take at the Metropolitan.

Total first run business was $114,000. Average is $95,000.

Estimated takings for the week ending April 20 were:

**"LET'S BE RITZY" (Univ.)**
BOSTON—(2,900), 25c-50c, 7 days. Sophie Tucker and Johnny Perkins on stage. **Gross:** $19,500. (Average, $16,000)

**"HAROLD TEEN" (Warners)**
**"YOU CAN'T BUY EVERYTHING" (M-G-M)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

**"WILD CARGO" (Radio)**
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $22,000. (Average, $16,000)

**"MEN IN WHITE" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $19,500. (Average, $16,000)

**"TRUMPET BLOWS" (Para.)**
METROPOLITAN — (4,350), 30c-65c, 7 days. Vagabonds on Parade with Nina Olivette. **Gross:** $33,000. (Average, $28,000)

**"HAROLD TEEN" (Warners)**
**"YOU CAN'T BUY EVERYTHING" (M-G-M)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

# "Men in White" Is Top Buffalo Draw

BUFFALO, April 23. — "Men in White," with a stage show headed by Pert Kelton, led the parade here last week at the Buffalo with a take of $18,400, going over normal by $3,400.

Grosses generally reacted from the post-Easter enthusiasm, but were still good. "The Cat and the Fiddle" was $2,000 up at $12,000 at the Great Lakes.

Total first run business was $53,500. Average is $46,300.

Estimated takings for the week ending April 20:

**"MEN IN WHITE" (MGM)**
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Pert Kelton, Will Mahoney, Wes & Lisa Adams, Four Trojans. **Gross:** $18,400. (Average, $15,000)

**"THE LOST PATROL" (Radio)**
**"THREE ON A HONEYMOON" (Fox)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $8,100. (Average, $6,000)

**"THE CAT AND THE FIDDLE" (MGM)**
GREAT LAKES—(3,000), 25c-50c, 7 days. Stage: "Greenwich Village Follies," with Yorke & King. **Gross:** $12,000. (Average, $10,000)

**"WILD CARGO" (Radio)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $7,400. (Average, $8,000)

**"THE ROAD TO RUIN" (First Division)**
HOLLYWOOD—(300), 25c-40c, 7 days, 2nd week. **Gross:** $1,000. (Average, $800)

**"WINE, WOMEN AND SONG" (Chadwick)**
**"16 FATHOMS DEEP" (Monogram)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,600. (Average, $6,500)

# "Men White," Rogers Smash In Pittsburgh

PITTSBURGH, April 23.—The town last week was full of surprises and disappointments. The biggest surprise was the take of $30,000 at the Penn with "Men In White" on the screen and Buddy Rogers on the stage. Although a profitable session was anticipated here, nothing like this was expected.

There were two major disappointments, "Spitfire" and "As The Earth Turns." At the Stanley, the Katharine Hepburn picture finished with a poor $8,000, while the Warner was forced to pull "As The Earth Turns" after five days to a weak $3,200.

Also something of a surprise was the nice business "The Cat and the Fiddle" did at the Fulton. It was held over for one day beyond a full week and gave the house $6,800. The Davis, after getting only $2,500 with "Heat Lightning" and "Sing and Like It," closed for the season.

Total grosses in six first run houses were $56,750. Average is $48,500.

Estimated takings for the week ending April 21:

**"SING AND LIKE IT" (Radio)**
**"HEAT LIGHTNING" (Warners)**
DAVIS—(1,700), 25c-35c, 8 days. **Gross:** $2,500. (Average, for 6 days, $2,500)

**"CAT AND THE FIDDLE" (M-G-M)**
FULTON—(1,750), 15c-40c, 7 days. **Gross:** $6,800. (Average, for 6 days, $4,500)

**"MEN IN WHITE" (M-G-M)**
PENN—(3,300), 25c-75c, 6 days. Stage: Buddy Rogers' band. **Gross:** $30,000. (Average, $21,000)

**"HOLD THAT GIRL" (Fox)**
PITT—(1,600), 15c-40c, 6 days. Stage: "Broadway to Hicksville" unit with Charlie Withers. **Gross:** $6,250. (Average, $6,500)

**"SPITFIRE" (Radio)**
STANLEY — (3,600), 25c-50c, 6 days. **Gross:** $8,000. (Average, $9,000)

**"AS THE EARTH TURNS" (Warners)**
WARNER—(2,000), 25c-40c, 5 days. **Gross:** $3,200. (Average, for 6 days, $5,000)

# "Glory" at $8,800 Top in Providence

PROVIDENCE, April 23.—While sensational grosses were lacking, most of the downtown houses did better than average business for the week here.

The RKO Albee, with "This Man Is Mine" and "No Greater Glory" was $1,800 over par, while the Paramount, Majestic and Fay's also recorded brisk trade.

Total first run business was $42,500. Average is $41,500.

Estimated takings for the week ending April 19:

**"THIS MAN IS MINE" (Radio)**
**"NO GREATER GLORY" (Col.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $8,800. (Average, $7,000)

**"MELODY IN SPRING" (Para.)**
**"THE HOUSE OF MYSTERY" (Chesterfield)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $6,800. (Average, $6,500)

**"COUNTESS OF MONTE CRISTO" (Univ.)**
FAYS—(1,600), 15c-40c, 7 days. "Broadway to Rio," revue, on stage. **Gross:** $7,200. (Average, $7,000)

**"LOOKING FOR TROUBLE" (U.A.)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Joe Phillips heading stage bill. **Gross:** $9,500. (Average, $12,000)

**"WONDER BAR" (F.N.)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,400. (Average, $7,000)

**"FOUND ALIVE" (Cameo)**
**"THE 9TH GUEST" (Univ.)**
RKO VICTORY—(1,600), 10c-25c, 7 days. **Gross:** $2,800. (Average, $2,000)

# *Variety Club Chatter*

## *Cincinnati*

CINCINNATI, April 23.—MERRELL SCHWARZ, last week's king for a day, teamed with MAURICE WHITE, revealed a talent hitherto unsuspected by many of the barkers when he did a classy vocal number following the regular program. He proved to be a Bing Crosby in the making.

The sympathies of the entire club membership went out to Barker ISAAC LIBSON, whose sister passed away in Pittsburgh recently.

MARK CUMMINGS and AL KOLITZ of Universal and M. G. THOMAS of Erpi are the latest applicants to be hailed as barkers.

ARTHUR FRUDENFELD has been added to the publicity committee. Ditto JOE GOETZ and L. BUGIE on the entertainment committee, while SAM KRAMER and JOHN ALLEN are the two new members on the house committee, succeeding E. V. ("DINNY") DINERMAN and JOE GOETZ.

The stork has paid a visit to the home of NAYLOR STONE, sports editor on the *Cincinnati Post*. The same can be said for FRANK W. HUSS.

A "hard time" party was given at the Saturday evening Family Night, at which every person was asked to wear clothing in keeping with the occasion. Many barkers explained that it wasn't hard to do.

The ritual of the national headquarters is to be adopted by the Cincinnati tent, and will be in operation in the very near future.

## *Kansas City*

KANSAS CITY, April 23.—The first party at the club rooms of Tent No. 8 was in honor of the "New Yorkers" company at the Mainstreet. GEORGE GIVOT, NORMAN FRESCOTT, HAROLD GOLDBERG, barkers all, plus some of the other lads and all the girls were in attendance. As well as many Kansas City barkers.

MAX BAER, in town for an exhibition bout in preparation for his fisticuffs with CARNERA, dropped in while the party was in progress. DR. D. M. NIGRO and MIKE CANTWELL, his trainer, acted as bodyguard. BILL WARNER is understood to have gotten quite chummy with the championship contender.

MAX (ERPI) BUCHANAN and a couple of others entertained and were entertained by the Greek Ambassador at the Silver Slipper, after the party.

EARL JAMESON came away heavy winner from the poker table, to the loss of HARRY TAYLOR and BILL WARNER.

L. J. MCCARTHY got back from a trip to Springfield and held a reunion with MARTIN FINKELSTEIN at the club.

DR. BURRIS JENKINS has been appointed Protestant chaplain of the tent. Others completing the roster of chaplains are RABBI GERSHON S. HADAS and the REV. R. W. GARDNER, assistant pastor of the Little Flower Shrine Church.

RALPH LIBEAU, ARTHUR COLE, JOE MANFRE and JIM STATES were kings for the day, which was "Paramount Day."

FINTON JONES, as Variety Club representative in the ticket selling drive for the first home game of the baseball season, exceeded his quota. Quite a few of the barkers turned out to see the Blues play St. Paul.

W. A. (CALL ME BILLY) RYAN, club steward, hails from Boston, knew JOHN L. SULLIVAN "when," and can mix more concoctions than you have ever dreamed of.

# Gable Film $38,000 Hit On the Loop

CHICAGO, April 23.—In a week marked by weak grosses all along the line "Men In White" was an outstanding hit. It reached $38,000, over par by $3,400, at the Chicago, with a stage show. The film was moved to the Roosevelt for a second Loop week.

RKO's Palace was down sharply to $17,000 the program being "Journal of a Crime" and Pola Negri and the Timbergs as the stage headliners. "Wild Cargo," for its second week in the Loop was satisfactory in garnering $11,000 at the Roosevelt.

Total first run business was $117,500. Average is $137,000.

Estimated takings:

***Week Ending April 19:***

**"MEN IN WHITE" (M-G-M)**
CHICAGO—(4,000), 35c-50c-68c, 7 days. B. & K. stage production, Harriet Hoctor, Paul Gerrits, Radio Rubes on stage. **Gross:** $38,000. (Average, $34,600)

**"HEAT LIGHTING" (Warners)**
ORIENTAL—(3,940), 25c-40c, 7 days. Fifi Dorsay, Ralph Olsen & Co., Hal Sherman & others on stage. **Gross:** $16,000. (Average, $23,000)

**"THE CRIME DOCTOR" (Radio)**
PALACE—(2,509), 35c-50c-75c, 7 days. Pola Negri, Herman Timberg, Herman Timberg, Jr., Pat Barnes on stage. **Gross:** $17,000. (Average, $22,000)

**"WILD CARGO" (Radio) (Second Loop Week)**
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $11,000. (Average, $11,000)

**"THE QUITTER" (Chesterfield)**
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Paul Ash, Irene Beasley, 4 Albee Sisters, Tyler Mason on stage. **Gross:** $13,500. (Average, $17,000)

***Week Ending April 20:***

**"WONDER BAR" (Warners)**
McVICKERS — (2,284), 30c-40c-60c, 2nd week, 7 days. **Gross:** $14,000. (Average, $13,000)

**"RIPTIDE" (M-G-M)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 3rd week, 5 days. **Gross:** $8,000. (Average, $17,000)

## *Presents Disney Show*

Trade and daily critics and others were the guests yesterday of W. G. Van Schmus, managing director of the RKO Music Hall at a show called "An Hour With Walt Disney." The program was made up of "The Big Bad Wolf" and a number of other Disney shorts. A buffet luncheon followed the showing.

## *Phillips to Paramount*

E. Paul Phillips, formerly attached to the legal staff of the Paramount Publix trustees, has been employed by Paramount and assigned to theatre realty advisory work under Ralph A. Kohn, in charge of the company's theatres.

# "Death Takes" Twin Cities' Gross Leader

MINNEAPOLIS, April 23.—"Death Takes a Holiday" was top in both Minneapolis and St. Paul for gross, but "The Private Life of Henry VIII," now in its third week, still had the percentage honors and looks good for a long run. "Wonder Bar" was another outstanding percentage contender and the three pictures gave Minneapolis an exceptional week. "Wild Cargo" stood out in St. Paul.

Minneapolis' five theatres, usually taking $22,500, got about $25,500, while St. Paul's quintet made it $18,500 where they usually get $16,000.

Estimated takings:

***Minneapolis:***
***Week Ending April 19:***

**"SHE MADE HER BED" (Para.)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, 1,500)

**"DEATH TAKES A HOLIDAY" (Para.)**
MINNESOTA — (4,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,500)

***Week Ending April 20:***

**"WONDER BAR" (F. N.)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $6,500. (Average, $5,500)

**"HAROLD TEEN" (Warners)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

**"THE PRIVATE LIFE OF HENRY VIII" (U. A.)**
WORLD—(400), 25c-75c, 7 days, 3rd week. **Gross:** $4,000. (Average, $2,000)

***St. Paul:***
***Week Ending April 20:***

**"DEATH TAKES A HOLIDAY" (Para.)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

**"HAROLD TEEN" (Warners)**
RIVIERA—(1,200), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $3,500)

**"COMING OUT PARTY" (Fox)**
RIVIERA—(1,200), 25c-40c, 3 days. **Gross:** $1,500. (Average for week, $3,500)

**"WILD CARGO" (Radio)**
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

**"JIMMY, THE GENT" (Warners)**
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $800)

**"THE POOR RICH" (Univ.)**
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average, $700)

**"YOU MADE ME LOVE YOU" (Majestic)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $1,500)

# "One Night" Pulls $7,300, Oklahoma

OKLAHOMA CITY, April 23.—"It Happened One Night" was a bright light among the first runs here last week, jumping par by $3,300 for a gross of $7,300 at the Mid-West.

"Lady for a Day" was also in the money with a $3,200 take at the Liberty, but the Criterion, with "The Trumpet Blows," and the Capitol, with "Beloved," couldn't stand up under the competition.

Total first run business was $15,200. Average is $13,500.

Estimated takings for the week ending April 21:

**"IT HAPPENED ONE NIGHT" (Col.)**
MID-WEST — (1,500), 10c-26c-36c-56c, 8 days. **Gross:** $7,300. (Average, $4,000)

**"LADY FOR A DAY" (Col.)**
LIBERTY — (1,500), 10c-15c-26c-36c, 7 days. Gross: $3,200. (Average week, $2,000.)

**"THE TRUMPET BLOWS" (Para.)**
CRITERION — (1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $3,000. (Average, $5,000)

**"BELOVED" (Univ.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,700. (Average, $2,500)

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Recklessly daring . . madly loving . . the stars of immortal "Cimarron" unite in another glorious romance born from E. W. Hornung's vivid tales of a swashbuckling outlaw on earth's far frontier.
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RKO RADIO PICTURE
DIRECTED BY WILLIAM A. WELLMAN
A MERIAN C. COOPER PRESENTATION
PANDRO S. BERMAN, Executive Producer

## Pittsburgh Bombing Rush Injures Eight

PITTSBURGH, April 23.—Eight persons were injured, two of them seriously enough to require hospital treatment, when a smoke bomb was exploded in the New Oakland, an independent house in Oakland avenue. Police aided house attaches in quelling a stampede.

Manager T. A. Gulbert told authorities that the theatre had no labor trouble and he could not explain the bombing.

## Boston Censor Injured

BOSTON, April 23.—Major Patrick F. Healey, film censor attached to the Massachusetts Department of Public Safety, and Miss Merle Delancey, 22, of Manomet, were badly injured when the former's auto collided with another machine at Tremont and West streets early yesterday morning. Both were taken to Boston City Hospital.

## "Blue Light" to Open

"The Blue Light," European film based on a legend of the Dolomites, which is said to have created quite an impression abroad is to be given a midnight preview at the Little Picture House May 5. Most of the cast are native villagers. Leni Riefenstahl is the star.

## Warners Re-Sign Jolson

HOLLYWOOD, April 23.—New long term contracts have been signed by Warners with Al Jolson, Harry Joe Brown, who will produce, and Robert Lord, supervisor.

*PETE HARRISON* says: "A good picture, produced skillfully. Should entertain." . . . . *M. P. DAILY:* "A big name cast."

1934 LIBERTY PICTURES 1935


# Looking 'Em Over

## "Just Smith"

*(Gaumont-British)*

This British adaptation of Frederick Lonsdale's play, "Never Come Back," is pleasant entertainment. Light and gay and sprightly, it should succeed in pleasing audiences generally, although its chances may be better with adults.

The central character is an American crook (Tom Walls) trying his art among the elite of Monte Carlo. Associated with him is another thief from the States. In the hope of getting an entry to the villa of a wealthy American society matron, they arranged a party on a yacht with their intended victim among the invited. When the affair leads to the engagement of the woman's daughter to a British duke and to the realization of her most cherished ambition of bringing a title into the family, she is so grateful that she invites the crooks to her home.

When the daughter hides one of her mother's necklaces to keep her from giving it away in a moment of generosity, Scotland Yard comes into the picture. To save the girl from getting into an embarrassing situation Walls takes the jewelry from her purse. The reason for his act may be explained by the fact he has fallen for the young lady, who loves him in turn and is marrying the duke just to please her mother. The whole muddle is straightened out nicely and there are assurances at the end that Walls and the girl will do the marching up the aisle. Walls also directed. Other players include Carol Goodner, Anna Grey, Allan Aynesworth, Eva Moore, Reginald Cardner, Veronica Rose and Hartley Power.

## "The Prince of Wales"

*(Gaumont-British)*

This pictorial history of the Prince of Wales is a most interesting and entertaining subject. Its material is culled from a variety of sources, some of it from newsreels, some from the private collection of the Prince and still others from the official files of the British government. All has been fused into a smoothly flowing chronology of the life of the heir to the British throne at work and at play.

From christening to the present the film traces the rise of Edward and his preparation for the job of king. In following him on his travels—and they are many—the spectator is taken to every corner of the globe. The film thus becomes a travelogue at the same time. The Prince is revealed as quite a "regular fellow" and a person of tremendous personal charm. Considerable footage has been devoted to his visit here during the Wilson administration.

Adding to the value of the picture is an epilogue in which the Prince makes a plea for the unemployed of his country. Incidentally, the proceeds of the film, under an agreement with Gaumont-British, are to go to the relief work among the idle of Great Britain.

There are many laugh-provoking scenes in the picture, which is delightful entertainment.

## "Picture Brides"

*(Allied)*

Only mildly interesting despite the cast, which boasts such names as Dorothy Mackaill, Alan Hale, Regis Toomey, Dorothy Libaire, Will Ahearn, Mae Busch and Harvey Clarke.

The story has to do with five down and out girls en route to Lottogrosso, a tropic island off South America. They are known as picture brides and on the way to marry diamond miners. Miss Libaire, on the same boat, finds she is shanghaied and Miss Mackaill switches places after they land.

Miss Libaire was originally intended to marry Hale, but through the switch is betrothed to Toomey. When Hale learns of the trick he sets out to get his partner, Toomey, by notifying the police, who are after him for a bank robbery.

Hale seduces Will Ahern's daughter and she is thrown into the marshes. When she is discovered, a clue gives Hale away and he is killed by her father. With Hale out of the way, Toomey settles with the police and Miss Mackaill marries Clarke.

## Joe Engel Goes to Fox

HOLLYWOOD, April 23.—Joe Engel, pioneer film production executive, formerly with M-G-M and later with Fox in New York, has joined Sol Wurtzel and John Stone in an executive capacity at the Western avenue studios.

## Fairbanks to Broadcast

Douglas Fairbanks, aided by Douglas Fairbanks, Jr., Frederick Lonsdale, and others, is planning a transoceanic broadcast of a scene from "The Private Life of Don Juan" on May 5. It will go out over WABC from 3:20 to 4 P. M.


Spot News from Columbia

"I've never done anything I like as well as this role! It's immense! A role that comes once in an actor's lifetime!"—JOHN BARRYMORE.

"Not only the greatest part I have ever played, but the happiest experience of my life was working on '20th Century'!"—Carole Lombard.

High praise indeed from the screen's foremost actor and his leading lady about their roles in Broadway's greatest comedy smash. It's even greater on the screen! JOHN BARRYMORE in "20th Century", with Carole Lombard, Walter Connolly, Roscoe Karns. A Howard Hawks production from the stage success by Ben Hecht, Charles MacArthur and Chas. B. Milholland.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 96 NEW YORK, WEDNESDAY, APRIL 25, 1934 TEN CENTS

## SMPE Favors 2,000-Foot Reel Lengths

### *Predicts Saving, End of Print Mutilation*

ATLANTIC CITY, April 24.—The issue of reel length, raised by the general practice of operators to double up standard reels, was definitely met today at the convention of the S. M. P. E. here with a decision that, if there is to be any change, film should be distributed in lengths of 2,000 feet, instead of 1,700 feet as had been proposed.

In a formal statement the practical projection committee further declared that "as long as reels of 1,000 feet

(*Continued on page 6*)

## Allied's Eastern Units Begin Talks

The first move toward strengthening individual groups of eastern Allied units began yesterday at the Park Central when 17 members of New Jersey, Boston and Upstate New York units began a two-day session. Walter B. Littlefield of Boston presided and a definite announcement will be released today.

In addition to Littlefield, those present included A. F. Myers, E. M. Loew, Edward Ansin, L. Levin, Julius Charnow, Irving Dollinger, R. Wilkins, J. Unger, C. Dinsbury, A. Stone, E. Tarbell, William Smalley, Ben Berkowitz, W. H. McLaughlin, E. H. Stoneman and Sidney E. Samuelson.

## Irving Trust Para. Fee Gets Approval

The petition of Irving Trust Co., trustee in bankruptcy for Publix Enterprises, and its attorneys, Winthrop, Stimson, Putnam & Roberts, for partial compensation aggregating $110,000 for bankruptcy administration

(*Continued on page 6*)

## *New Olympia Setup Nearing Completion*

Reorganization of Olympia Theatres, Paramount's New England circuit, is approaching the final stages and will probably be completed within the next two or three weeks.

S. A. Lynch, chairman of the Paramount Publix trustees' advisory com-

(*Continued on page 6*)

## All Impartial Men To Attend Meeting

Impartial Government observers of clearance and zoning and grievances boards will probably be called into a general session by Division Administrator Sol A. Rosenblatt some time in June or July.

While original discussions centered around bringing the men from all over the country into Washington the middle of next month, this plan has been

(*Continued on page 6*)

## See End Near Of Cut-Throat Tactics in K. C.

KANSAS CITY, April 24.—After hearing arguments by affiliated first runs, suburbans and distributors at a stormy session on price and protection, members of the zoning board today expressed confidence cut-throat competitive practices will be eliminated within the next couple of weeks. The hearing was attended by practically all local exhibitors and exchange managers. The board took under advisement the suburbans' protest on first run protection and their demand

(*Continued on page 6*)

## *K. C. Rezoning Plan Stirs Up Opposition*

KANSAS CITY, April 24.—Challenging the view that the code grants the local clearance and zoning board power to re-zone the city and set up a new protection schedule for the balance of this year's product, W. D. Fulton, spokesman for a small group of independent exhibitors, holds that if the board should proceed to do so it will exceed its authority.

Fulton said that in event the board acts on a petition filed by the Independent Theatre Owners, he was cer-

(*Continued on page 6*)

## *Protest in Chicago Holds Hitler Film*

CHICAGO, April 24.—Showing of "Hitler's Reign of Terror," produced by Cornelius Vanderbilt, Jr., at Jones, Linick and Schaefer's Majestic, was halted today by Police Commissioner Allman as a result of a protest from Dr. R. L. Jaeger, German consul general here.

Jaeger said he was acting under

(*Continued on page 6*)

## Webb Forces Easily Carry Pathe Control

### *Minority Opponents Are Heavily Outvoted*

Threats by a minority group of Pathe stockholders to over-ride the Stuart Webb administration faded yesterday as stockholders representing 402,343 shares of the combined issues defeated the protesting group representing 770 shares of the combined issues.

Objections of the minority group centered around cancellation of a clause in Webb's contract stock option and an increase in his salary at the discretion of the board.

Following the stockholders' session, the board of directors met and re-elected Webb as president, in addition to the entire slate, including Arthur B. Poole, vice-president and treasurer; John C. Walsh, secretary and assistant treasurer; Ellen U. Keogh, assistant secretary.

Walsh, Daniel Frankel, Charles

(*Continued on page 6*)

## Warner Directors Silent About Erpi

The Warner board of directors met yesterday to transact what executives of the company described as "routine" business. Abel Cary Thomas, secretary, declined to comment on reports that the board considered a plan of settlement of current litigation between the Stanley Co., a Warner subsidiary, and Erpi. Trial of the suit was to have begun in Federal court at Wilmington last month, but was postponed to next fall by agreement of both sides in order to permit discussion of a proposed settlement, according to report.

## *M-G-M Signs LaCava To a Term Contract*

HOLLYWOOD, April 24.—Gregory LaCava has just signed a long term contract with M-G-M. His first assignment will be "The Duchess of Delmonico," in which Clark Gable and Jeanette MacDonald will be co-starred.

Others just signed by M-G-M include: Cortland Fitzsimmons, writer, who will adapt his story, "Death on the Diamond"; Howard Emmett Rogers and James K. McGuinness, writers, and Charles Butterworth and Gladys George, players.

## Kent to Head FWC Theatres In New Setup

### *Report Chase National Is Bowing Out*

By RED KANN

LOS ANGELES, April 24.—Sidney R. Kent will be elected president of Fox West Coast when its reorganization, long in work, is completed soon. Fox Film controls the dominant Pacific Coast circuit through the Wesco Holding Co.

It is now learned the big stumbling block which long delayed the new setup was a claim running into millions held against Wesco by the Chase National Bank. It is understood an agreement has been reached whereby Chase will withdraw and take Fox West Coast stock in settlement, thereby allowing the circuit to rearrange its affairs under the Fox ægis.

Charles Skouras is expected to continue as operator, and the possibility also exists that Herman Wobber, general representative of the Fox enterprises on the west coast, aside from production will play an important, if background, part under the arrangement.

## Government Starts Union Count Here

A representative of the Department of Labor yesterday began a checkup of the number of service employes in Loew's and RKO theatres here who are members of Local 118, Theatre and Amusement Employes union.

The checkup is expected to be concluded in a week or 10 days and will determine whether the two circuits

(*Continued on page 6*)

## Boards' Functioning Seen As First Job

LOS ANGELES, April 24. — Campi's belief that the most important current job under the code is to get the key city boards functioning is understood to be behind the visit here of John C.

(*Continued on page 6*)

## *Pioneer Will Test New Color Process*

HOLLYWOOD, April 24.—Pioneer Pictures, Inc., of which Merian C. Cooper is head, launched preparations

(*Continued on page 8*)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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JAMES A. CRON
*Advertising Manager*

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## Shifts Are Made by RCA

Edward Wallerstein, manager of record sales, has been put in charge of all Victor record and RCA Victor Photophone film recording in addition to his other duties, according to E. T. Cunningham, president of RCA Victor.

Frank B. Walker will be in charge of electrical transcription sales and studio work in connection with it, and James E. Francis will be in direct charge of "High Fidelity" recording and studio activities connected with this branch of the company's work.

## Issue Display on Short

By use of line drawings which sharply define colors Celebrity Pictures has turned out an exceptionally brilliant lobby display for P. A. Powers' ComiColor Cartoons. The sets include a 22x28 card and four 11x14 cards lithographed in a variety of colors. Charles J. Giegerich, sales manager, says this is the first instance in which elaborate lobby displays have been gotten out on a short.

## Sarecky Joins Mascot

HOLLYWOOD, April 24.—Louis A. Sarecky, until recently associate producer for Columbia, has been signed by Mascot as a unit producer. Sarecky has been connected with Paramount, Warners, FBO and Radio at various times as production manager and associate producer.

## Louisville Bans "Elysia"

LOUISVILLE, April 24.—City officials have notified the Alamo after a private showing of "Elysia" that the film cannot be shown here.

# Insiders' Outlook

*Hollywood, April 24*

"PHASE Shift," now being used by Vic Schertzinger on "One Night of Love" starring Grace Moore which is one of Columbia's early releases next season, finds the director waxing enthusiastic over its results. Schertzinger is an accomplished musician as well as a director and should be qualified to talk. This is the new Bell Telephone Laboratories development now being grafted by Erpi to the sound recording equipment of its licensed companies here. That means practically every major lot in Hollywood. . . .

▼

Erpi expects the refinement, which is perhaps best described as a "sound purifier," to go far. The company is known to regard the development as an emphatic step forward in its long and expensive clamber towards complete naturalness in sound recording. Exactly as "Wide Range" is viewed by the electric as a decided advance over noiseless recording, so identically are viewed the advantages of "Phase Shift" over "Wide Range." The inside story bruited about here is that the development represents an experimental cost to the Bell Telephone labs of almost $2,000,000. . . .

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Vine Street bookshop display: On the counter, copies of "STRANGE LOVES, a Study in Sex Abnormalities," by Dr. La Forest Potter; "THE COURTEZAN OLYMPIA, An Intimate Chronicle of Artists and Their Mistress Models," by C. J. Bulliet; "SECRET HISTORY OF PROCOPIUS, a Private Account of the Customs, Morals and Scandalous Episodes During the Reign of the Empress Theodora and the Emperor Justinian," compiled by Richard Atwater; "VENUS CASTINA, Famous Female Impersonators Celestial and Human," likewise by Bulliet; "THE SATYRICON OF PETRONIUS ARBITER." In the window, a photographic collection in book form dealing with strikes, et al., and perhaps significantly titled "THEY TURNED ON THE HEAT." Above, painting of the Madonna and to the right, a pastoral scene featuring fauns. . . .

▼

Mack Sennett, full of California sunshine and good humor, expects to have his film experiences published by Covici-Friede in the fall. Gene Fowler is doing the writing job. The idea is to film the biography later. . . . Sol Wurtzel to Winnie Sheehan: "Zanuck made 'The House of Rothschild' and you made 'The House of Rothstein.'" Sol was referring to "Now I'll Tell," based on the life story of the notorious Broadway gambler. . . .

▼

There's a reason behind the shift of Will Rogers and Lillian Harvey from that gorgeous Fox plant in the Westwood hills to the more prosaic studio on Western Ave. and this is it: Those who call the shots are endeavoring to soft pedal talk, well circulated in Hollywood, that the big ones are made in the hills and the cheap ones ground out in the old studio. Under Sol Wurtzel's sceptre, the Western Ave. plant was called upon to supply two and sometimes three pictures in a row this season when Westwood failed to salaam in time before the altar of release dates. This was contrary to plan in that Wurtzel stuff, scheduled as B pictures, was supposed to be sandwiched in between the loftier product assigned the other studio. This is viewed in some quarters here as explaining why Fox hit the market so often this season with so many smaller pictures in a clip. . . .

▼

"Listen, you must economize. The bankers are raising hell in New York and you must do your bit." A studio head laying down the law to his musical director. "I can't cut any more," came the reply. "You must," was the answer. "O. K. I'll have to hire one-armed fiddlers." . . . "Down to Their Last Yacht" looks so good, as far as it has gone. Radio has slapped $150,000 more on its production budget. . . . The same studio is considering "Becky Sharp" from Thackeray's "Vanity Fair," not Conde Nast's. . . .

KANN

## Universal Pfd. Off 1 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30⅛ | 29⅞ | 30 | — ½ | 300 |
| Consolidated Film Industries | 4⅜ | 4⅜ | 4⅜ | — ⅛ | 100 |
| Consolidated Film Industries, pfd | 17 | 16¾ | 16¾ | — ⅛ | 400 |
| Eastman Kodak | 94½ | 93¾ | 93¾ | —1¾ | 300 |
| Fox Film "A" | 16¼ | 15⅞ | 16 | ..... | 1,500 |
| Loew's, Inc. | 34⅜ | 33⅜ | 33⅜ | — ¼ | 6,000 |
| Loew's, Inc., pfd | 97¼ | 97¼ | 97¼ | + ¼ | 200 |
| M-G-M, pfd. | 26 | 26 | 26 | + ⅛ | 100 |
| Paramount Publix | 5⅛ | 4¾ | 4⅞ | — ¼ | 4,200 |
| Pathe Exchange | 3 | 3 | 3 | ..... | 2,300 |
| Pathe Exchange "A" | 23½ | 21⅝ | 22⅞ | — ⅞ | 6,000 |
| RKO | 3½ | 3¼ | 3¼ | — ⅛ | 2,700 |
| Universal Pictures, pfd | 45 | 44 | 44 | —1 | 60 |
| Warner Bros. | 7¾ | 7⅜ | 7⅜ | — ⅜ | 2,200 |
| Warner Bros., pfd | 31⅞ | 31⅛ | 31⅛ | + ⅛ | 300 |

## Sentry Off 1-16 on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | — 1/16 | 500 |
| Technicolor | 9¾ | 9¾ | 9¾ | ..... | 300 |
| Trans Lux | 2⅜ | 2⅜ | 2⅜ | ..... | 100 |

## Pathe Bonds Gain One Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅜ | 9¾ | 9¾ | — ⅝ | 31 |
| General Theatre Equipment 6s '40, ctf | ¼ | ¼ | ¼ | — /16 | 50 |
| Keith B. F. 6s '46 | 69⅛ | 69 | 69 | — ⅛ | 5 |
| Loew's 6s '41, ww deb rights | 101 | 100½ | 101 | + ⅛ | 1 |
| Paramount F. L. 6s '47 | 51¼ | 51 | 51 | — ½ | 7 |
| Paramouunt Publix 5½s '50 | 52⅛ | 52 | 52 | — ⅞ | 10 |
| Pathe 7s '37, ww | 98¼ | 98 | 98 | + ½ | 9 |
| Warner Bros. 6s '39, wd | 65 | 64¼ | 64¼ | — ½ | 30 |

# Purely Personal

HOWARD S. CULLMAN, receiver for the Roxy, will be guest of honor at the Consumers' League luncheon in Philadelphia today. He will talk on "Workman's Compensation."

J. ROBERT RUBIN is back at his desk following a slight illness which caused him to miss the last Code Authority session.

ROBERT DONAT left yesterday on the 20th Century for the coast to start work in "The Count of Monte Cristo" for Reliance.

HAL HORNE is feeling quite chesty over that award of advertising honors on "Palooka" from *The American Spectator*.

TOM WALLER of *Variety* is a bridegroom. The bride is ESTHER LOUISE WARWICK of Bronxville.

HARRY SEGALL's unproduced play, "Lost Horizons," has been acquired by M-G-M.

ELIZABETH ALLEN, under contract to M-G-M, is due back from England soon.

## NVA Committee Meets

The film exchange division of the NVA yesterday met at the M. P. Club to discuss activities in connection with the drive. Attending were Robert Wolff of Radio, chairman; Jack Bowen and Dave Levy of M-G-M, Harry H. Buxbaum of Fox, Henry Randell and Myron Sattler of Paramount.

## United Takes on Shorts

United Newsreel Corp. has closed a deal with Principal Film Exchange, Inc., headed by Nat Cherin, for distribution of 13 "Broadway Gossips" and seven "American Explorers" in the New York territory.

# CREAM OF TODAY'S NEWS!

## 1 - "VIVA VILLA!" HIT!

Broadway greets M-G-M's Giant $2 Road-show sensation at Criterion, N. Y. with grand press notices and packed houses. (*Okay Wallace Beery!*) And watch it soon at popular prices!

## 2 - "TARZAN AND HIS MATE"

As predicted, the new and greatest Johnny Weissmuller romantic thriller is a box-office wow! Simultaneous engagements all over America, backed by glorious showmanship, bring smiles to happy exhibitors.

## 3 - "MANHATTAN MELO-DRAMA" PREVIEW!

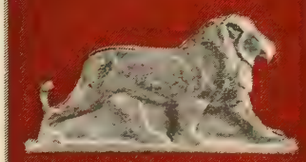
Hollywood Reporter says: "Smash hit! Combination Clark Gable, William Powell, Myrna Loy sure-fire." Coast Variety says "Exceptional, powerful, exciting drama." Get ready for a BIG ONE!

## 4 - "RIPTIDE" EXTENDED TIME!

Everywhere theatres are adding extra playing time. Norma Shearer's greatest!

## 5 - M-G-M HAS THE HITS!

One after another Leo's big entertainments are clicking. Watch for "Sadie McKee" (Joan Crawford, Franchot Tone), "Hollywood Party," rousing musical comedy. "Operator 13" (Marion Davies—Gary Cooper) and lots of other good news on the way!



LEO MARCHES ON!

CARL LAEMMLE

*presents*

# EMBARRAS
# M

# SING MOMENTS

Starring

# CHESTER MORRIS

**A whiz-bang piece of entertainment!... Furiously fast, hilariously funny, it snaps into a melodramatic twist toward the climax in a surprise sequence of exciting events that will give your patrons a gasping jolt—and leave them laughing as they say goodbye!**

•

with

## MARION NIXON

Walter Woolf, George Stone, Huntley Gordon, Henry Armetta, Alan Mowbray, Gay Seabrook, John Wray. Directed by Edward Laemmle. Story by William Anthony McGuire. A Stanley Bergerman Production.

A UNIVERSAL PICTURE

# See End Near Of Cut-Throat Tactics in K. C.

(Continued from page 1)

for a new clearance schedule. A second meeting was called for next Tuesday.

Suburbans denounced Loew's Midland for inaugurating a 25-cent first run scale downtown, with other first runs coming in for a share of the criticism. It developed at the hearing the suburbans' intention is not so much to reduce first run protection as to force up low scales. First run managers defended the length of protection on the basis of rental and advertising, while suburbans contended protection should be governed only by admission price.

Despite efforts to effect a ban on duals, the RKO Mainstreet goes to doubles next week. This will be an occasional policy, it is declared.

Meanwhile, without waiting for action by the zoning board, exhibitors in Kansas City, Kan., operating 13 theatres today voted a city-wide ban on dime admissions, doubles and giveaways, effective May 19.

## *K. C. Rezoning Plan Stirs Up Opposition*

(Continued from page 1)

tain the matter would be brought to a showdown in the courts for a test of the board's powers, since the board would be arrogating to itself authority not granted by the code. He believes the first logical step would be to request a ruling from Code Authority or Division Administrator Sol A. Rosenblatt on whether the local board may disturb the existing zoning and clearance schedule prior to the new season.

Expressing the opinion of those who oppose the I. T. O. petition, Fulton maintains there is nothing in the code which permits the board to set up a new schedule for the balance of this year. He holds that any alterations should govern with the start of the 1934-35 season. He takes exception to the opinion of the I. T. O. counsel who informed the organization, after a study of the code that a new setup is in order immediately if desired.

### Plans to Protect Houses

While the petition now in the hands of the zoning and grievance board merely requests immediate rezoning, Fulton sees in it an attempt to extend protection over theatres charging 10 cents and also probably 15 cents. He said he intends to protect the interests of theatres in these classifications. He also suspects that some exhibitors are seeking protection over competitive houses in the same zone and charging equal admission, which is not permitted under Kansas City's protection system.

The I. T. O. wants rezoning because conditions have altered radically since the existing zoning and protection plan went into effect three years ago. Since that time, theatres have drastically reduced scales and double billing has become epidemic, the situation culminating recently in a major price war. The I. T. O., it is understood, will seek to have the board deprive first runs of any definite protection where their price is on a par with subsequents, granting them only prior protection in place of the existing clearance of 30 days. This is a move to force downtown first runs to restore their top of 40 or 50 cents and eliminate double bills. It is taken for granted these theatres will resist price increases unless the suburbans do likewise.

Exhibitors who have been fighting unsuccessfully to eliminate 10-cent admissions, dual billing and premiums among the suburbans now favor a solution through a new zoning plan, extending protection over houses where such practices prevail.

## Boards' Functioning Seen As First Job

(Continued from page 1)

Flinn, executive secretary of Code Authority, who reached the coast by plane today from New York. On Friday he confers with the Los Angeles, Salt Lake City, Portland, Seattle and San Francisco board secretaries here. On Monday or Tuesday he leaves for a meeting of middle western secretaries, probably in Kansas City, although it is also possible he may call one general meeting for that section in Chicago. He expects to return east in about a week for a meeting with eastern secretaries.

Flinn declared today that 1,000 checks poured into the New York headquarters of the authority from exhibitors on the third day following the mailing of assessment forms and described the general theatre reaction as instantaneous. The probability is Flinn will do nothing relative to the opening of the Campi office here beyond surveying the situation and handling the situation later from New York. This is the office which Pat Casey and Mrs. Mabel Kinney will head.

## Government Starts Union Count Here

(Continued from page 1)

must recognize the union and negotiate new wage scales with it. If a majority of the service employes are found not to be members of the local, no recognition need be given it, in accordance with an understanding arrived at last week between representatives of the union and the circuits meeting with Division Administrator Sol A. Rosenblatt at Code Authority headquarters. A majority membership among Loew's and RKO employes, if found, is expected to reflect existing conditions in other circuits in the metropolitan area.

The union is deferring a strike pending conclusion of the checkup.

Charles C. Levey, secretary-treasurer of Local 118, Theatre and Amusement Employes union, pleaded not guilty to charges of coercion brought by the Tivoli, Brooklyn, when arraigned in Brooklyn City Court yesterday. A hearing was set for May 21.

## *Miss Sullavan on Way*

HOLLYWOOD, April 24.—"Little Man, What Now?" completed, Margaret Sullavan started east tonight. She is planning to sail for London on a four-week vacation.

# SMPE Favors 2,000-Foot Reel Lengths

(Continued from page 1)

are used film mutilation will continue," and added that exchanges must accept the 2,000 foot reel or "be prepared to police projection rooms to prevent doubling." It was also prophesied that the 2,000-foot reel will result in considerable saving to the industry and also in better theatre performance.

At an exchange and theatre session which featured the second day of the convention other practical problems of the theatre were attacked. Chief among the papers read were those by F. H. Richardson of *Motion Picture Herald,* who asked that theatre operators follow higher standards in the purchase and maintenance of projection equipment; and by Ben Schlanger, New York architect, who laid down principles of design which he said would perfect the auditorium as an integral part of the motion picture mechanism.

An open forum on practical technical problems of exhibition was postponed until Wednesday. The semi-annual banquet will be held Wednesday evening, at which the convention will be addressed by Division Administrator Sol A. Rosenblatt, who will also be heard over the Red network of NBC.

## *All Impartial Men To Attend Meeting*

(Continued from page 1)

found inadvisable at this time because the impartial members will not have had enough time to observe code operations in various key cities. This is due to the late start by the boards, which in many spots have not yet set the first date for business sessions. Up to now most of the sessions held have had to do with organization work.

Although the local grievance board intended to hold its initial business session yesterday, this was postponed until May 2, a Wednesday, but thereafter regular meetings will be held on Tuesdays.

Reason for the postponement is due to the fact that the local secretaries are still preparing the complaints in order of arrival for hearings. In some cases from eight to 10 parties are named as defendants and all must be notified to attend.

## *Protest in Chicago Holds Hitler Film*

(Continued from page 1)

orders of the German Embassy in Washington.

Allman indicated the halt might be only temporary. In the meantime Jones, Linick and Schaefer will seek an injunction.

Jaeger contends major parts of the film were made in America and its exhibition will create bad feeling between the countries. It has been passed by the local censors.

## *Grainger Returns Sunday*

HOLLYWOOD, April 24.—James R. Grainger will start east Sunday after three weeks here.

# Webb Forces Easily Carry Pathe Control

(Continued from page 1)

Fleming and T. J. Loach, all employes of the company, were added to the board of directors consisting of Webb, Poole, Robert W. Atkins, Paul Fuller, Jr., Henry J. Guild, Ellery W. Mann, George S. Montgomery, Jr., Arthur Sewall, 2nd, Charles A. Stone, Theodore C. Streibert and Charles B. Wiggin.

Webb reported that business for the first three months will show a profit and expected that the net profit for the new year will be as much, if not more, than 1933.

The president also stated that the Bound Brook plant is developing 40,000,000 feet of film a year and several deals are under way to increase this figure. According to a contract with Radio, Pathe is turning out 27,000,000 feet of developed film annually for this company.

Webb was praised for his work during the past year by Fuller and Sydney Cohen.

When questioned by one of the stockholders, Webb stated not all suits against the company had been settled, mentioning the Spitzer case as one which comes up in California in June.

Poole presided for most of the meeting.

## Irving Trust Para. Fee Gets Approval

(Continued from page 1)

services was approved yesterday by Referee Henry K. Davis.

The petition goes to the U. S. District Court here today for final approval, with a ruling expected from the court within the next few weeks. The allowances sought include $35,000 compensation for the trustee in bankruptcy and $75,000 for the attorneys. The bankruptcy affairs of Publix Enterprises were virtually wound up when Famous Theatres Corp. took over the bankrupt's assets last December, but creditors' claims against Publix Enterprises are still being contested, putting off, until their settlement, the final discharge from bankruptcy.

## *New Olympia Setup Nearing Completion*

(Continued from page 1)

mittee, returned recently from Boston where, it is reported, he virtually completed the business phases of the reorganization plan for submission to creditors. Under the reorganization plan, it is understood, Martin J. Mullin, operating head of the circuit, will continue to handle the unit as a Paramount partner.

## *Seattle Orpheum to Close*

SEATTLE, April 24.—The Orpheum, 2,500-seat de luxe house, will close its doors this week after several months of operation on a dual feature first run policy. Lack of patronage, even after admission prices were cut to 15 and 25 cents two weeks ago, forces the closing.

Held over for 2nd week!

# "STAND UP AND CHEER!"

A FOX PICTURE

Radio City Music Hall

## Ruling in St. Louis Theatre Plan Rapped

St. Louis, April 24.—The bondholders' protective committee today filed a motion asking Federal Judge Charles B. Davis to modify his ruling of yesterday denying its request that he set a date for the bondholders to vote on whether to join the proposed reorganization plan for the Ambassador, Grand Central and Missouri theatres. The motion stated the effect of Judge Davis' ruling was unfair.

The essential merit of the plan is not now before the court, but a copy of it was attached to the committee's petition filed on March 30 which was the basis of the judge's comment yesterday. Judge Davis has indicated he may allow the properties to go through a foreclosure sale.

## Business Picks Up In Both Carolinas

Charlotte, April 24.—Evidences of improvement in theatres of North Carolina are numerous, according to exhibitors here. As a result of increased grosses and an anticipated further improvement, many theatres in both North and South Carolina are re-opening and others are doing considerable remodeling.

Howard Theatres, Inc., of Wilmington is planning to make a number of improvements in the exterior and interior of a recently opened theatre in that city, according to Percy W. Wells. A new house will be opened soon at Woodruff, S. C., according to S. L. Workman. The Paris of Greenville, S. C., is being remodeled to cost over $10,000, according to an announcement by H. V. Wynne, manager.

## Pioneer Will Test New Color Process

(Continued from page 1)

today at Radio studio for making a one-reel subject as a test film for a new Technicolor process, with which the company has been experimenting for over a year.

Lloyd Corrigan will direct. He will combine the results of exhaustive tests and experiments carried out by Robert Edmund Jones, well known art director.

Due to Cooper's absence, the Pioneer company has decided to withhold its first feature in Technicolor until fall. In the meantime the short will be a practical feeler for public reactions.

## Fourth Ave. Acquires Louisville National

Louisville, April 24.—The National has been leased by the Fourth Avenue Amusement Co. and will open Friday, with a stage and screen policy. First run Fox and Paramount product will be shown. The stage attractions will be the revue type, booked independently.

The opening of the National will follow by a week the closing of a stage season at the Rialto.

## L. J. Schlaifer Returns

L. J. Schlaifer, western division manager for United Artists, has returned from an extended tour of exchanges under his supervision.

# Looking 'Em Over

## "Beyond Bengal"

(*Showmen's Pictures*)

Harry Schenck has succeeded in crowding a remarkable number of thrills into a jungle picture made in the Malay Peninsula. It rates high among the animal films of recent years. Just a thread of a story is dragged in for motivation of some of the scenes.

Some of the sequences are built up with a shrewd regard for dramatic values. Pythons don't suddenly pop out of nothing. They are shown crawling about on the ground, over tree branches in pursuit of monkeys, and, finally, darting down out of a tree and wrapping around a screaming man. It's gruesome, but it makes the audience gasp.

In another sequence natives in flat bottomed boats, one of which has a camera, pursue a herd of elephants floundering around in water until one of the animals turns around and upsets the boat.

In still another boys on boats spear crocodiles, lassoo their noses and let the animals tow them, fight them in droves with spears. A honey bear is grabbed in the big mouth of one of the reptiles, and as a climax a boat tips over and one of the swimming boys is grabbed by a crocodile. It may have been a trick shot, but it is hair-raising on the screen.

There are also lens-to-face encounters with tigers.

It's loaded with exploitable angles throughout.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Private Scandal"

(*Paramount*)

Hollywood, April 24.—"Private Scandal" is a comedy mystery wherein a murder is committed and solved in burlesque fashion. The plot is form calibre, but compensates in comedy situations and fast, smart dialogue which occasionally gets rowdy. It is amusing at all times and provokes spontaneous laughter.

Lew Cody, a real estate operator, loses his client's investments in the stock market and decides to kill himself. Phillips Holmes, his junior partner, is tipped off to make it appear as murder, so investors can be paid back with the insurance. Holmes, who is engaged to Cody's daughter, Mary Brian, tries to prevent the suicide, but arrives on the scene too late, almost being arrested for murder.

The comedy solution revolves around Zasu Pitts, Cody's secretary, and Ned Sparks, the investigating flat foot, it being finally discovered that Cody had been murdered by the husband of his current sweetie before he could turn the gun upon himself.

The entire story takes place in the real estate office, with the investigation resulting in uproarious comedy from the employes. Although lacking in cast names, the film is sure fire entertainment. Ralph Murphy has done a creditable job of direction. The entire cast performs well.

*"We're Not Dressing," this morning's opener at the Rivoli, was reviewed by wire from Hollywood on April 11.*

*"Twenty Million Sweethearts," tonight's preview at the Strand, was reviewed by wire from Hollywood on March 14 under the title of "Rhythm in the Air."*

## Warner Checkers All Set

H. M. Doherty of the Warner auditing department, has been placed in charge of the company's theatre checking organization, the formation of which was perfected by Ralph Budd of the Warner personnel department. No other change in the company's checking system is planned at present, with results to date described as "very satisfactory."

## Para. Re-Signs Vidor

Hollywood, April 24.—As a result of his handling of his first directorial assignment, "Double Door," Paramount has renewed Charles Vidor's contract. His next probably will be "A Son Comes Home."

Evelyn Venable, young English actress, also has been given a new Paramount contract.

## Joe Lee Is Recovering

Joe Lee, New York exchange manager for Fox, was operated on yesterday for a minor throat ailment at the Post Graduate Hospital. He is doing nicely and expects to leave for a vacation following his dismissal.

## Flash Review

*Marrying Widows*—. . . ought to provide a good deal of pleasure in neighborhood houses. . . .

*This film will be reviewed in full in a later issue of* Motion Picture Daily.

## Loew to Pay Dividend

Boston, April 24.—Loew's Boston Theatres Co. today declared the regular quarterly dividend of 15 cents, payable May 1 to stockholders of record of April 24.

## Means Foresees No Allied K.C. Drive

Kansas City, April 24.—Jay Means president of the I. T. O., denies reports current here that Allied may invade the Kansas City area in its expansion drive now under way. Means is close to Allied and receives frequent communications from that organization, although his association is not affiliated, and would know of any intended invasion.

The I. T. O. head said that at this time he would not be interested in leading a movement to organize an Allied unit. He favors an amalgamation of the two national exhibitor groups.

Allied has made two or three attemps to gain a foothold here, but unsuccessfully. The last time was almost two years ago at a convention of the M. P. T. A. of Kansas and Missouri at Topeka. Several exhibitors in this territory are said to be affiliated with Iowa Allied.

## Ohio Mayor Closes Whole City Sunday

Miamisburg, O., April 24.—An ancient blue law, dug up under a state statute of the General Code, is being enforced here, and the town was closed tight Sunday for the second time within the past decade. The only exception was drug stores, which were permitted to dispense drugs and medicines where it was proved that they actually were needed.

The law provides that a fine of $25, plus a five-day jail sentence, shall be imposed for each violation.

The lid was ordered clamped down by Mayor H. E. Beachler after some of the local liquor establishments are said to have failed to observe the Saturday midnight closing law.

Exhibitors especially are up in arms.

## Catholic Leaders on Coast to Weigh Films

Los Angeles, April 24.—Delegates from all parts of California will convene here beginning Sunday at the Ambassador for "Catholic Action Week." The gathering is being held under the auspices of the National Catholic Welfare Ass'n., headed by Bishop Cantwell. The movement for cleaner pictures will be the major topic of discussion. Leaders from other sections of the country associated with various Catholic groups will be present.

## Going to London Films

Hollywood, April 24.—Under the agreement providing for exchange of talent and technicians, London Films closed negotiations today via cable for Laurence Butler and George Teague, experts on process work, who will lend their services to "The Private Life of Don Juan," which Douglas Fairbanks is making for the company. They will collaborate with Ned Mann, already there. They will also work on H. G. Wells' "One Hundred Years from Now," another London Films production.

## Jessel-Talmadge Marry

Atlantic City, April 24.—Norma Talmadge and George Jessel were married yesterday at the Ambassador by Mayor Harry Bacharach. Nine close friends were present.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 97 NEW YORK, THURSDAY, APRIL 26, 1934 TEN CENTS

# Trustees Sue Paramount Board for $12,237,071

## Downtowns of K. C. in Arms On Clearance

### *Threaten to Take Fight To Code Authority*

KANSAS CITY, April 25.—Downtown first runs will take their fight to the Code Authority if the zoning board grants the petition of suburban houses to reduce first run protection. The preponderance of sentiment favors immediate price stabilization and the consensus is that unless first runs hike their 25-cent admissions protection revision is inevitable.

The situation is becoming increasingly serious, as the RKO Mainstreet goes to a double feature policy Friday

(*Continued on page 7*)

## New Labor Measure May Be Introduced

WASHINGTON, April 25.—Legislation for setting up a permanent and effective tribunal for settlement of labor disputes is being urged upon Congressional leaders by President Roosevelt, and a new measure will be drafted in the near future designed to

(*Continued on page 7*)

### *Ed Dubinsky Fails to Attend NRA Hearing*

KANSAS CITY, April 25.—Returning from St. Louis tonight, labor leaders charged Ed Dubinsky with open defiance of the NRA in St. Joseph and also declared the government was doing nothing about it.

Frank Dowd, business agent for the

(*Continued on page 7*)

### *Los Angeles Boards Get Going on Monday*

LOS ANGELES, April 25. — Local code boards begin functioning Monday following a meeting today with John C. Flinn, executive secretary of Code Authority, at which offices were approved and complete machinery set up.

### *NVA Drive Trailers Set to Start May 4*

Local exhibitors will start screening the special NVA trailers May 4 and will continue to do so until May 10. RKO, Fox, Warners, Skouras and Loew houses are already signed up

(*Continued on page 8*)

## *Mayer Is Preparing to Carry Producers' Case to Exhibitors*

By RED KANN

**Hollywood, April 25.—Louis B. Mayer will carry the case of the producers to exhibitors and shortly will leave to address theatre men in a number of eastern cities. This is an outgrowth of the recent M.P.T.O.A. parleys between M.P.T.O.A. leaders and producers which followed in the wake of Mayer's challenge before the exhibitor convention to showmen that they be shown.**

**Mayer's impending trip of "education and explanation" developed largely at the behest of M. E. Comerford and other exhibitor leaders. Mayer told the writer today he believed the impending discussions will do much to clarify misunderstandings between exhibitors and producers through the detailed analysis of problems confronting the latter and the reason why they do the things they do.**

## Boards Called Great Advance By Rosenblatt

ATLANTIC CITY, April 25.—Code boards were described as representative of America's "farthest advance in peaceable adjustment of inter-industry conflict" by Division Administrator Sol A. Rosenblatt at the Spring banquet tonight of the S. M. P. E., in convention here at Chalfonte-Haddon Hall. The closing session will be held tomorrow.

"Our approach to the creation of these boards and the selection of their

(*Continued on page 8*)

## Biophone Sues Big Electrics As A Monopoly

A suit for $15,000,000 was filed in U. S. District Court here yesterday against A. T. & T., Western Electric and Erpi by the Biophone Corp., independent reproducing equipment manufacturer, alleging violation of the Sherman and Clayton anti-trust laws and charging the defendants with a monopoly of both the sound recording and reproduction fields.

The Biophone complaint, filed by its attorneys, David Berger and Ralph

(*Continued on page 6*)

## *Daylight Saving Covers Same Areas as Last Year*

Agitation for and against daylight saving during the past year has left the summer time map practically unchanged, with the exception of the state of Washington where Seattle, Bellingham and Wanatchee have dropped the change.

Statistics compiled by the Merchants' Ass'n. of New York show that in this state 204 cities and towns will set their clocks ahead an hour next Sunday morning and will keep them that way until Sunday, September 30.

The change will be effective during the same period in 120 New Jersey communities and throughout the states of Massachusetts and Rhode Island. In Connecticut, in spite of a state law against displaying the changed time, it will be observed in 33 places. The same situation prevails in 36 Maine

(*Continued on page 7*)

### *Seek to Recover on Big Stock Repurchases in Circuit Deals*

A suit to recover $12,237,071, said to represent the amount expended for the repurchase of Paramount Publix stock which was issued for the acquisition of theatres, is being instituted immediately against members of the Paramount board of directors during 1931 and 1932 by the trustees in bankruptcy for Paramount Publix, it was disclosed yesterday.

Those to be named in the suit, which will be filed in state supreme court here either today or tomorrow, are: Adolph Zukor, Sidney R. Kent, Sam Katz, Jesse L. Lasky, Ralph A. Kohn, Austin C. Keough, John Hertz, Jules E. Brulatour, Frank A. Bailey, William H. English, Daniel Frohman, Felix H. Kahn, Gilbert W. Kahn, Elek

(*Continued on page 6*)

## Two Publix Rental Claims Disallowed

Two of the largest claims in bankruptcy which have remained pending against Publix Enterprises, former holding company for Paramount theatres, were held not provable in a ruling submitted yesterday by Referee Henry K. Davis. An order expunging the claims will be signed by the referee immediately.

The claims are those of the Sixteenth Street Realty Co., for $1,000,000, and the Fifteenth Street Invest-

(*Continued on page 6*)

## Research Council Given Allied O. K.

Members of eastern Allied units yesterday endorsed the aims of the M. P. Research Council under the leadership of Mrs. August Belmont and President Emeritus A. Lawrence Lowell of Harvard as the two-day

(*Continued on page 6*)

### *ITOA Fight Planned On Two Local Bills*

Local exhibitors are girding forces to attack the Curley Bill and the Baum amendment to the license act, which if passed by the Board of Aldermen, would work hardships on independents,

(*Continued on page 6*)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 35 April 26, 1934 No. 97

MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.


## Goldwyn, Swanson, M-G-M Deal Is Off

HOLLYWOOD, April 25.—Samuel Goldwyn will not use Gloria Swanson in "Barbary Coast," and the deal to borrow her from M-G-M has been called off. Goldwyn refers inquirers to Irving Thalberg for explanation.

Thalberg says the reason the deal has been cancelled is that Miss Swanson wanted to extend her personal appearances for six weeks and "Barbary Coast" could not be held up for that length of time. Anna Sten will replace her.

## McKay Sails for Europe

Willard S. McKay, general counsel of Universal and newly elected secretary of the company, sailed last night on the *Berengaria* for a three months' business trip to Europe. He will discuss production and distribution problems of the company while abroad. His first stop will be Paris and then Zurich.

## Celia Villa at Ampa

Celia Villa, Alan Dinehart and Frank Smith will be guests of honor at the Ampa meeting in the M. P. Club today. Smith is associate advertising manager for General Foods.


**BEN BLUE**
*Under Contract*
WARNER BROS.
VITAPHONE STUDIO
Now Making Personal
Appearances in England
*Direction of*
JOE RIVKIN — Leo Morrison Agency


# Insiders' Outlook

*Hollywood, April 25*

ONE slant on what is apt to make bad friends and drive a further wedge between the actors who make 'em and the exhibitors who show 'em in this lotus blossom land: Detouring customers from the box-office, the 1,000 or more actors and actresses who are members of the Screen Actors' Guild plan a mammoth outdoor show to commemorate the opening of the new Gilmore Sports Stadium now under construction not far from Hollywood's center which means the Boulevard and Vine. . . .

▼

It will be a three-day engagement with two matinees and three shows nightly at the rate of one each night. The talent and turns are now being assembled under a general scheme designed to make the performances so attractive the public will scramble for the 5,000 seats which the stadium is being constructed to hold. Concessions a la carnival style will hold forth as well as a parade of stars. Proceeds will go to swell the the Screen Actors' Guild treasury. Viva Hollywood and never mind the exhibitor—the forgotten man. . .

▼

*Sights and anecdotes*: Lowell Sherman strolling around the Universal lot, hands in pockets with nothing to do at four handsome figures a week for doing it. It's been months, maybe eight or nine, since he's been there. By profession a director, Lowell has nothing to direct. . . . Will Rogers declaring the M. P. T. O. A. called off the convention because Hollywood ran out of blondes. . .

Film notables, all in the open for the NRA and national recovery, nevertheless continuing to patronize the Vine Street Brown Derby whose waiters contend they are underpaid and are compelled to rely on tips to get by. . .

▼

John Lodge, who made an impression as Count Alexei in "The Scarlet Empress," is one of the Boston Lodges. You know, the family that speaks only to the Cabots who supposedly only speak to God. Might be in reverse, but the idea is the same. . . The Dietrich picture, incidentally, has gone back for additional shots et al and is off the Paramount schedule for this season anyway, although originally on. . . In work on that lot for 1934-35 at the minute are "Cleopatra," with Cecil Biblical De Mille at the helm and loud speaker replacing megaphone, and "She Loves Me Not," sensational Broadway stage play. Bing Crosby is the luminary in the latter. . .

▼

*Fantastic yarns:* The one pounded across by a local press agent who insists Mr. So and So doesn't allow any politics on his lot; that the stars all go to bed early because the boss sees to that. Boss may not allow politics, but how does he keep it out? And where emanates the first-hand information on how early the celebrities go to sleep? . . . Big roadster dashes out of the Colony Club driveway. Very fancy, with much aluminum and splash. Standerby remarks: "That's what happens to a Hollywood actor after three days of steady work." . .

KANN

## Eastman Up 1¼ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 4¼ | 4⅛ | 4¼ | — ⅛ | 300 |
| Consolidated Film Industries, pfd | 16½ | 16½ | 16½ | — ¼ | 500 |
| Eastman Kodak | 95 | 94½ | 95 | +1¼ | 200 |
| Fox Film "A" | 16⅜ | 16 | 16⅜ | + ⅜ | 1.600 |
| Loew's, Inc. | 33⅞ | 33⅜ | 33⅝ | — ⅛ | 3.900 |
| M-G-M, pfd. | 26 | 26 | 26 | ..... | 100 |
| Paramount, cts. | 5 | 4¾ | 4⅞ | ..... | 1.300 |
| Pathe Exchange | 3 | 2⅞ | 2⅞ | — ⅛ | 600 |
| Pathe Exchange "A" | 22¾ | 22 | 22¾ | — ⅛ | 1.900 |
| RKO | 3¼ | 3⅛ | 3¼ | ..... | 1.000 |
| Universal Pictures, pfd | 44½ | 44 | 44 | ..... | 5.000 |
| Warner Bros. | 7½ | 7⅜ | 7⅜ | ..... | 2.200 |

## Curb Stocks Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9¾ | 9⅝ | 9¾ | ..... | 900 |
| Trans-Lux | 2⅜ | 2⅜ | 2⅜ | ..... | 100 |

## Bond Issues Drop

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅜ | 9⅜ | 9⅜ | — ⅜ | 1 |
| General Theatre Equipment 6s '40, ctf | 9 | 8¾ | 8¾ | — ½ | 14 |
| Loew's 6s '41, ww deb rights | 100⅞ | 100⅞ | 100⅞ | — ⅛ | 1 |
| Paramount Broadway 5½ '51 | 36⅛ | 36⅛ | 36⅛ | — ⅜ | 2 |
| Paramount F. L. 6s '47 | 49½ | 49 | 49¼ | — ¼ | 21 |
| Paramount Publix 5½s '50 | 51¾ | 51⅛ | 51⅛ | ..... | 25 |
| Pathe 7s '37, ww | 98⅜ | 98 | 98 | ..... | 10 |
| Warner Bros. 6s '39, wd | 64¾ | 64 | 64 | — ½ | 16 |

# Purely Personal

HOWARD DIETZ, HARRY H. BUXBAUM, EDWARD RUGOFF, MORT SPRING, AL. SHERMAN, ARNOLD VAN LEER, JOE HORNSTEIN, LAURENCE BOLOGNINO, JACK LEVIN, LOUIS NIZER, BUDD ROGERS, DAVE BLUM, JOE VERGESSLICH, HARRY SHIFFMAN and GABRIEL HESS were among M. P. Club diners yesterday.

JOE LEE, New York exchange manager for Fox, left the Post Graduate Hospital yesterday after a throat operation and is recuperating at his brother DAN's home in New Jersey.

CHARLES LAUGHTON will sail from England early next month to start work in M-G-M's "The Barretts of Wimpole Street."

ROBERT E. LEE JOHNSON's story, "Just Out of College," has been purchased by Warners.

S. R. KENT is expected back in New York next week.

SIDNEY SKOLSKY's "Movie Queen" has been acquired by M-G-M.

KEN MAYNARD returned yesterday from a European trip.

## Hire Bomb Watchers

In an effort to combat stench bombers, Stanley W. Lawton, managing director of the George M. Cohan Theatre, has hired private detectives and has offered a reward for evidence leading to convictions. Fingerprints on a bomb recently discovered there are now being studied.

## No Ruling in Labor Case

ALBANY, April 25.—Decision has been reserved in the hearing before the Court of Appeals on the I. T. O. A.-Local 306 case following a two-day discussion between the defendants and plaintiffs. Attorneys Milton C. Weisman and M. Tuttle acted for the I. T. O. A.

## Bing Crosby Will Tour

HOLLYWOOD, April 25.—Bing Crosby will make a personal appearance tour after completing "She Loves Me Not" for Paramount.


MOTION PICTURE ALMANAC
1934-35
NOW IN PREPARATION
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00

# Telegram for Martin Mullin

1206-A

CHECK

ACCT'G INFMN.

TIME FILED

WESTERN UNION

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

R. B. WHITE
PRESIDENT

| CLASS OF SERVICE DESIRED | | | |
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| DOMESTIC | | CABLE | |
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| NIGHT MESSAGE | | NIGHT LETTER | |
| NIGHT LETTER | | SHIP RADIOGRAM | |

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

*Send the following message, subject to the terms on back hereof, which are hereby agreed to*

APRIL 25 1934

MARTIN MULLIN M & P THEATRE CORP.
60 SCOLLAY ST. BOSTON MASS.

BOX OFFICE CHECKUP IN NEW YORK CITY SHOWS "STAND UP AND CHEER" AT RADIO CITY MUSIC HALL IS DOING AS MUCH BUSINESS AS THE THREE LEADING OPPOSITION HOUSES COMBINED AS IT ENTERS HOLDOVER WEEK

JOHN D. CLARK

# "STAND UP AND CHEER!"

A FOX PICTURE

# HERE'S HOW

hey'll set up this "grand entertainment" for an immediate repeat on "Wonder Bar" profits

# THIS WEEK AT

| | |
|---|---|
| Stanley Theatre | Philadelphia |
| Michigan Theatre | Detroit |
| Strand Theatre | New York |
| Stanley Theatre | Baltimore |
| Rialto Theatre | St. Louis |
| Earle Theatre | Washington |
| Roger Sherman | New Haven |
| Strand Theatre | Hartford |

The ads on the next two pages are typical of the red-fire flash campaigns planned for the world premieres of this

## WARNER BROS. HIT

STARS!...STARS!...STARS!...IN WARNER BROS.'
FUNNIEST AND FASTEST MUSICAL HIT!
DICK POWELL
GINGER ROGERS
4 MILLS BROS.
TED FIORITO AND BAND
PAT O'BRIEN
THE 3 DEBU-TANTES
3 RADIO ROGUES
MUZZY MARCEL-LINO
ALLEN JENKINS
20 Million SWEET-HEARTS
Famous stars of Radio—great favorites of the films —united for the first time by Warner Bros. in this different, dazzling, delirious comedy! See what goes on "behind the mike" when big acts go on the air . . . Hear delightful Dick Powell sing his way to stardom with 4 new hits . . . .
"SIZZLES WITH ACTION AND SURPRISES!"
Los Angeles Herald-Express
A First National Picture
THEATRE
Vitagraph, Inc., Distributors

# Trustees Sue Para. Board On Big Deals

(*Continued from page* 1)

J. Ludvigh, Sir William Wiseman, Donald S. Stralem, as executor for the estate of Casimir I. Stralem, deceased, and Eugene Zukor, Melville Shauer and Julia Shauer, as executors for the estate of Emil E. Shauer, deceased.

The petition to be filed also states that the trustees and their counsel are investigating the possible liability of the theatre operators and others from whom the stock was repurchased in connection with the transactions in question. If the investigation establishes the liability of these, it is intimated, suits to recover money or property received by them from Paramount may also be instituted by the trustees.

Among the circuits acquired by Paramount with an agreement to repurchase the stock at a guaranteed redemption price were the Dent Circuit, Texas and New Mexico; Kunsky-Trendle, Detroit; Great States Theatres, Illinois; Hostettler, Nebraska and Iowa; and Rickards & Nace, Arizona.

Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, the trustees in bankruptcy for Paramount Publix, set forth in their petition that last Sept. 15 they retained Barrow, Wade, Guthrie & Co., accountants, to investigate and report on the stock repurchase transactions of 1930, '31 and '32. Additionally, last December Arthur W. Teele, of the accounting firm of Teele & Dennis, was retained for the same purpose, and last March, Frederick H. Hurdman, of Hurdman & Cranstoun, accountants, was retained.

### Accountants Disagree

All three accountants made their reports to the trustees during March. The Barrow, Wade, Guthrie report set forth that, in their opinion, "the capital of Paramount was impaired by the purchase by it of its own stock on Sept. 9, 1931; Dec. 26, 1931; Jan. 29, 1932; and March 7, 1932, in an aggregate amount of at least $11,335,-285." Teele's report offered the opinion that "the purchases impaired the capital to the extent of at least $3,-257.453, as of March 7, 1932." Hurdman's report stated that "no evidence had been presented (to him) to indicate that the purchase by Paramount of shares of its own stock during the periods in question impaired the capital of Paramount."

The trustees' petition then sets forth that they were advised by their counsel, Root, Clark, Buckner & Ballantine, "after an investigation of the facts and the law," to institute suit against the directors who authorized or approved the purchases, "on the ground that the capital or capital stock of the bankrupt was impaired by reason of the purchases of stock in question."

Accordingly, the trustees' statement declares, the suit is being instituted "in order to determine the liability in connection with the stock transactions of those who were directors at the time the purchases were authorized and approved."

Adolph Zukor, Paramount's president and one of the defendants named in the trustees' suit, in commenting on the trustees' action revealed that the opinions resulting from the findings of the Barrow, Wade, Guthrie study were subsequently submitted to five auditing and accounting firms, all of whom submitted opinions sustaining the actions of the Paramount directors in the transactions in question.

### Zukor Makes Statement

Zukor's comment follows: "Several years ago Paramount acquired various theatre properties by the issue of its stock, with agreements to repurchase the stock upon demand within specified periods. The suit brought by the trustees involves these repurchases. No officer or director of Paramount had any interest in any of these contracts.

"In determining the various accounting questions involved in the repurchases, particularly as to whether Paramount had sufficient surplus to require performance of its contracts, the directors relied upon the audits of Price, Waterhouse & Co., and upon a special report made by Haskins & Sells. The consolidated earned surplus of Paramount and its subsidiaries at Dec. 26, 1931 (before deducting $8,-711,917.06 of stock repurchases) was certified by Price, Waterhouse to aggregate over $27,000,000.

"The points raised by Barrow, Wade, Guthrie & Co. have been submitted to Arthur Anderson & Co.; Lybrand, Ross Bros. & Montgomery; Miller, Donaldson & Co.; Peat, Marwick & Mitchell, and Price, Waterhouse & Co., all of whose opinions upon the disputed points sustain the action of the directors in performing the company's obligation to repurchase the stock in question," the Zukor statement concludes.

Paramount's program of theatre acquisitions, particularly that part involving the stock repurchase agreements, was the target of considerable questioning by attorneys for the Paramount trustees and by Saul E. Rogers, attorney for a group of Paramount Publix bondholders, during the examination of officers of Paramount in the bankruptcy proceedings of the past year.

### Acquired 176 Theatres

In one such examination, Ralph A. Kohn, a defendant in the present action by the trustees, and now head of Paramount's home office theatre department, testified that the company had acquired 176 theatres on a stock repurchase basis during 1930, '31 and '32. The most important of such transactions listed by Kohn at the time included a 71 per cent interest in Kunsky-Trendle, Detroit, for 65,-000 shares guaranteed for repurchase at $75 per share. Market value at redemption time was $21 per share. Another was Great States circuit, Illinois, a 70 per cent interest in which was acquired for 30,000 shares guaranteed for repurchase at $85 per share. The stock was repurchased at a time when the market value was $6.50 per share.

A half interest in the Dent circuit, Texas and New Mexico, was acquired, Kohn testified, for 19,997 shares guaranteed for repurchase at $80 per share. The market value at redemption time was $53.50 per share. The Rickards & Nace circuit, Arizona, was acquired for 14,112 shares, redeemable at $80 per share. Market value at redemption time was $39 per share. The Hostettler circuit, Nebraska and Iowa, was acquired for 6,195 shares, guaranteed for repurchase at $80 per share. Market value at redemption time was $39 per share.

All of the repurchase agreements, Paramount officers testified under examination, were contingent upon the existence of a specified surplus at the time of redemption. Ali testified that Price, Waterhouse audits revealed sufficient surplus on the various redemption dates to make the repurchase of the stock by Paramount obligatory.

Kohn testified at the time that while about $12,000,000 of theatre properties were acquired in the manner now questioned by the trustees' suit, there were $40,000,000 to $50,000,000 of properties bought without stock guaranties. Among these were, he said, Olympia circuit, New England; B. & K., Chicago; A. H. Blank, Iowa and Nebraska; FitzPatrick-McElroy; Finkelstein & Ruben, Minnesota; Saenger; Indiana-Ohio Theatre Corp.; Netoco; Massachusetts and Connecticut; Famous Players-Canadian; G-V Theatre Circuit, and others.

Saul Rogers, Paramount Publix creditors' attorney, in commenting on the trustees' action yesterday, said that he regarded it as "an essential step in protecting the interests of creditors and endeavoring to recover assets for the bankrupt estate."

# Two Publix Rental Claims Disallowed

(*Continued from page* 1)

ment Co., for $250,000, both involving future rent on Denver theatre leases. The claims were objected to by the Publix Enterprises trustee and hearings were held before Referee Davis several months ago. The referee permitted the filing of additional briefs and rendered his opinion yesterday.

Two additional large claims remain pending against Publix Enterprises. They are both future rent claims for more than $600,000 each and both have been ordered expunged by Referee Davis. A review of the referee's order, however, was sought of the U. S. District Court by the claimants and a final ruling from the Federal court is expected daily. When these claims have been disposed of, Publix Enterprises will be in a position to apply to the court for a final discharge from bankruptcy, according to attorneys for the trustee.

## *Para. Group Leaving*

George J. Schaefer, Paramount general manager, heads a contingent of home office sales executives leaving tonight for the company's two-day divisional sales managers' meeting in Chicago. With Schaefer are Neil Agnew, Milt Kusell, Stanley Waite and Joseph Unger. The Chicago meeting is being held Saturday and Sunday at the Edgewater Beach Hotel.

## *Ostrow to Be an Indie*

HOLLYWOOD, April 25.—Lou Ostrow intends to go into independent production, financing himself, with possible release through Universal. He quits as a Monogram producer on June 1. Robert Welsh, former managing editor of *The Hollywood Reporter*, will succeed him.

## *LeRoy Back Saturday*

HOLLYWOOD, April 25.—Mervyn LeRoy and his bride return Saturday on the *Empress of Britain* from their round-the-world honeymoon.

# Biophone Sues Big Electrics As A Monopoly

(*Continued from page* 1)

Vatner, sets forth that it had sold more than $500,000 worth of equipment to exhibitors up to 1929 when it was sued for patent infringement by the present defendants. The complaint declares that as a result of the suit Biophone's sales declined and exhibitors who had purchased equipment refused to meet installments. It is also claimed that Biophone received an offer from a Wall Street firm of $750,000 for 49 per cent of its stock, which was withdrawn after the filing of the electrics' suit.

The complaint attacks patent pooling by the large sound equipment manufacturers in 1919, together with a cross-licensing agreement and an alleged allocation among themselves of certain sales fields, and hits at licensing agreements by which, it is charged, producer licensees would rent product only to those theatres having reproducing equipment manufactured by the defendants.

Attorneys for Erpi could not be reached yesterday for comment on the suit.

# Research Council Given Allied O. K.

(*Continued from page* 1)

convention came to a close at the Park Central. The council's program, among other things, provides for the abolition of block booking.

Technical organization matters and new product also were discussed by the Allied group, which, in addition, took up the question of "forced sales of individual trailers." Action is to be taken shortly on the trailer topic.

On May 15, the eastern units will meet in Syracuse in conjunction with a session scheduled by Allied Theatre Owners of New York. Attending yesterday's meeting were Walter B. Littlefield, chairman; Sidney E. Samuelson, president of the national Allied organization; E. M. Loew, Edward Ansin, L. Levin, Julius Charnow, Irving Dollinger, William Smalley, Ben Berkowitz, W. H. McLaughlin, E. H. Stoneman, and Herman Blum.

## *ITOA Fight Planned On Two Local Bills*

(*Continued from page* 1)

it was declared yesterday. The Curley bill would provide for two men for each machine in booths while the Baum amendment provides for an increase from $200 and up on present theatre license taxes.

The I. T. O. A. discussed them at the regular meeting yesterday. The unit expressed some concern over the Sharkey bill, which would prohibit color lights in certain portions of theatres.

Members of the organization were warned not to sign contracts with sound companies until consulting with the attorney for the unit.

## K. C. Downtowns in Arms On Clearance

(Continued from page 1)

for the summer, with the exception of one stage show. Lawrence Lehman, Mainstreet manager, denies reports RKO will at the same time cut from 40 cents to two bits.

Dubinsky's Liberty is also going to doubles, but probably not as a regular policy.

The zoning board is considering cutting first run clearance, which is now 28 to 42 days, down to 14 days following 25-cent single feature first runs, and seven days following doubles at that price. The board also is considering going into the suburban price situation with a view to taking action on doubles, giveaways, dime admissions, etc. Protection over these policies may be extended.

Kansas City, Kan., theatre owners have filed a demand with the zoning board for protection reduction for first runs there following Kansas City, Mo., first runs, from 28 days, as now, to 14 days, regardless of the price in the larger city, since they have agreed to ban objectionable practices May 19.

John McManus, manager of Loew's Midland, is regarded as the key to the whole situation. He maintains no one has a right to dictate the Midland's price policy. He suggests suburbans should eliminate objectionable practices first and, after testing their plan for a month, first runs will be receptive toward a proposition to meet their demands.

Independents are unwilling to renew negotiations for a voluntary agreement, since several previous attempts have failed. They are determined to seek a solution through the code.

# *Daylight Saving Covers Same Areas as Last Year*

(Continued from page 1)

towns and in 23 New Hampshire spots. In New Hampshire industrial establishments began observing the time change on April 15 and will continue it until Oct. 1.

Observance is spotty in other parts of the country. In Vermont it is effective only in Bennington; in Delaware, New Castle, Newark and Wilmington observe it; in Illinois 21 places shift clocks; in Indiana, 19; in Pennsylvania, 72.

Michigan's communities west of the Eastern Standard Time zone used eastern time all last year and are continuing to do so. Ohio is continuing on Eastern Standard Time which it adopted April 3, 1927, by order of the Interstate Commerce Commission after there had been considerable agitation for daylight saving time in communities west of the E.S.T. zone.

Minneapolis is the only spot in Minnesota using the summer time.

In Canada 62 communities all the way across the Dominion shift their clocks on May 1 and continue the change until Oct. 1.

European countries which change are: France, March 25; Belgium, April 2; Great Britain, April 9; the Netherlands, May 15 to Oct. 1; European Russia, starting April 19.

### *Drop Fox Name*

**Kansas City, April 25.—Coincident with decentralization of Fox Midwest theatres on a basis resembling individual operation, a process begun a year ago, none of the circuit's houses here are designated as "Fox theatres." The circuit affiliation has been dropped from all advertising.**

### *Ed Dubinsky Fails to Attend NRA Hearing*

(Continued from page 1)

operators; R. R. Dillon and Walter Patterson went to St. Louis yesterday to attend a hearing before Robert K. Ryland, Missouri NRA compliance director, expecting Dubinsky would appear and agree on some basis of arbitration for the disputes here and in St. Joseph. He failed to show up and the hearing was postponed.

Dowd says Dubinsky told him he would not arbitrate, but Dubinsky told the MOTION PICTURE DAILY today that he wants a hearing, if one is held, to be before the Kansas City Regional Labor Board.

### *Boswell in Louisville*

LOUISVILLE, April 25.—John H. Boswell has been appointed manager of the Rex. He succeeds Joseph L. Steuerle.

### *Winchester House Cuts*

WINCHESTER, Va., April 25.—The Capitol, a Warner house, has cut matinee prices from 25 to 20 cents and evening scales from 35 to 25 cents.

## New Labor Measure May Be Introduced

(Continued from page 1)

meet many of the objections to the bill sponsored by Senator Wagner of New York.

In its amended form the bill probably will provide for the establishment of a new National Labor Board with wider powers to dispose of labor controversies, and it is expected to outlaw the so-called company unions dominated by employers, but permitting the organization by employes of any concern of an independent company union controlled entirely by themselves.

### *Zoning Board to Meet*

Members of the New York clearance and zoning board meet today at the M. P. Club. No advisory committees will be present, the session having to do with organization work. Leo Abrams of Universal will be chairman.

### *Des Moines Board Meets*

DES MOINES, April 25.—The first meeting of the grievance board was held this week in the new headquarters, 224 Iowa Building, with all members present. No grievances were taken up, as none were presented.

### *Flash Review*

*Monte Carlo Nights*— . . . better-than-average program entertainment.

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

"AN INSTITUTION AS GREAT AS THE INDUSTRY IT SERVES"

SCIENTIFIC CONTROL BUILDS QUALITY INTO "CERTIFIED PRINTS"

EVERY modern scientific device that can add to the quality and dependability of release prints is to be found at Consolidated Park. That is why Certified Prints are the finest possible expression of the sound and action in the master negative.

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

# Boards Called Great Advance By Rosenblatt

(Continued from page 1)

membership has practically demonstrated," he said, "that it is entirely possible for an industry to provide for any controversy which may arise, even though the complainants would have no right to go into a court and start a lawsuit.

"These boards are industrial courts extraordinary. They cannot be found in any other industry in this country. They constitute the final answer under the New Deal to any member of this industry, whether a big or little man, who claims to be aggrieved."

The Recovery Administration, Rosenblatt asserted, "cannot be threatened or coerced by any self-styled leaders of industry whose fundamental purpose it is, principally from political considerations, to harass and destroy, rather than to put their shoulders to the wheel in an effort to help and cooperate."

### "Minimum of Labor Unrest"

Rosenblatt spoke of the code as a scientific approach to the problems of the industry.

"An NRA administrator is neither a dictator nor a tyrant," he declared. "The value of cooperation from outstanding labor leaders cannot be overestimated. From the studios to the theatres there has been a minimum of labor unrest, and with our courts supporting the collective bargaining provisions and other labor-safeguarding provisions of the act as well as the code, there is no reason why in the immediate future all of labor cannot rejoice in the benefits which have accrued to it under this code." He referred to the code as capable of being amended to protect labor in any situation.

Rosenblatt criticized those in the industry clinging to the policy of "let well enough alone," saying "in the picture industry as well as in other industries possibly there still are diehards, openly skeptical, avowedly suspicious, and incurably committed to the proposition that the policy of laissez faire is preferable to a policy of constructive forward looking and scientific thinking for the benefit of the industry."

Rosenblatt's address was broadcast over NBC's Red network.

### Improved Sound Described

At the morning session today there was an open forum on size and shape of screen image.

Further refinement of sound recording was promised in methods described in a paper by G. L. Dimmick and H. Belar of RCA Victor. The system was represented as eliminating all ground noises and requiring only a few changes in existing reproducing apparatus.

The complete elimination of "ground" or hissing noises, full definition of the various shadings of volume, and fidelity of reproduction over the complete audible range of sound are some of the improvements claimed for the new development.

With all existing systems of sound-on-film recording, according to RCA Victor engineers, peculiar hissing background noises result from particles of dust or scratches on the unused portions of the film sound track, which are picked up by the photocell in the optical system and amplified. With the new recording system, which was developed in the Camden laboratories, the sound waves are halved into two separate but symmetrical sound tracks, one negative and the other positive, automatically eliminating the black unused portions of the sound track. The new system also eliminates the slight distortion frequently introduced by the processing which the film undergoes before it reaches its final form, it is claimed.

Among other papers were "Some Considerations in the Design of Sound Reproducing Equipment," by F. C. Willis and G. Friedl, Erpi; "Recent Optical Improvements in Western Electric Sound Film Recording Equipment," by W. Herriott, Bell Telephone Laboratories, and "Care and Operation of Theatre Sound Systems," by J. S. Ward and P. T. Sheridan, Erpi.

# Looking 'Em Over

## "Sleepers East"

*(Fox)*

Well-plotted, engrossing entertainment is "Sleepers East." Tense and graced with some sterling performances, the film should have little difficulty in satisfying audiences. It is to the production's credit that once it captures the interest it holds it.

The tale revolves about Wynne Gibson, a victim of fate. Out on parole, she has the tough luck to be with the mayor's son when he shoots down the proprietor of a night spot during an argument. An enemy of the night club fellow is found at the scene of the crime and charged with the murder. The mayor's boy wants to tell the truth, but it is near election time and the political bosses don't intend to ruin his father's chances of re-election.

The film from then on concerns itself with the efforts of the party in power to keep Miss Gibson's mouth shut. The attorney for the racketeer who stands to burn for the crime, on his side, does all in his power to keep the prosecution from getting to Miss Gibson. First she is forced to promise to testify for the defense on the threat of turning her over to the police for violating her parole. When the political fellows catch up with her, they make a similar threat. She doesn't know where to turn. But on the stand she testifies to the facts, and the mayor's son commits suicide in the courtroom when he realizes the jig is up.

Other players are Mona Barrie, Preston Foster, Harvey Stephens, Roger Imhof and J. Carrol Naish. Kenneth McKenna directed.

## "Marrying Widows"

*(Tower)*

This film ought to provide a good deal of pleasure in neighborhood houses. Besides being endowed with a fine cast, the production has many moments of merriment. The story has been developed with a light hand and is told in quick tempo.

Judith Allen is the widow of a sewing machine king. In an attempt to deprive her of her share in his estate his relatives tell her he has left no will. Disgusted with the whole lot of them, she sets off for New York. There she meets John Mack Brown, the chief rival in the field, who has his heart set on seizing control of the business left by her husband to avenge the theft of some of the inventions of his father. He hopes to gain his end by marrying the widow, thus coming into control of the company. What he doesn't know, of course, is that Miss Allen has not inherited the business he is seeking to grab. This makes things harder, for he is really in love with the woman.

In the end Brown does get control of the rival company, thanks to Minna Gombell, who, through clever strategy, forces Lucien Littlefield, a brother-in-law, to sign a paper that Miss Allen is being victimized. This naturally means the business left by her husband will pass into Miss Allen's hands. So the marriage of Brown and the widow turns out as expected.

The acting of Miss Allen is first-rate. Miss Gombell and Bert Roach unite in putting over many hearty laughs. Sam Newfield directed.

## NVA Drive Trailers Set to Start May 4

(Continued from page 1)

and branch managers are now working on independent houses.

Each exchange manager has a certain group of houses which he is signing up to show the trailers gratis. The exchanges are handling the distribution without cost.

## Para. Signs Lee Tracy

HOLLYWOOD, April 25.—After several weeks of negotiation between Universal and Paramount the latter has affixed Lee Tracy's signature to a term contract. His first will be "A Son Comes Home."

## Foy Release on May 1

HOLLYWOOD, April 25.—Bryan Foy's "Sterilization" will be ready for national release on May 1 under the new title of "Tomorrow's Children."


Spot News from Columbia

OPENS MAY 4th, ROXY THEATRE, NEW YORK. "An achievement which deserves a place in cinematic history with 'The Birth Of A Nation,' 'All Quiet On The Western Front' and those other productions which have achieved a lasting place!"—Washington Herald. The screen's greatest emotional triumph, "NO GREATER GLORY," based on Ferenc Molnar's world famous novel. A Frank Borzage production.

"Exhibitors will have to padlock their theatres to keep the patrons from seeing this one. One of the BIG hit pictures of the year!"—Hollywood Reporter. JOHN BARRYMORE in "20th Century," with Carole Lombard, Walter Connolly, Roscoe Karns. From the Broadway smash by Ben Hecht, Chas. MacArthur, Chas. Bruce Milholland. A Howard Hawks production.

The answer to a good picture! Booked in Radio City Music Hall! One of the season's outstanding dramatic romances! ELISSA LANDI in "Sisters Under The Skin," with Frank Morgan, Joseph Schildkraut. Directed by David Burton.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 97 NEW YORK, THURSDAY, APRIL 26, 1934 TEN CENTS

# Trustees Sue Paramount Board for $12,237,071

## Downtowns of K. C. in Arms On Clearance

### *Threaten to Take Fight To Code Authority*

KANSAS CITY, April 25.—Downtown first runs will take their fight to the Code Authority if the zoning board grants the petition of suburban houses to reduce first run protection. The preponderance of sentiment favors immediate price stabilization and the consensus is that unless first runs hike their 25-cent admissions protection revision is inevitable.

The situation is becoming increasingly serious, as the RKO Mainstreet goes to a double feature policy Friday

(*Continued on page 7*)

## New Labor Measure May Be Introduced

WASHINGTON, April 25.—Legislation for setting up a permanent and effective tribunal for settlement of labor disputes is being urged upon Congressional leaders by President Roosevelt, and a new measure will be drafted in the near future designed to

(*Continued on page 7*)

## *Ed Dubinsky Fails to Attend NRA Hearing*

KANSAS CITY, April 25.—Returning from St. Louis tonight, labor leaders charged Ed Dubinsky with open defiance of the NRA in St. Joseph and also declared the government was doing nothing about it.

Frank Dowd, business agent for the

(*Continued on page 7*)

## *Los Angeles Boards Get Going on Monday*

LOS ANGELES, April 25. — Local code boards begin functioning Monday following a meeting today with John C. Flinn, executive secretary of Code Authority, at which offices were approved and complete machinery set up.

## *NVA Drive Trailers Set to Start May 4*

Local exhibitors will start screening the special NVA trailers May 4 and will continue to do so until May 10. RKO, Fox, Warners, Skouras and Loew houses are already signed up

(*Continued on page 8*)

## *Mayer Is Preparing to Carry Producers' Case to Exhibitors*

By RED KANN

**Hollywood, April 25.—Louis B. Mayer will carry the case of the producers to exhibitors and shortly will leave to address theatre men in a number of eastern cities. This is an outgrowth of the recent M.P.T.O.A. parleys between M.P.T.O.A. leaders and producers which followed in the wake of Mayer's challenge before the exhibitor convention to showmen that they be shown.**

**Mayer's impending trip of "education and explanation" developed largely at the behest of M. E. Comerford and other exhibitor leaders. Mayer told the writer today he believed the impending discussions will do much to clarify misunderstandings between exhibitors and producers through the detailed analysis of problems confronting the latter and the reason why they do the things they do.**

## Boards Called Great Advance By Rosenblatt

ATLANTIC CITY, April 25.—Code boards were described as representative of America's "farthest advance in peaceable adjustment of inter-industry conflict" by Division Administrator Sol A. Rosenblatt at the Spring banquet tonight of the S. M. P. E., in convention here at Chalfonte-Haddon Hall. The closing session will be held tomorrow.

"Our approach to the creation of these boards and the selection of their

(*Continued on page 8*)

## Biophone Sues Big Electrics As A Monopoly

A suit for $15,000,000 was filed in U. S. District Court here yesterday against A. T. & T., Western Electric and Erpi by the Biophone Corp., independent reproducing equipment manufacturer, alleging violation of the Sherman and Clayton anti-trust laws and charging the defendants with a monopoly of both the sound recording and reproduction fields.

The Biophone complaint, filed by its attorneys, David Berger and Ralph

(*Continued on page 6*)

## *Daylight Saving Covers Same Areas as Last Year*

Agitation for and against daylight saving during the past year has left the summer time map practically unchanged, with the exception of the state of Washington where Seattle, Bellingham and Wanatchee have dropped the change.

Statistics compiled by the Merchants' Ass'n. of New York show that in this state 204 cities and towns will set their clocks ahead an hour next Sunday morning and will keep them that way until Sunday, September 30.

The change will be effective during the same period in 120 New Jersey communities and throughout the states of Massachusetts and Rhode Island. In Connecticut, in spite of a state law against displaying the changed time, it will be observed in 33 places. The same situation prevails in 36 Maine

(*Continued on page 7*)

## *Seek to Recover on Big Stock Repurchases in Circuit Deals*

A suit to recover $12,237,071, said to represent the amount expended for the repurchase of Paramount Publix stock which was issued for the acquisition of theatres, is being instituted immediately against members of the Paramount board of directors during 1931 and 1932 by the trustees in bankruptcy for Paramount Publix, it was disclosed yesterday.

Those to be named in the suit, which will be filed in state supreme court here either today or tomorrow, are: Adolph Zukor, Sidney R. Kent, Sam Katz, Jesse L. Lasky, Ralph A. Kohn, Austin C. Keough, John Hertz, Jules E. Brulatour, Frank A. Bailey, William H. English, Daniel Frohman, Felix H. Kahn, Gilbert W. Kahn, Elek

(*Continued on page 6*)

## Two Publix Rental Claims Disallowed

Two of the largest claims in bankruptcy which have remained pending against Publix Enterprises, former holding company for Paramount theatres, were held not provable in a ruling submitted yesterday by Referee Henry K. Davis. An order expunging the claims will be signed by the referee immediately.

The claims are those of the Sixteenth Street Realty Co., for $1,000,000, and the Fifteenth Street Invest-

(*Continued on page 6*)

## Research Council Given Allied O. K.

Members of eastern Allied units yesterday endorsed the aims of the M. P. Research Council under the leadership of Mrs. August Belmont and President Emeritus A. Lawrence Lowell of Harvard as the two-day

(*Continued on page 6*)

## *ITOA Fight Planned On Two Local Bills*

Local exhibitors are girding forces to attack the Curley Bill and the Baum amendment to the license act, which if passed by the Board of Aldermen, would work hardships on independents,

(*Continued on page 6*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

## Goldwyn, Swanson, M-G-M Deal Is Off

HOLLYWOOD, April 25.—Samuel Goldwyn will not use Gloria Swanson in "Barbary Coast," and the deal to borrow her from M-G-M has been called off. Goldwyn refers inquirers to Irving Thalberg for explanation.

Thalberg says the reason the deal has been cancelled is that Miss Swanson wanted to extend her personal appearances for six weeks and "Barbary Coast" could not be held up for that length of time. Anna Sten will replace her.

## McKay Sails for Europe

Willard S. McKay, general counsel of Universal and newly elected secretary of the company, sailed last night on the *Berengaria* for a three months' business trip to Europe. He will discuss production and distribution problems of the company while abroad. His first stop will be Paris and then Zurich.

## Celia Villa at Ampa

Celia Villa, Alan Dinehart and Frank Smith will be guests of honor at the Ampa meeting in the M. P. Club today. Smith is associate advertising manager for General Foods.

BEN BLUE
*Under Contract*
WARNER BROS.
VITAPHONE STUDIO
Now Making Personal
Appearances in England
*Direction of*
JOE RIVKIN — Leo Morrison Agency

# Insiders' Outlook

*Hollywood, April 25*

ONE slant on what is apt to make bad friends and drive a further wedge between the actors who make 'em and the exhibitors who show 'em in this lotus blossom land: Detouring customers from the box-office, the 1,000 or more actors and actresses who are members of the Screen Actors' Guild plan a mammoth outdoor show to commemorate the opening of the new Gilmore Sports Stadium now under construction not far from Hollywood's center which means the Boulevard and Vine. . . .

▼

It will be a three-day engagement with two matinees and three shows nightly at the rate of one each night. The talent and turns are now being assembled under a general scheme designed to make the performances so attractive the public will scramble for the 5,000 seats which the stadium is being constructed to hold. Concessions a la carnival style will hold forth as well as a parade of stars. Proceeds will go to swell the the Screen Actors' Guild treasury. Viva Hollywood and never mind the exhibitor—the forgotten man. . .

▼

*Sights and anecdotes*: Lowell Sherman strolling around the Universal lot, hands in pockets with nothing to do at four handsome figures a week for doing it. It's been months, maybe eight or nine, since he's been there. By profession a director, Lowell has nothing to direct. . . . Will Rogers declaring the M. P. T. O. A. called off the convention because Hollywood ran out of blondes. . .

Film notables, all in the open for the NRA and national recovery, nevertheless continuing to patronize the Vine Street Brown Derby whose waiters contend they are underpaid and are compelled to rely on tips to get by. . .

▼

John Lodge, who made an impression as Count Alexei in "The Scarlet Empress," is one of the Boston Lodges. You know, the family that speaks only to the Cabots who supposedly only speak to God. Might be in reverse, but the idea is the same. . . The Dietrich picture, incidentally, has gone back for additional shots et al and is off the Paramount schedule for this season anyway, although originally on. . . In work on that lot for 1934-35 at the minute are "Cleopatra," with Cecil Biblical De Mille at the helm and loud speaker replacing megaphone, and "She Loves Me Not," sensational Broadway stage play. Bing Crosby is the luminary in the latter. . .

▼

*Fantastic yarns:* The one pounded across by a local press agent who insists Mr. So and So doesn't allow any politics on his lot; that the stars all go to bed early because the boss sees to that. Boss may not allow politics, but how does he keep it out? And where emanates the first-hand information on how early the celebrities go to sleep? . . . Big roadster dashes out of the Colony Club driveway. Very fancy, with much aluminum and splash. Standerby remarks: "That's what happens to a Hollywood actor after three days of steady work." . .

KANN

## Eastman Up 1¼ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 4¼ | 4⅛ | 4¼ | — ⅛ | 300 |
| Consolidated Film Industries, pfd | 16½ | 16½ | 16½ | — ¼ | 500 |
| Eastman Kodak | 95 | 94½ | 95 | +1¼ | 200 |
| Fox Film "A" | 16⅜ | 16 | 16⅜ | + ⅜ | 1,600 |
| Loew's, Inc. | 33⅞ | 33⅜ | 33⅝ | — ⅛ | 3,900 |
| M-G-M, pfd. | 26 | 26 | 26 | ..... | 100 |
| Paramount, cts. | 5 | 4¾ | 4⅞ | ..... | 1,300 |
| Pathe Exchange | 3 | 2⅞ | 2⅞ | — ⅛ | 600 |
| Pathe Exchange "A" | 22¾ | 22 | 22¾ | — ⅛ | 1,900 |
| RKO | 3¼ | 3⅛ | 3¼ | ..... | 1,000 |
| Universal Pictures, pfd | 44¼ | 44 | 44 | ..... | 5,000 |
| Warner Bros. | 7½ | 7⅜ | 7⅜ | ..... | 2,200 |

## Curb Stocks Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9¾ | 9⅝ | 9¾ | ..... | 900 |
| Trans-Lux | 2⅜ | 2⅜ | 2⅜ | ..... | 100 |

## Bond Issues Drop

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 93⅜ | 93⅜ | 93⅜ | — ⅜ | 1 |
| General Theatre Equipment 6s '40, ctf | 9 | 8¾ | 8¾ | — ½ | 14 |
| Loew's 6s '41, ww deb rights | 100⅞ | 100⅞ | 100⅞ | — ⅛ | 1 |
| Paramount Broadway 5½ '51 | 36⅛ | 36⅛ | 36⅛ | — ⅜ | 2 |
| Paramount F. L. 6s '47 | 49½ | 49 | 49¼ | — ¼ | 21 |
| Paramount Publix 5½s '50 | 51¾ | 51⅛ | 51⅛ | ..... | 25 |
| Pathe 7s '37, ww | 98⅜ | 98 | 98 | ..... | 10 |
| Warner Bros. 6s '39, wd | 64¾ | 64 | 64 | — ½ | 16 |

# Purely Personal

HOWARD DIETZ, HARRY H. BUXBAUM, EDWARD RUGOFF, MORT SPRING, AL. SHERMAN, ARNOLD VAN LEER, JOE HORNSTEIN, LAURENCE BOLOGNINO, JACK LEVIN, LOUIS NIZER, BUDD ROGERS, DAVE BLUM, JOE VERGESSLICH, HARRY SHIFFMAN and GABRIEL HESS were among M. P. Club diners yesterday.

JOE LEE, New York exchange manager for Fox, left the Post Graduate Hospital yesterday after a throat operation and is recuperating at his brother DAN's home in New Jersey.

CHARLES LAUGHTON will sail from England early next month to start work in M-G-M's "The Barretts of Wimpole Street."

ROBERT E. LEE JOHNSON's story, "Just Out of College," has been purchased by Warners.

S. R. KENT is expected back in New York next week.

SIDNEY SKOLSKY's "Movie Queen" has been acquired by M-G-M.

KEN MAYNARD returned yesterday from a European trip.

## Hire Bomb Watchers

In an effort to combat stench bombers, Stanley W. Lawton, managing director of the George M. Cohan Theatre, has hired private detectives and has offered a reward for evidence leading to convictions. Fingerprints on a bomb recently discovered there are now being studied.

## No Ruling in Labor Case

ALBANY, April 25.—Decision has been reserved in the hearing before the Court of Appeals on the I. T. O. A.-Local 306 case following a two-day discussion between the defendants and plaintiffs. Attorneys Milton C. Weisman and M. Tuttle acted for the I. T. O. A.

## Bing Crosby Will Tour

HOLLYWOOD, April 25.—Bing Crosby will make a personal appearance tour after completing "She Loves Me Not" for Paramount.

MOTION PICTURE ALMANAC
1934-35
NOW IN PREPARATION
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00

# Telegram for Martin Mullin

1206-A

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CHAIRMAN OF THE BOARD

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R. B. WHITE
PRESIDENT

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| DOMESTIC | | CABLE | |
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| NIGHT MESSAGE | | NIGHT LETTER | |
| NIGHT LETTER | | SHIP RADIOGRAM | |

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

*Send the following message, subject to the terms on back hereof, which are hereby agreed to*

APRIL 25 1934

MARTIN MULLIN M & P THEATRE CORP.
60 SCOLLAY ST. BOSTON MASS.

BOX OFFICE CHECKUP IN NEW YORK CITY SHOWS "STAND UP AND CHEER" AT RADIO CITY MUSIC HALL IS DOING AS MUCH BUSINESS AS THE THREE LEADING OPPOSITION HOUSES COMBINED AS IT ENTERS HOLDOVER WEEK

JOHN D. CLARK

# "STAND UP AND CHEER!"

A FOX PICTURE

# HERE'S HOW

hey'll set up this "grand entertainment" for an mmediate repeat on "Wonder Bar" profits

# THIS WEEK AT

| | |
|---|---|
| Stanley Theatre | Philadelphia |
| Michigan Theatre | Detroit |
| Strand Theatre | New York |
| Stanley Theatre | Baltimore |
| Rialto Theatre | St. Louis |
| Earle Theatre | Washington |
| Roger Sherman | New Haven |
| Strand Theatre | Hartford |

he ads on the next two pages are typical of the red-fire lash campaigns planned for the world premieres of this

**WARNER BROS. HIT**

STARS!...STARS!...STARS!...IN WARNER BROS.'
FUNNIEST AND FASTEST MUSICAL HIT!
DICK POWELL
GINGER ROGERS
4 MILLS BROS.
TED FIORITO AND BAND
PAT O'BRIEN
THE 3 DEBU-TANTES
3 RADIO ROGUES
MUZZY MARCEL-LINO
ALLEN JENKINS
20 Million SWEET-HEARTS
Famous stars of Radio—great favorites of the films —united for the first time by Warner Bros. in this different, dazzling, delirious comedy! See what goes on "behind the mike" when big acts go on the air . . . Hear delightful Dick Powell sing his way to stardom with 4 new hits . . . .
"SIZZLES WITH ACTION AND SURPRISES!"
Los Angeles Herald-Express
A First National Picture
THEATRE
Vitagraph, Inc., Distributors

# Trustees Sue Para. Board On Big Deals

(*Continued from page* 1)

J. Ludvigh, Sir William Wiseman, Donald S. Stralem, as executor for the estate of Casimir I. Stralem, deceased, and Eugene Zukor, Melville Shauer and Julia Shauer, as executors for the estate of Emil E. Shauer, deceased.

The petition to be filed also states that the trustees and their counsel are investigating the possible liability of the theatre operators and others from whom the stock was repurchased in connection with the transactions in question. If the investigation establishes the liability of these, it is intimated, suits to recover money or property received by them from Paramount may also be instituted by the trustees.

Among the circuits acquired by Paramount with an agreement to repurchase the stock at a guaranteed redemption price were the Dent Circuit, Texas and New Mexico; Kunsky-Trendle, Detroit; Great States Theatres, Illinois; Hostettler, Nebraska and Iowa; and Rickards & Nace, Arizona.

Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, the trustees in bankruptcy for Paramount Publix, set forth in their petition that last Sept. 15 they retained Barrow, Wade, Guthrie & Co., accountants, to investigate and report on the stock repurchase transactions of 1930, '31 and '32. Additionally, last December Arthur W. Teele, of the accounting firm of Teele & Dennis, was retained for the same purpose, and last March, Frederick H. Hurdman, of Hurdman & Cranstoun, accountants, was retained.

### Accountants Disagree

All three accountants made their reports to the trustees during March. The Barrow, Wade, Guthrie report set forth that, in their opinion, "the capital of Paramount was impaired by the purchase by it of its own stock on Sept. 9, 1931; Dec. 26, 1931; Jan. 29, 1932; and March 7, 1932, in an aggregate amount of at least $11,335,-285." Teele's report offered the opinion that "the purchases impaired the capital to the extent of at least $3,-257.453, as of March 7, 1932." Hurdman's report stated that "no evidence had been presented (to him) to indicate that the purchase by Paramount of shares of its own stock during the periods in question impaired the capital of Paramount."

The trustees' petition then sets forth that they were advised by their counsel, Root, Clark, Buckner & Ballantine, "after an investigation of the facts and the law," to institute suit against the directors who authorized or approved the purchases, "on the ground that the capital or capital stock of the bankrupt was impaired by reason of the purchases of stock in question."

Accordingly, the trustees' statement declares, the suit is being instituted "in order to determine the liability in connection with the stock transactions of those who were directors at the time the purchases were authorized and approved."

Adolph Zukor, Paramount's president and one of the defendants named in the trustees' suit, in commenting on the trustees' action revealed that the opinions resulting from the findings of the Barrow, Wade, Guthrie study were subsequently submitted to five auditing and accounting firms, all of whom submitted opinions sustaining the actions of the Paramount directors in the transactions in question.

### Zukor Makes Statement

Zukor's comment follows: "Several years ago Paramount acquired various theatre properties by the issue of its stock, with agreements to repurchase the stock upon demand within specified periods. The suit brought by the trustees involves these repurchases. No officer or director of Paramount had any interest in any of these contracts.

"In determining the various accounting questions involved in the repurchases, particularly as to whether Paramount had sufficient surplus to require performance of its contracts, the directors relied upon the audits of Price, Waterhouse & Co., and upon a special report made by Haskins & Sells. The consolidated earned surplus of Paramount and its subsidiaries at Dec. 26, 1931 (before deducting $8,-711,917.06 of stock repurchases) was certified by Price, Waterhouse to aggregate over $27,000,000.

"The points raised by Barrow, Wade, Guthrie & Co. have been submitted to Arthur Anderson & Co.; Lybrand, Ross Bros. & Montgomery; Miller, Donaldson & Co.; Peat, Marwick & Mitchell, and Price, Waterhouse & Co., all of whose opinions upon the disputed points sustain the action of the directors in performing the company's obligation to repurchase the stock in question," the Zukor statement concludes.

Paramount's program of theatre acquisitions, particularly that part involving the stock repurchase agreements, was the target of considerable questioning by attorneys for the Paramount trustees and by Saul E. Rogers, attorney for a group of Paramount Publix bondholders, during the examination of officers of Paramount in the bankruptcy proceedings of the past year.

### Acquired 176 Theatres

In one such examination, Ralph A. Kohn, a defendant in the present action by the trustees, and now head of Paramount's home office theatre department, testified that the company had acquired 176 theatres on a stock repurchase basis during 1930, '31 and '32. The most important of such transactions listed by Kohn at the time included a 71 per cent interest in Kunsky-Trendle, Detroit, for 65,-000 shares guaranteed for repurchase at $75 per share. Market value at redemption time was $21 per share. Another was Great States circuit, Illinois, a 70 per cent interest in which was acquired for 30,000 shares guaranteed for repurchase at $85 per share. The stock was repurchased at a time when the market value was $6.50 per share.

A half interest in the Dent circuit, Texas and New Mexico, was acquired, Kohn testified, for 19,997 shares guaranteed for repurchase at $80 per share. The market value at redemption time was $53.50 per share. The Rickards & Nace circuit, Arizona, was acquired for 14,112 shares, redeemable at $80 per share. Market value at redemption time was $39 per share. The Hostettler circuit, Nebraska and Iowa, was acquired for 6,195 shares, guaranteed for repurchase at $80 per share. Market value at redemption time was $39 per share.

All of the repurchase agreements, Paramount officers testified under examination, were contingent upon the existence of a specified surplus at the time of redemption. All testified that Price, Waterhouse audits revealed sufficient surplus on the various redemption dates to make the repurchase of the stock by Paramount obligatory.

Kohn testified at the time that while about $12,000,000 of theatre properties were acquired in the manner now questioned by the trustees' suit, there were $40,000,000 to $50,000,000 of properties bought without stock guaranties. Among these were, he said, Olympia circuit, New England; B. & K., Chicago; A. H. Blank, Iowa and Nebraska; FitzPatrick-McElroy; Finkelstein & Ruben, Minnesota; Saenger; Indiana-Ohio Theatre Corp.; Netoco; Massachusetts and Connecticut; Famous Players-Canadian; G-V Theatre Circuit, and others.

Saul Rogers, Paramount Publix creditors' attorney, in commenting on the trustees' action yesterday, said that he regarded it as "an essential step in protecting the interests of creditors and endeavoring to recover assets for the bankrupt estate."

# Two Publix Rental Claims Disallowed

(*Continued from page* 1)

ment Co., for $250,000, both involving future rent on Denver theatre leases. The claims were objected to by the Publix Enterprises trustee and hearings were held before Referee Davis several months ago. The referee permitted the filing of additional briefs and rendered his opinion yesterday.

Two additional large claims remain pending against Publix Enterprises. They are both future rent claims for more than $600,000 each and both have been ordered expunged by Referee Davis. A review of the referee's order, however, was sought of the U. S. District Court by the claimants and a final ruling from the Federal court is expected daily. When these claims have been disposed of, Publix Enterprises will be in a position to apply to the court for a final discharge from bankruptcy, according to attorneys for the trustee.

## *Para. Group Leaving*

George J. Schaefer, Paramount general manager, heads a contingent of home office sales executives leaving tonight for the company's two-day divisional sales managers' meeting in Chicago. With Schaefer are Neil Agnew, Milt Kusell, Stanley Waite and Joseph Unger. The Chicago meeting is being held Saturday and Sunday at the Edgewater Beach Hotel.

## *Ostrow to Be an Indie*

HOLLYWOOD, April 25.—Lou Ostrow intends to go into independent production, financing himself, with possible release through Universal. He quits as a Monogram producer on June 1. Robert Welsh, former managing editor of *The Hollywood Reporter*, will succeed him.

## *LeRoy Back Saturday*

HOLLYWOOD, April 25.—Mervyn LeRoy and his bride return Saturday on the *Empress of Britain* from their round-the-world honeymoon.

# Biophone Sues Big Electrics As A Monopoly

(*Continued from page* 1)

Vatner, sets forth that it had sold more than $500,000 worth of equipment to exhibitors up to 1929 when it was sued for patent infringement by the present defendants. The complaint declares that as a result of the suit Biophone's sales declined and exhibitors who had purchased equipment refused to meet installments. It is also claimed that Biophone received an offer from a Wall Street firm of $750,000 for 49 per cent of its stock, which was withdrawn after the filing of the electrics' suit.

The complaint attacks patent pooling by the large sound equipment manufacturers in 1919, together with a cross-licensing agreement and an alleged allocation among themselves of certain sales fields, and hits at licensing agreements by which, it is charged, producer licensees would rent product only to those theatres having reproducing equipment manufactured by the defendants.

Attorneys for Erpi could not be reached yesterday for comment on the suit.

# Research Council Given Allied O. K.

(*Continued from page* 1)

convention came to a close at the Park Central. The council's program, among other things, provides for the abolition of block booking.

Technical organization matters and new product also were discussed by the Allied group, which, in addition, took up the question of "forced sales of individual trailers." Action is to be taken shortly on the trailer topic.

On May 15, the eastern units will meet in Syracuse in conjunction with a session scheduled by Allied Theatre Owners of New York. Attending yesterday's meeting were Walter B. Littlefield, chairman; Sidney E. Samuelson, president of the national Allied organization; E. M. Loew, Edward Ansin, L. Levin, Julius Charnow, Irving Dollinger, William Smalley, Ben Berkowitz, W. H. McLaughlin, E. H. Stoneman, and Herman Blum.

## *ITOA Fight Planned On Two Local Bills*

(*Continued from page* 1)

it was declared yesterday. The Curley bill would provide for two men for each machine in booths while the Baum amendment provides for an increase from $200 and up on present theatre license taxes.

The I. T. O. A. discussed them at the regular meeting yesterday. The unit expressed some concern over the Sharkey bill, which would prohibit color lights in certain portions of theatres.

Members of the organization were warned not to sign contracts with sound companies until consulting with the attorney for the unit.

## K. C. Downtowns in Arms On Clearance

(Continued from page 1)

for the summer, with the exception of one stage show. Lawrence Lehman, Mainstreet manager, denies reports RKO will at the same time cut from 40 cents to two bits.

Dubinsky's Liberty is also going to doubles, but probably not as a regular policy.

The zoning board is considering cutting first run clearance, which is now 28 to 42 days, down to 14 days following 25-cent single feature first runs, and seven days following doubles at that price. The board also is considering going into the suburban price situation with a view to taking action on doubles, giveaways, dime admissions, etc. Protection over these policies may be extended.

Kansas City, Kan., theatre owners have filed a demand with the zoning board for protection reduction for first runs there following Kansas City, Mo., first runs, from 28 days, as now, to 14 days, regardless of the price in the larger city, since they have agreed to ban objectionable practices May 19.

John McManus, manager of Loew's Midland, is regarded as the key to the whole situation. He maintains no one has a right to dictate the Midland's price policy. He suggests suburbans should eliminate objectionable practices first and, after testing their plan for a month, first runs will be receptive toward a proposition to meet their demands.

Independents are unwilling to renew negotiations for a voluntary agreement, since several previous attempts have failed. They are determined to seek a solution through the code.

# *Daylight Saving Covers Same Areas as Last Year*

(Continued from page 1)

towns and in 23 New Hampshire spots. In New Hampshire industrial establishments began observing the time change on April 15 and will continue it until Oct. 1.

Observance is spotty in other parts of the country. In Vermont it is effective only in Bennington; in Delaware, New Castle, Newark and Wilmington observe it; in Illinois 21 places shift clocks; in Indiana, 19; in Pennsylvania, 72.

Michigan's communities west of the Eastern Standard Time zone used eastern time all last year and are continuing to do so. Ohio is continuing on Eastern Standard Time which it adopted April 3, 1927, by order of the Interstate Commerce Commission after there had been considerable agitation for daylight saving time in communities west of the E.S.T. zone.

Minneapolis is the only spot in Minnesota using the summer time.

In Canada 62 communities all the way across the Dominion shift their clocks on May 1 and continue the change until Oct. 1.

European countries which change are: France, March 25; Belgium, April 2; Great Britain, April 9; the Netherlands, May 15 to Oct. 1; European Russia, starting April 19.

### *Drop Fox Name*

**Kansas City, April 25.—Coincident with decentralization of Fox Midwest theatres on a basis resembling individual operation, a process begun a year ago, none of the circuit's houses here are designated as "Fox theatres." The circuit affiliation has been dropped from all advertising.**

## *Ed Dubinsky Fails to Attend NRA Hearing*

(Continued from page 1)

operators; R. R. Dillon and Walter Patterson went to St. Louis yesterday to attend a hearing before Robert K. Ryland, Missouri NRA compliance director, expecting Dubinsky would appear and agree on some basis of arbitration for the disputes here and in St. Joseph. He failed to show up and the hearing was postponed.

Dowd says Dubinsky told him he would not arbitrate, but Dubinsky told the MOTION PICTURE DAILY today that he wants a hearing, if one is held, to be before the Kansas City Regional Labor Board.

### *Boswell in Louisville*

LOUISVILLE, April 25.—John H. Boswell has been appointed manager of the Rex. He succeeds Joseph L. Steuerle.

### *Winchester House Cuts*

WINCHESTER, Va., April 25.—The Capitol, a Warner house, has cut matinee prices from 25 to 20 cents and evening scales from 35 to 25 cents.

## New Labor Measure May Be Introduced

(Continued from page 1)

meet many of the objections to the bill sponsored by Senator Wagner of New York.

In its amended form the bill probably will provide for the establishment of a new National Labor Board with wider powers to dispose of labor controversies, and it is expected to outlaw the so-called company unions dominated by employers, but permitting the organization by employes of any concern of an independent company union controlled entirely by themselves.

### *Zoning Board to Meet*

Members of the New York clearance and zoning board meet today at the M. P. Club. No advisory committees will be present, the session having to do with organization work. Leo Abrams of Universal will be chairman.

### *Des Moines Board Meets*

DES MOINES, April 25.—The first meeting of the grievance board was held this week in the new headquarters, 224 Iowa Building, with all members present. No grievances were taken up, as none were presented.

### *Flash Review*

*Monte Carlo Nights*— . . . better-than-average program entertainment.

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

"AN INSTITUTION AS GREAT AS THE INDUSTRY IT SERVES"

SCIENTIFIC CONTROL BUILDS QUALITY INTO "CERTIFIED PRINTS"

EVERY modern scientific device that can add to the quality and dependability of release prints is to be found at Consolidated Park. That is why Certified Prints are the finest possible expression of the sound and action in the master negative.

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

# Boards Called Great Advance By Rosenblatt

(Continued from page 1)

membership has practically demonstrated," he said, "that it is entirely possible for an industry to provide for any controversy which may arise, even though the complainants would have no right to go into a court and start a lawsuit.

"These boards are industrial courts extraordinary. They cannot be found in any other industry in this country. They constitute the final answer under the New Deal to any member of this industry, whether a big or little man, who claims to be aggrieved."

The Recovery Administration, Rosenblatt asserted, "cannot be threatened or coerced by any self-styled leaders of industry whose fundamental purpose it is, principally from political considerations, to harass and destroy, rather than to put their shoulders to the wheel in an effort to help and cooperate."

### "Minimum of Labor Unrest"

Rosenblatt spoke of the code as a scientific approach to the problems of the industry.

"An NRA administrator is neither a dictator nor a tyrant," he declared. "The value of cooperation from outstanding labor leaders cannot be overestimated. From the studios to the theatres there has been a minimum of labor unrest, and with our courts supporting the collective bargaining provisions and other labor-safeguarding provisions of the act as well as the code, there is no reason why in the immediate future all of labor cannot rejoice in the benefits which have accrued to it under this code." He referred to the code as capable of being amended to protect labor in any situation.

Rosenblatt criticized those in the industry clinging to the policy of "let well enough alone," saying "in the picture industry as well as in other industries possibly there still are diehards, openly skeptical, avowedly suspicious, and incurably committed to the proposition that the policy of laissez faire is preferable to a policy of constructive forward looking and scientific thinking for the benefit of the industry."

Rosenblatt's address was broadcast over NBC's Red network.

### Improved Sound Described

At the morning session today there was an open forum on size and shape of screen image.

Further refinement of sound recording was promised in methods described in a paper by G. L. Dimmick and H. Belar of RCA Victor. The system was represented as eliminating all ground noises and requiring only a few changes in existing reproducing apparatus.

The complete elimination of "ground" or hissing noises, full definition of the various shadings of volume, and fidelity of reproduction over the complete audible range of sound are some of the improvements claimed for the new development.

With all existing systems of sound-on-film recording, according to RCA Victor engineers, peculiar hissing background noises result from particles of dust or scratches on the unused portions of the film sound track, which are picked up by the photocell in the optical system and amplified. With the new recording system, which was developed in the Camden laboratories, the sound waves are halved into two separate but symmetrical sound tracks, one negative and the other positive, automatically eliminating the black unused portions of the sound track. The new system also eliminates the slight distortion frequently introduced by the processing which the film undergoes before it reaches its final form, it is claimed.

Among other papers were "Some Considerations in the Design of Sound Reproducing Equipment," by F. C. Willis and G. Friedl, Erpi; "Recent Optical Improvements in Western Electric Sound Film Recording Equipment," by W. Herriott, Bell Telephone Laboratories, and "Care and Operation of Theatre Sound Systems," by J. S. Ward and P. T. Sheridan, Erpi.

# Looking 'Em Over

## "Sleepers East"

*(Fox)*

Well-plotted, engrossing entertainment is "Sleepers East." Tense and graced with some sterling performances, the film should have little difficulty in satisfying audiences. It is to the production's credit that once it captures the interest it holds it.

The tale revolves about Wynne Gibson, a victim of fate. Out on parole, she has the tough luck to be with the mayor's son when he shoots down the proprietor of a night spot during an argument. An enemy of the night club fellow is found at the scene of the crime and charged with the murder. The mayor's boy wants to tell the truth, but it is near election time and the political bosses don't intend to ruin his father's chances of re-election.

The film from then on concerns itself with the efforts of the party in power to keep Miss Gibson's mouth shut. The attorney for the racketeer who stands to burn for the crime, on his side, does all in his power to keep the prosecution from getting to Miss Gibson. First she is forced to promise to testify for the defense on the threat of turning her over to the police for violating her parole. When the political fellows catch up with her, they make a similar threat. She doesn't know where to turn. But on the stand she testifies to the facts, and the mayor's son commits suicide in the courtroom when he realizes the jig is up.

Other players are Mona Barrie, Preston Foster, Harvey Stephens, Roger Imhof and J. Carrol Naish. Kenneth McKenna directed.

## "Marrying Widows"

*(Tower)*

This film ought to provide a good deal of pleasure in neighborhood houses. Besides being endowed with a fine cast, the production has many moments of merriment. The story has been developed with a light hand and is told in quick tempo.

Judith Allen is the widow of a sewing machine king. In an attempt to deprive her of her share in his estate his relatives tell her he has left no will. Disgusted with the whole lot of them, she sets off for New York. There she meets John Mack Brown, the chief rival in the field, who has his heart set on seizing control of the business left by her husband to avenge the theft of some of the inventions of his father. He hopes to gain his end by marrying the widow, thus coming into control of the company. What he doesn't know, of course, is that Miss Allen has not inherited the business he is seeking to grab. This makes things harder, for he is really in love with the woman.

In the end Brown does get control of the rival company, thanks to Minna Gombell, who, through clever strategy, forces Lucien Littlefield, a brother-in-law, to sign a paper that Miss Allen is being victimized. This naturally means the business left by her husband will pass into Miss Allen's hands. So the marriage of Brown and the widow turns out as expected.

The acting of Miss Allen is first-rate. Miss Gombell and Bert Roach unite in putting over many hearty laughs. Sam Newfield directed.

## NVA Drive Trailers Set to Start May 4

(Continued from page 1)

and branch managers are now working on independent houses.

Each exchange manager has a certain group of houses which he is signing up to show the trailers gratis. The exchanges are handling the distribution without cost.

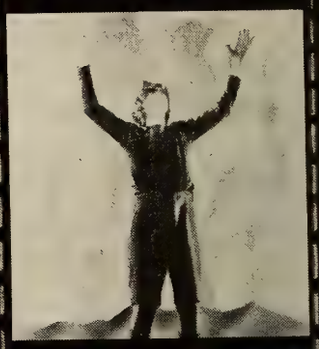
## Para. Signs Lee Tracy

HOLLYWOOD, April 25.—After several weeks of negotiation between Universal and Paramount the latter has affixed Lee Tracy's signature to a term contract. His first will be "A Son Comes Home."

## Foy Release on May 1

HOLLYWOOD, April 25.—Bryan Foy's "Sterilization" will be ready for national release on May 1 under the new title of "Tomorrow's Children."


Spot News from Columbia



OPENS MAY 4th, ROXY THEATRE, NEW YORK. "An achievement which deserves a place in cinematic history with 'The Birth Of A Nation,' 'All Quiet On The Western Front' and those other productions which have achieved a lasting place!"—Washington Herald. The screen's greatest emotional triumph, "NO GREATER GLORY," based on Ferenc Molnar's world famous novel. A Frank Borzage production.

"Exhibitors will have to padlock their theatres to keep the patrons from seeing this one. One of the BIG hit pictures of the year!"—Hollywood Reporter. JOHN BARRYMORE in "20th Century," with Carole Lombard, Walter Connolly, Roscoe Karns. From the Broadway smash by Ben Hecht, Chas. MacArthur, Chas. Bruce Milholland. A Howard Hawks production.

The answer to a good picture! Booked in Radio City Music Hall! One of the season's outstanding dramatic romances! ELISSA LANDI in "Sisters Under The Skin," with Frank Morgan, Joseph Schildkraut. Directed by David Burton.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 98 | NEW YORK, FRIDAY, APRIL 27, 1934 | TEN CENTS

## Penn. MPTO Asks Regional Rent Protests

### *Aarons Urges Meetings In Three Cities*

PHILADELPHIA, April 26.—Calls for three national conventions of film buyers to protest against high rentals, percentages and score charges are being sent out by George P. Aarons, secretary of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware.

The plan is to make the gatherings non-partisan, and non-political and to have them open to all exhibitors,

(*Continued on page* 8)

## Ohio ITO Protest Mailed to Johnson

COLUMBUS, April 26.—The I.T.O. of Ohio has carried its protest against the method being used in assessing exhibitors for code administration to the government. In a letter to Administrator Hugh S. Johnson, copies of which have been dispatched to

(*Continued on page* 7)

### *Milwaukee Board's Decision Appealed*

MILWAUKEE, April 26.—Ashley Theatre Corp. and Vitagraph are filing appeals from the local grievance board ruling handed down last week by which the Saxe Amusement Management, Inc., was awarded 30 Warner features which had been contracted for by Ashley.

Testimony taken during the grievance board hearing here on the complaint is being forwarded to the Code Authority, New York, within the next day or two.

### *Reade Looks for No Ban on Hitler Film*

No interference with the opening, Monday, of "Hitler's Reign of Terror" at the Mayfair is expected from

(*Continued on page* 6)

### *Club to Broadcast*

**Buffalo, April 26.—The Buffalo Broadcasting Corp. has allotted a half hour each week for the use of Variety Club for whatever purpose it sees fit.**

## Industry May Join Fight on New City Tax

### *Figure Additional Cost $400,000 to $500,000*

New York theatres face the prospect of an additional tax levy on 1933 receipts with the introduction of Mayor F. H. LaGuardia's bill providing for the imposition of his proposed levy of one-twentieth of one per cent on gross receipts over $15,000 of all New York businesses.

Film exchanges and theatre supply houses also are affected by the proposed measure, a part of the city's emergency tax program, authorization for which was given by the state this week. Theatres, however, already carrying the federal 10 per cent admission

(*Continued on page* 6)

## No Decision Given In St. Louis Case

ST. LOUIS, April 26.—While U. S. District Judge Charles B. Davis has not yet finally passed upon the proposed reorganization plans for the Ambassador, Grand Central and Missouri theatres as promulgated by Allen L. Snyder, former vice-president of Stone & Webster, and Harry Kop-

(*Continued on page* 8)

### *Giannini Is Reported Named Col. Trustee*

Dr. A. H. Giannini, chairman of the executive committee of the Bank of America National Ass'n of Los Angeles, is understood to have been named as one of the three trustees of Columbia, replacing Joe Brandt, former president of the company. The other two are Harry and Jack Cohn. The board of trustees controls the voting trust agreement, which in turn controls Columbia's destiny.

### *The Local Lowdown*

**Thumbnail sketches of the personnel of the New York main clearance and zoning board and the grievance group appear today on pages 6 and 7. Also included are biographies of the impartial members.**

**Details of members on the three advisory committees will appear in a later edition of *Motion Picture Daily*.**

## Allied Policy To Be Set at Chicago Meet

Allied has called a special two-day meeting of all directors, vice-presidents and regional chairmen for May 12-13 in Chicago. Abram F. Myers, general counsel, will preside.

Up for discussion will be the six plans now under consideration which involve a tieup by the organization with an independent producing company. Regional chairmen have brought the matter up before meetings of the various units for reaction and it is understood the members in general are in favor of such a deal.

Other topics to be discussed will have to do with expansion plans into various territories. From 15 to 20 national officers will attend. The Congress Hotel will be the meeting spot.

## Monogram to Hold 3 Regional Meets

W. Ray Johnston has decided on three regional sales meetings for Monogram, starting May 26. The first will be held in Salt Lake City on that date, with the second in Cin-

(*Continued on page* 8)

## Richards to Continue as Saenger Head

### *Reorganization to Make Him Publix Partner*

E. V. Richards, receiver for Saenger Theatres, will head the large southern circuit as a Paramount operating partner under the reorganization plan which will take the circuit out of receivership in the near future, it was learned yesterday.

The reorganization plan, long in work, is virtually completed and awaits only clearing up of minor and technical points. It provides for the issuance of new stock in a company to be organized in accordance with the creditors' plan. Paramount, with investments in and advances to Saen-

(*Continued on page* 8)

## Expect Cravath to Defend Para. Board

Cravath, de Gersdorff, Swaine & Wood, corporation attorneys for Paramount Publix for years, are expected to defend members of the company's 1931-32 board of directors in the action being brought against them by the trustees in bankruptcy

(*Continued on page* 8)

### *Loew Labor Checkup To Be Ended Today*

A checkup designed to determine the proportion of services employes in Loew's theatres here who are members of Local 118, Theatre & Amusement Employes' Union, will be concluded today by a representa-

(*Continued on page* 6)

### *B. O. Gains Seen in Rise in Tax Receipts*

WASHINGTON, April 26.—Marked improvement in the theatrical business in February is indicated by admission taxes collected by the Inter-

(*Continued on page* 8)

## *Demand Rentals, Ads Fix K. C. First Run Clearance*

KANSAS CITY, April 26.—First run protection should be, and is, governed by the amount of rental paid by first runs and their advertising expenditures, is the answer of those theatres to the demand by suburbans that the clearance and zoning board cut down their protection.

"We will gladly switch with the suburbans and let them run our product first if they will do the amount of advertising we do now," said George Baker, manager of the Publix Newman, one of the theatres cited by the protesting exhibitors. Baker charged

(*Continued on page* 6)

### *Tries Strategy*

**Sidney Samuelson, president of national Allied and Allied of New Jersey, has a new way to avoid trade paper reporters when he goes to important appointments. He changes taxis.**

# MOTION PICTURE DAILY

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Jessel to Be Club Guest

George Jessel will be guest of honor at a beefsteak dinner to be given tomorrow night by the B.O.O.B. Club at the Hickory House. Jessel is president.

Among those expected are: Jack Benny, Willie and Eugene Howard, Belle Baker, George M. Cohan, Yvette Rugel, Borough President Samuel Levy, Justices August Dreyer and William T. Collins, Gus Edwards, Walter Huston, Tess Gardella (Aunt Jemima), Samuel Fassler, commissioner of buildings; Sid Gary and Gene Markey.

## "Rothschild" at $22,800

"House of Rothschild" at the Astor grossed $22,800 in the sixth week.

CHICAGO, April 26.—"House of Rothschild" established what is claimed to be a new week-day record at the United Artists Theatre when the opening day's receipts amounted to $4,410. The old house record, formerly held by "The Bowery" and "Roman Scandals," was said to be about $200 under this figure.

## Mendel in Allied Post

Lewis A. Mendel has been named recording secretary of the Allied M. P. Operators' Union, succeeding Albert Brandt, brother of Harry Brandt, president of the I. T. O. A.

## Sam E. Morris in Paris

PARIS, April 26.—Sam E. Morris, in charge of foreign activities for Warners, arrived here today from London. He returns to New York the end of next month.

# Insiders' Outlook

*Hollywood, April 26*

STUDIO inside on the Hepburn-Radio fracas: Kitty did such a swell job in "Little Women," the studio voluntarily offered a bonus, but called it a present. The legal department, however, insisted she endorse the check, making it clear the iron men did not represent an increase in salary. In effect, said La Hepburn, right in front of Building A where all who passed could, and did, hear: "If a gentleman wants to give me a present, it's a present and nothing else. What's the difference if a studio does it?" Purchase of an original by Howard H. Spellman, Radio's story editor, plus the fact Miss H. is due here in about two weeks, now leads to reports the trouble is over. . . .

▼

Jack Warner says the agents are the next to hold a convention here. The date has been delayed until they can make a deal for the Olympic Stadium. How agents work, or some of them, anyway: It was at a production conference. A well known agent is talking: "Mr. Executive-from the East, I am not interested in what the pictures featuring my people make. I don't care whether they make a million or lose two. I'm only interested in selling them in Hollywood for the most money I can get." . . .

▼

More and more are the foreign pictures which are being remade here by some of the majors. Janet Gaynor's "Adorable" was drawn hook, line and sinker from a Ufa film with Lilian Harvey. "The Countess of Monte Cristo" was carbon-copied from a German feature shown privately in New York about a year ago. There are others. . . . The elevator starter gets those four cars in the Taft Building moving by clicking castinets. Why? It's not a Spanish custom. . . .

▼

Paramount studio tour: From De Mille's Rome to Bernie with Ben fiddling. In other words, from those extremely interesting "Cleopatra" sets to "Thank Your Stars." And Tammany Young's comment on the De Mille spectacle which Paramount may roadshow: "I don't associate with those third-rate dramatic companies." Tammany, long seeking a break in Hollywood from New York, is now getting a break in Hollywood as W. C. Fields' stooge and yearns for New York. So! . . .

▼

More on John Lodge: Was over at Radio originally and appeared in "Little Women." Most of what he did found final resting place on the cutting room floor. . . . Another break for The Brown Derby: The original establishment across Wilshire from the Ambassador has the perfect whispering gallery. You talk on one side and the other side hears without straining eardrums. Strangers here who don't know about it have been embarrassed.

▼

A pile of dirt marks the site of a new building which will house the Paramount publicity department. Symbolism, say some on the lot. . . .

KANN

## Mascot Signs Producers

HOLLYWOOD, April 26.—Martin G. Cohn, Louis Baum and Sig Neufeld have been signed by Mascot as unit producers.

## Warner Pfd. Off 1⅛ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30 | 29⅞ | 29⅜ | — ⅝ | 600 |
| Consolidated Film Industries | 4⅛ | 4⅛ | 4⅛ | — ⅛ | 200 |
| Consolidated Film Industries, pfd | 16½ | 16¼ | 16¼ | — ¼ | 300 |
| Eastman Kodak | 95½ | 94 | 94 | —1 | 700 |
| Fox Film "A" | 17½ | 16⅝ | 17⅜ | +1 | 30,500 |
| Loew's, Inc. | 34⅛ | 32½ | 33 | — ⅝ | 21,100 |
| Paramount, cts. | 5 | 4⅝ | 4⅞ | ..... | 7,000 |
| Pathe Exchange | 3 | 2¾ | 2⅞ | ..... | 4,700 |
| Pathe Exchange "A" | 22⅞ | 21½ | 21¾ | —1 | 3,900 |
| RKO | 3⅜ | 3¼ | 3¼ | ..... | 1,100 |
| Warner Bros. | 7⅝ | 7¼ | 7¼ | — ⅛ | 9,200 |
| Warner Bros., pfd | 30 | 30 | 30 | —1⅛ | 200 |

## Curb Stocks Show a Loss

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9¾ | 9¼ | 9¼ | — ½ | 1,400 |
| Trans-Lux | 2¼ | 2¼ | 2¼ | — ⅛ | 100 |

## Many Bond Issues Down

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10¼ | 9⅜ | 10 | + ¼ | 5 |
| General Theatre Equipment 6s '40, ctf | 9½ | 9⅞ | 9⅛ | + ⅜ | 110 |
| Keith B. F. 6s '46 | 71 | 70 | 70 | —1 | 5 |
| Loew's 6s '41, ww deb rights | 101 | 100⅞ | 101 | + ⅛ | 7 |
| Paramount Broadway 5½s '51 | 36 | 35½ | 35¾ | — ¾ | 15 |
| Paramount F. L. 6s '47 | 50¾ | 50 | 50 | — ⅛ | 5 |
| Paramount Publix 5½s '50 | 51¾ | 51 | 51 | — ¼ | 36 |
| Pathe 7s '37, ww | 98¼ | 97½ | 97½ | — ¾ | 5 |
| Warner Bros. 6s '39, wd | 65½ | 63⅝ | 64¼ | + ¼ | 108 |

## Service from Ampa, Ferguson's Keynote

Declaring that the keynote of the Ampa under his presidency will be to render service to the industry at large, William R. Ferguson of M-G-M, officially took over the chair with approximately 150 on hand. He said he would do his utmost to continue the good work of the organization.

Pointing out that it will not be a one-man organization, Ferguson appointed various committees and said he expected every man to do his bit. He announced 28 new members and the placement of three men in permanent jobs.

Ferguson said he will not hire any man unless he is a member of the Ampa, and added he expects other companies to follow suit. Several congratulatory wires were read, including those from Nicholas M. Schenck, Robert F. Sisk, Jack Cohen and Carl Laemmle.

The entertainment included the Three Sizzlers from NBC, Betty Bartels of CBS and a colored band. On the dais as speakers were Si Seadler, Frank Scully, Ceila Villa and Major Edward Bowes.

## Rumor Chase to Sell Third of Fox Shares

Chase National was reported in Wall Street quarters yesterday completing plans to sell one-third of its 70 per cent interest in Fox. Neither confirmation nor denial of the report was forthcoming at the offices of the bank, which became interested in the company in the proxy fight which resulted in the removal of Fox, the founder, and the entrance of Harley Clarke into the business. The report seems to be in line with the purported withdrawal of Chase from the affairs of Fox West Coast, reported earlier this week from the coast.

## Audio Color Shorts Done

Audio Productions has completed two of a series of shorts in Technicolor. The company plans between 13 and 14 during the coming season with negotiations now under way for distribution.

The completed three-color process shorts were made by Robert Bruce, who will make an additional number. They are "Hymn to the Sun" and "Fingal's Cave." The series is being called "Musical Moods" and a Technicolor camera may be sent abroad for native background shots.

## Erpi Not Served in Suit

Erpi and Western Electric attorneys withheld comment yesterday on the $15,000,000 anti-trust suit filed against the two companies and A. T. & T. in Federal district court here by Biophone Corp., sound equipment manufacturer, on Wednesday, stating that they had not yet received copies of the complaint.

## ITOA Men to Meet Levy

Having already met with William Rodgers of M-G-M and J. J. Unger, of Paramount, a committee of the I.T.O.A. today meets with Jules Levy of RKO to discuss sales policies for the coming season.

The committee comprises William Small, Maurice Barr, Maurice Mutisker and Louis Blumenthal.

WARNER BAXTER at his BOX OFFICE BEST
A debonair, dash-about-town novelist . . . who wrote about love to nine million women . . . but learned a lot more when he faced a charge of MURDER!
WARNER BAXTER
starring in
SUCH WOMEN ARE Dangerous
with
ROSEMARY AMES
ROCHELLE HUDSON
MONA BARRIE
HERBERT MUNDIN
HENRIETTA CROSMAN
Produced by Al Rockett
From the story "Odd Thursday" by Vera Caspary
Directed by James Flood
A FOX PICTURE

# A POSITIVE WINNER!

**Gales of laughter greeted the preview at Pantages, Los Angeles. Audience reaction such as to stamp it a first class box-office attraction with highest entertainment rating. Take this tip from Universal: Here's a "sleeper" that will surprise you with its pulling power and word-of-mouth build!**

# HALF A SINNER

**JOEL McCREA — SALLIE BLANE — BERTON CHURCHILL** Mickey Rooney, Russell Hopton. Produced by Carl Laemmle, Jr., from a play by John B. Hymer and LeRoy Clemens. Directed by Kurt Neumann. Associate Producer, Edmund Grainger.

**A UNIVERSAL PICTURE**
Presented by
**CARL LAEMMLE**

**Berton Churchill gives a performance in this picture that far outshines his work in the original stage play. He is absolutely a knockout as the lovable, sanctimonious gambler who plays cupid — the happy hypocrite whom your audiences will love!**

# Industry May Join Fight on New City Tax

(Continued from page 1)

tax, would feel the new emergency city levy the most. Indications are that the local industry will muster a group of spokesmen to voice the New York theatre and film trade's opposition to the proposed measure at public hearings on the mayor's bill to be held at City Hall this afternoon.

A few industry spokesmen, however, deprecated the effect of the proposed gross receipts tax on the local industry, pointing out that it is expected to yield only an approximate $8,000,000 to the city from all sources. On this basis, they contended, the local film industry probably would not bear more than $400,000 to $500,000 as its proportion.

If the proposed tax is enacted, returns must be filed by Aug. 1, at which time the tax is due.

## *Reade Looks for No Ban on Hitler Film*

(Continued from page 1)

the state censor board, other than a possible recommendation for a change of title, Walter Reade, Mayfair operator, said yesterday.

The censor board withheld a permit for the Hitler picture and Reade now plans to open it as a newsreel compilation under the provisions exempting newsreels from licensing by the censor board. Reade said he anticipated a possible recommendation for a change of title to the simple "Hitler's Reign," as was done by the Chicago censor board in connection with the showings of the film in that city. Other than that, he said he anticipated no interference, but indicated he would apply for an injunction restraining the censor board from banning the exhibition in the event an attempt was made to do so.

## *Seeks Cut with Princess*

Suit for $100,000 damages has been filed in the Supreme Court against Princess Irena Youssoupoff, who was recently awarded $125,000 damages against M-G-M by an English court for alleged damage done her character in the film "Rasputin," by Serge Ury Shiskin, charging that she had failed to carry out an agreement signed with him to aid her in her suit against M-G-M. He declared his agreement with the Princess, signed in Nice, France, before the American Consul, entitled him to 50 per cent of all moneys she collected as a result of her suit against the producers of "Rasputin."

## *L. A. Gets Going Monday*

Los Angeles, April 26.—With headquarters established, the local grievance board will swing into action Monday morning with three cases on schedule. The zoning board is laying plans of operation, with Minnie Kopple, who resigned as joint secretary Saturday, being induced by John C. Flinn, executive secretary of Code Authority, to change her mind.

# *Who? What? When?*

*Who are the appointees on code boards announced by Code Authority in New York?*

*More thumbnail sketches, gathered by* Motion Picture Daily *correspondents, furnish the answer:*

## *New York*

**Clearance and Zoning Board**

Robert S. Wolff, distributor with theatre affiliation, was born July 25, 1896, in New York City. He entered the business at the age of 20. He graduated from P. S. 44 in the 1910 class, and also high school and attended a commercial school in Brooklyn. Wolff left the commercial school in 1914 to become manager of the Orient Theatre in New York.

After three years as a theatre manager, Wolff joined George Kleine of the K. E. S. Exchange, where he remained for one year and then joined the marines. In 1919 he rejoined Kleine as salesman, the K. E. S. firm having consolidated with General Film Co. He continued with the company until it dissolved and then he identified himself with the World Film Co. in a sales capacity. He left the firm to join National Screen Service as special sales representative for Connecticut and Pennsylvania.

In 1921, Wolff joined W. W. Hodkinson and after a year was elevated from salesman to branch manager at New Haven. Another promotion followed a year later when he was named assistant sales manager for the New York branch. In 1926 he was appointed branch manager of the Pathe New Jersey exchange. The company was then taken over by Radio and shortly after he was named sales manager for the New York exchange, a post he holds today.

He is married, a member of the M. P. Charity Fund, the M. P. Club, the NVA committee, was president of the New York Film Board in 1933 and is now chairman of the executive board of that organization.

Leo Abrams, distributor without theatre affiliation, was born April 16, 1895, in Granville, N. Y. He is a graduate of Granville High School and attended N. Y. U.

He has been with one film company, Universal, 18 years and that is the only company he has worked for since he left college.

In March, 1916, he joined Bluebird Pictures as salesman in New York and then covered several other territories in the metropolitan area until 1926, when he was appointed short subject sales manager for Big U. Later in that year he was named Brooklyn and Long Island branch manager for the company and in 1927 was transferred to New Haven as exchange head.

A year later he was designated manager of the St. Louis exchange and shortly after was transferred to Kansas City in the same capacity. In 1929 he was shifted to New York to succeed Dave Miller as general sales manager of the local Universal exchange. Miller was switched to the managership of the Buffalo office.

Abrams continues as general sales head of the local exchange. He married his secretary, Hannah Pettit, the Christmas of 1931. He has no children and is not affiliated with any social or political organizations.

David Loew, representing affiliated theatres, was born in October, 1897, in New York City. He is a graduate of Public School 165, the Hamilton Institute and also attended N. Y. U.

His entrance into the film business was as an office boy for Loew's, Inc., of which his father was head, and later he was placed in charge of the real estate department. Shortly after he took on booking duties. He still holds both posts in addition to being vice-president of Loew's.

He is a member of the Quakeridge Golf Club in Mamaroneck, the M. P. Club, the Pi Lambda Phi, the last a fraternity organization of N. Y. U.

Harry Shiffman, independent first run exhibitor, has virtually been brought up in the exhibition field, having started at the age of 14 when he joined his uncle, the late Sol Brill, as assistant projectionist in a penny arcade, which Brill operated above a nickelodeon at 700 Broadway.

Shiffman was born December 6, 1891, in New York City and at the age of 13 started to work for Brill in the latter's cloth sponging factory. From this point on Shiffman was identified with Brill until the latter's death in 1931.

He saw William Fox become Brill's partner in 1907 and together the two exhibitors opened three houses in Brooklyn, all nickelodeons. The first was at 900 Broadway, the second at 1,100 Broadway, which was followed a year later by the acquisition of the Comedy. With the latter take-over, Shiffman dropped mechanical work to become attached to the office, handling minor detail work.

About 1910, the partnership between Fox and Brill was ended and the houses sold. Shiffman continued in the employ of Brill when the latter entered business for himself, taking over the Globe, Central and Sumner in Brooklyn. In 1911, Shiffman was made film buyer.

Then followed a partnership between Brill and B. S. Moss and the office was moved to New York. Under this arrangement the Washington theatre on Washington Heights, the Jefferson on 14th Street, and the Hamilton on 146th Street and Broadway were added to the circuit.

In 1914, the Moss-Brill tie was broken and still Shiffman continued with Brill, who then began organizing his own circuit, building the Strand, Far Rockaway, and the Meserole, Brooklyn. Shiffman was then appointed general manager of Brill's theatres. Several years later, Brill built the Inwood on Dykman Street, which was sold to Loew's, but continued operating his other houses until 1928, when Charles Moses and Irwin Johnson, better known as Moses & Johnson, became his partners. A year following, Brill bought out his associates' interest in six Staten Island houses, the Ritz, Stadium, Liberty, Capitol, Strand and New Dorp.

1930 found Brill building his last

(Continued on page 7)

# Ask Rentals, Ads as Basis Of Clearance

(Continued from page 1)

the suburbans with bringing about the first run conditions they complained of, by refusing to eliminate price cutting, double bills and giveaways and by repeatedly rejecting offers of the affiliated first runs to arrive at a solution.

The complaint in the hands of the clearance and zoning board asking immediate revision of protection takes in Kansas City, Mo.; Kansas City, Kan., and North Kansas City, Mo. The petitioners seek to reopen the entire question with a view to revision all the way in the light of changed competitive prices and policies.

The protest is signed by exhibitors representing 16 theatres, a minority of the subsequents in the area affected.

The Independent Theatre Owners are behind the protest. All complainants are members of the organization.

## *Loew Labor Checkup To Be Ended Today*

(Continued from page 1)

tive of the Department of Labor, assigned to investigate the union's membership claims. A similar checkup of RKO theatres' service employes will be begun immediately afterward and may be completed by Monday or Tuesday.

The checkup is to determine whether or not metropolitan theatres must recognize the service union and negotiate new wage scales with it, and is dependent upon substantiation of the union's claims that it represents a majority of service employes in the larger circuits.

## *St. Louis Fees Are Set*

St. Louis, April 26.—Circuit Judge Henry Hamilton has allowed fees of $6,000 each to Jesse W. Barrett and Walter H. Nohl who served as circuit court receivers for Skouras Brothers Enterprises, Inc., from December 2, 1931, to November 6, 1933. Previously they had received $2,000 each. Harry S. Rooks, who served as attorney for the receivers, was allowed a fee of $10,000 in full payment.

## *Delay Grievance Session*

Because Milt Kusell, New York state district manager for Paramount, does not expect to return from Chicago by Tuesday, the New York grievance board has postponed its next session from May 2 to May 3. Kusell left for Chicago late yesterday to attend the two-day Paramount district managers' meeting which starts tomorrow.

## *Buffalo Board to Meet*

Buffalo, April 26.—First official meeting of the local zoning and clearance board will be held next Monday. No cases were considered at the grievance board session this week.

## *Film Board Meets Today*

The executive committee of the local Film Board of Trade will meet today at the M. P. Club to discuss general affairs.

## Who? What? When?

(Continued from page 6)

house, the St. George, 3,000-seat house on Staten Island. A year later he passed away, making Shiffman executor of his estate in his will. In addition to the seven Staten Island units, the Brill circuit now operates the Oasis, 1,800-seat house in Brooklyn; the Park Lane, Manhattan, 2,000 seats; Strand, 1,500 seats, and the Palace, 1,000 seats, both in Lakewood, N. J.; Strand, 1,400 seats, and Ritz, 700 seats, at Port Jarvis, N. Y. The circuit owns a half interest in the Inwood, Forest Hills, a 3,000-seat house.

Shortly after Brill's death in 1931, Shiffman was made president of the circuit, which still retains its original name. He is not married, but is a member of the Pine Ridge Country Club, N. Y., an Elk of Lodge No. 1, a member of the Jewish Theatrical Guild and a member of the I. T. O. A.

Edward N. Rugoff, independent subsequent run exhibitor, is a native of Whitehaven, Pa., and a graduate of the Whitehaven high school. He started in the film business 18 years ago when he was associated with Harry Rapf in production. He later dropped production ideas to enter exhibition and started by building two theatres in Brooklyn and one in Long Island.

He then formed the Rugoff & Becker circuit and acquired a number of houses until the total reached 11, seven of which are located in the metropolitan area.

Laurence S. Bolognino, subsequent run exhibitor, was born in Turin, Italy, in the June of 1883. He is a graduate of the technical institute there and for two years was associated with his father in the restaurant business in his native city.

He came to the United States in 1904 and looked around for about a year before he entered the exhibition business. When his brother Andrew arrived from Italy in the fall of 1905, the Bolognino rented half a store on Second Avenue and 114th Street and turned it into a nickelodeon. Seating capacity was 40. Andrew operated the projector and Laurence acted as manager.

In 1906 the brothers opened the Big Show on Eighth Avenue and 28th Street. From this point on they acquired other theatres on the same avenue. The Apollo on 25th Street was the next house. Then they built the Yorke at 20th Street, then took over the Amsterdam on 22nd Street and the Morningside, following up with two to three acquisitions a year until the group now totals 20.

Until three years ago, the circuit was operated under the trade name of Consolidated Amusements. In 1931 the firm was incorporated with the same name. Laurence is vice-president.

He does not like sports, is single and a member of the M. P. Club. He returned recently from Miami and the west coast, where he recuperated from a minor illness.

Alfred E. Steers, impartial member, was born in Brooklyn on April 7. When 23, he was appointed a special policeman in Brooklyn and later became a volunteer fireman in Flatbush. He was later elected a justice of the peace for Flatbush and when Brooklyn annexed it, Steers was named a police judge by the mayor.

## "U" Seeks Talent

**Hollywood, April 26.—Set on establishing a stock company, Universal is sending Dave Werner, casting director, on a three months' tour of the country. He will visit stock companies, universities and schools in a search for talent. Dan Kelly will sit in his place during his absence.**

Shortly after he was made a city magistrate and continued in this post until 1909, when he was elected president of the Borough of Brooklyn.

Steers resigned as Brooklyn borough president after three and a half years to return to the bench, where he served until July, 1933, when he was pensioned by the City of New York.

### Grievance Board

Milton S. Kusell, distributor with theatre affiliation, was born in Aurora, Ill., Oct. 27, 1892. Chicago was the city of his schooling.

In 1917, he became a salesman for Paramount in the Chicago office and two years later was promoted to sales manager of the same branch. In 1920, Kusell was transferred to New York as special salesman, and in 1922 opened the New Jersey exchange as manager. Three years later he was appointed branch manager of the New York branch. In 1932 he was again elevated, this time to the post of district manager for New York, Brooklyn, Albany, New Jersey, and Buffalo exchanges.

He is a bachelor and resides at Larchmont, N. Y.

Harry H. Thomas, distributor without affiliation, hails from Boston, where he was born April 23, 1892. He also was educated in Boston.

Thomas entered the film business in 1907 when he opened the Bushwick Palace in the Williamsburg section, Brooklyn. Six years later he joined the Greater New York Film Co., then shifted to General Film Co., which absorbed Greater New York. Shortly after he joined Fox as special representative.

He organized Alexander Film Co. in 1921 and later associated with I. E. Chadwick, president of Merit Film exchange in New York, as vice-president and general manager. In 1926, he acquired Chadwick's interest in the exchange and organized First Division. Shortly after he acquired the Commonwealth exchange.

The company has expanded ever since and now has branches in Albany, Buffalo, Philadelphia, Washington, Cleveland, Cincinnati, Pittsburgh, Detroit, Boston, Louisville and New York. Thomas is president of First Division Exchanges, Inc., which operates the branches.

In association with Arthur A. Lee, Thomas formed First Anglo Corp. to distribute foreign films. He married Etta Gettelson in 1919, has two children, Sydelle, 7, and Jerome, 14. He is a Mason, member of the Fort Green Lodge, A. F. & A. M., No. 922; an active factor in Elks Lodge No. 22 in Brooklyn, a member of the M. P. Club and vice-president in charge of distribution for Monogram.

John J. O'Connor, representing affiliated theatres, was born at Annawalk, N. Y., July 10, 1896. He started in the film business 20 years ago when he joined George Kleine, who was then roadshowing "Quo Vadis" and "The Last Days of Pompeii."

Afterward, he became booker of the New York exchange for the Kleine-Edison-Selig & Essanay Co. He later joined the old Pathe Co. in Newark, where he worked during 1919-1920.

In 1921, he became associated with the newly formed Peerless Booking Corp., which was the film buying and booking office for Keith-Proctor & Moss. He is now chief buyer and booker for RKO Film Booking Corp., which is an outgrowth of the Peerless Co.

J. Louis Geller, independent exhibitor, started in the business in 1912 when he was prevailed upon to quit N. Y. U. upon the death of his father and take over the management of the 86th St. Garden in New York. In addition to operating this house, he today has the Palace, Jersey City, and the Park, Newark. He also has interests in a number of theatres leased to exhibitors, including the Star, Brooklyn.

Geller is a graduate of DeWitt Clinton High School, a director of Consolidated Theatres, Ltd., of Canada; chairman of the board of the Royal Industrial Bank of New York; vice-president of the Theatre Owners Chamber of Commerce.

He is married and has three children, two girls and one boy.

George F. Thompson, impartial member, is a native of Saratoga Springs and attended school there and at White Hall, N. Y. At 14, his folks moved to Middleport, Niagara County, where he was made justice of the peace in 1895. He held this assignment for seven years.

He then came to New York City and during 1904 and 1905 was a member of the Assembly. This was at the age of 30. In 1912 he was elected to the Senate from the 47th district of Niagara and Orleans counties. He held this job for eight years and in 1915 returned to New York as chairman of the legislative committee investigating public utilities. He continued at this until 1917.

In 1918, Thompson was interested by Sydney Cohen and Charles L. O'Reilly in a move to institute Sunday shows in New York. In 1919 the bill which provided for referendums in each county and city was passed. Many cities at the time were showing pictures, but those which weren't had an opportunity to start them, providing the public voted favorably. Thompson is for general amusements on Sundays.

Since leaving the Senate, he has operated the Niagara Spraying Co., of which he still is a director. He managed this firm for seven years—from 1921 to 1928. After leaving the company he began practicing law in New York. He has one son, Warner F., 30, who is a junior member in the firm of Thompson, Smith & Thompson. Warner is in charge of the company's Lockport, N. Y., office.

Thompson is a 32nd degree Mason, an Elk, a member of the Odd Fellows, the Athletic Club in Buffalo, the Niagara Club in Niagara Falls, the Tuscarora Club in Lockport, a member of the National Republican Club, the Advertising Club, the Park Golf Club in Buffalo, and the Lockport Town and Country Club.

He lives at the Algonquin.

## Ohio ITO Protest Mailed to Johnson

(Continued from page 1)

Division Administrator Sol A. Rosenblatt and John C. Flinn, executive secretary of Campi, the exhibitor group asserts the allocation of charges is unfair to the small theatre.

The letter asks that assessments on exhibitors "be revised upon the basis of some fundamental factor such as gross earnings or seatage, both of which were undoubtedly entirely ignored in setting up the schedule of charges."

## Relief on Protection Sought for Wichita

Kansas City, Mo., April 26.—A complaint has been filed with the zoning board here by O. F. Sullivan of the West Theatre, small 15-center of Wichita, Kan., asking immediate relief on protection in that city. Prior run houses and major distributors are cited in the complaint, which petitions the board that something be done about the matter as soon as possible. It is alleged Fox Midwest, with five theatres, controls the situation against six independents.

It is understood St. Joseph, Mo., subsequents are preparing a complaint against first runs there operated by Dubinsky, protesting the 130-day protection for 25-cent houses over 20-cent runs.

## Clearance Demands Go Back for Change

The first batch of requests for changes in the local clearance and zoning schedule was returned to a number of exhibitors yesterday by the New York board. At a meeting presided over by Leo Abrams of Universal the members agreed that the complaints were not according to the procedure provided for under the code. The protesting exhibitors have been asked to use the code forms.

All members of the board were present, including Laurence Bolognino, who has been on the coast. The next session will be held May 3 with David Loew as chairman.

Florence Abramson, secretary, also attended.

## Roach to Delay on Program Until June

Hal Roach's short subject program for next year will not be definitely decided upon until June, Henry Ginsberg, general manager for Roach studios, stated yesterday. For the current season, Roach's program calls for two features and 42 shorts, most of which have been completed.

Ginsberg returns to the coast next Tuesday. He is now consulting with M-G-M home office executives on general matters, he said.

## Studio Report to Flinn

Hollywood, April 26.—Dick Lestrange reported today to John C. Flinn, executive secretary of Campi, on the failure of the labor and extras' code committees to function, citing cases where they failed to act on complaints. He charged Columbia reclassified workers and Paramount paid extras $3 a day. He held the basis of pay was inequitable.

# Richards to Continue as Saenger Head

(Continued from page 1)
ger of approximately $7,500,000, is the largest creditor. Paramount will exchange its claims against Saenger for stock in the new company, it was learned, and will continue Richards as operating partner of the circuit.

The plan for issuance of stock in the new corporation, an integral part of the Saenger reorganization, has been submitted to the Federal Trade Commission at Washington for approval. The commission's report is expected within the next week or 10 days and, if favorable, will make possible submission of the reorganization plan to creditors shortly thereafter.

# Expect Cravath to Defend Para. Board

(Continued from page 1)
for Paramount, which seeks to recover up to $12,237,071, said to have been paid for repurchase of stock issued by Paramount for the acquisition of theatres several years ago.

The Cravath firm handled the bulk of the legal affairs of Paramount during the period of its theatre expansion and that of the redemption of the guaranteed stock issues now in question, and, consequently, is regarded as most familiar with the transactions involved in the trustees' suit.

The petition of the trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, was filed in state supreme court here yesterday. The plenary action will be filed within the next few days. Named as defendants are Adolph Zukor, Sidney R. Kent, Sam Katz, John Hertz, Ralph A. Kohn, Austin C. Keough, Jesse L. Lasky, Jules E. Brulatour, Frank Bailey, William H. English, Daniel Frohman, Felix H. Kahn, Gilbert W. Kahn, Elek J. Ludvigh, Sir William Wiseman and executors for the estates of Casimir I. Stralem and Emil E. Shauer, deceased. The Cravath firm is also counsel for Kuhn, Loeb & Co., Paramount's bankers, several of whose members who served on the Paramount board are made defendants in the trustees' suit.

## *P-P Claim Hearing Off*

Hearing of a claim filed by Paramount Publix against Fox West Coast for alleged damages arising from the leasing by the latter of Paramount California theatres, which was scheduled for today before Referee Henry K. Davis, has been postponed to May 4.

## *Allied Moves on Monday*

Allied of New Jersey moves from its present quarters on West 44th street to the Lincoln hotel next Monday.

## *Signs Jessica Dragonette*

Jessica Dragonette, radio singer, was signed to a long termer by Paramount yesterday. She will leave for the coast during the summer.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Thirty Day Princess"*

*(Schulberg-Paramount)*

HOLLYWOOD, April 26.—Rarely has the Cinderella formula failed, nor does it in the case of "Thirty Day Princess," in which Sylvia Sidney takes all possible advantage of a light role and kicks in with the best performance in the best picture she has done in many moons.

What goes on here whirls around the flotation of a fifty million dollar loan for one of those tucked away, miniature kingdoms, called Taronia this time. To put on the necessary show, Miss Sidney goes to America, contracts the mumps and almost wrecks the national ballyhoo deemed necessary to stimulate the American public into a bond buying orgy. Her double, also played by Miss Sydney, is dug up from somewhere in the American scene and a pleasant subterfuge is carried on. Complications threaten exposure, and finally love comes to the thirty day princess with Cary Grant at the receiving and delivering end.

Charming treatment aimed at, and successful in striking a high comedy note, plus excellent performances by all hands, place this attraction high on the list of releases just in the offing. The picture is not big in concept, but is wholesome, frothy entertainment of the kind that may not break records, but which will do generally gratifying business up and down the land. K.

*"The Witching Hour," last night's preview at the Paramount, was reviewed by wire from Hollywood on April 12.*

*"Journal of a Crime," last night's preview at the Roxy, was reviewed on Feb. 27.*

# No Decision Given In St. Louis Case

(Continued from page 1)
lar, who want to operate the houses through two new corporations, he has indicated that he is not favorable to the proposal.

On April 23 in a written opinion in rejecting the request of the First Mortgage Bondholders Committee, headed by Thomas N. Dysart, that the court set a date within which non-depositing bondholders would have to come into the plan in order to participate in its benefits, Judge Davis wrote:

"The administration expenses of the consummation of this plan is unreasonable" and added: "The court declines by any act or order to encourage the enforced adoption of the plan by the bondholders."

Judge Davis also rejected the request of Warners and Mrs. F. Geller, et al, for permission to intervene in the original receivership suit brought against the St. Louis Properties Corp., owner of the Ambassador and Missouri theatres and the Grand Central leasehold.

From the outset Warners have opposed the reorganization. Under the plan, the first mortgage bondholders would become, in effect, owners of the properties through an exchange of bonds and common stock for stock in the new corporations.

## *B. O. Gains Seen in Rise in Tax Receipts*

(Continued from page 1)
nal Revenue Bureau in March, which showed an increase from $996,861 to $1,267,375, exceeding collections in March of last year by $19,000, it was reported by the Treasury Department today.

Admission tax collections for the three-quarters of the fiscal year ended with March, it was announced, totaled $10,882,367.

# Monogram to Hold 3 Regional Meets

(Continued from page 1)
cinnati June 2 and the third in New York June 29.

Edward Golden, general sales manager, will preside. The Salt Lake City meeting will be attended by the Salt Lake, Portland, Los Angeles, San Francisco and Seattle exchanges. The exchanges represented at the Cincinnati session will be: Cincinnati, Cleveland, Pittsburgh, Omaha, Minneapolis, Chicago, Milwaukee, Indianapolis, Charlotte, Atlanta, Tampa, New Orleans, Dallas, Oklahoma City, Little Rock, Detroit and St. Louis.

The New York session will have: New York, Boston, Albany, Philadelphia, New Haven, Washington and Buffalo.

## *U.S. A. T. & T. Quiz Is Sought in Senate*

WASHINGTON, April 26.—An exhaustive investigation by the Senate Interstate Commerce Committee into the operations of A. T. & T. and its subsidiaries is sought by Senator Clarence C. Dill of Washington in a resolution introduced in the Senate today. All angles of the telephone company situation will be studied under the proposed legislation, including financial operations and profits, inter-service contracts between the company and Western Electric and other subsidiaries and possible evasion of regulation and taxes.

From the film industry angle, the inquiry is important because of the possible development of relations between the company and Erpi and Western Electric.

## *New Pact for Enright*

HOLLYWOOD, April 26.—Ray Enright, in his 11th year at Warners, has been signed to a new contract.

# Penn. MPTO Asks Regional Rent Protests

(Continued from page 1)
whether or not affiliated with any exhibitor organization. If held, the gatherings will take place within the next two weeks in New York, Chicago and on the coast.

"The various sales conventions now being called by the major film companies with the avowed intent of passing the whole NRA costs on to exhibitors in increased film rentals," the letter reads, "make it imperative that the independent theatre men immediately call at least three national film buyers' conventions to take effective measures for protection.

**Calls for Action**

"Resolutions and speeches must be translated into action if we are to obtain relief against confiscatory rentals. Higher percentages, increased number of percentage pictures, stiff guarantees with overages, preferred playing time, right to interchange, score charges—all of these have created a lopsided and intolerable condition that is fast diminishing our income and causing our theatre investments to dwindle.

"This organization has a very definite plan for relief. We are willing to cooperate mutually—to serve in the ranks—of any effective movement and to contribute our share of activity and financial support towards the common goal of sensible and honest film prices. We recommend the following:

"1. The calling within the next two weeks of three sectional film buyers' conventions—in New York, Chicago and the west coast.

"2. Each organization to be represented by two delegates, equipped with facts and figures regarding their territory, and qualified to speak on behalf of their constituents regarding purchasing power and measures of cooperation each can be counted on from their territory.

"3. Each convention to be strictly non-partisan, non-political, and to be confined solely to devising an effective program against ruinous film prices."

## *SMPE Men Discuss Laboratory Problem*

ATLANTIC CITY, April 26.—Suggestions for improving film laboratory practices were discussed in open forum today by the S.M.P.E. The society concluded its four day spring convention at Chalfonte-Haddon Hall late this afternoon.

Laboratory and general sessions were held this morning and were followed by a symposium on theatre apparatus. Closing sessions in the afternoon were devoted to photography. Properties of the new Agfa 35 mm. film were discussed in a paper by P. Arnold, of the Agfa Ansco Corp. Tips on theatre seating as an aid to correct sight and acoustics featured a paper by P. F. Masucci, of International Seat Corp.

## *Anna Sten in "Barbary"*

HOLLYWOOD, April 26.—Anna Sten will get the role in "Barbary Coast," which had been scheduled for Gloria Swanson by Samuel Goldwyn.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 99 NEW YORK, SATURDAY, APRIL 28, 1934 TEN CENTS

## Theatre Men Protest New Tax by City

### *Intend to Argue Matter Before Aldermen*

Minor opposition of metropolitan theatre representatives was voiced yesterday at public hearings at City Hall on Mayor F. H. LaGuardia's new tax bill providing for a levy of one-twentieth of one per cent on gross receipts of New York enterprises over $15,000.

Organized opposition to the measure will be made by the city's theatres when the proposed tax bill comes before the Board of Aldermen for a vote, according to Charles L. O'Reilly, president of the T.O.C.C. Yesterday's hearing was before a Board of Estimate committee. Austin C. Keough of Paramount, Isador

(*Continued on page* 4)

### *Maryland MPTO Hits Dual Exhibitor Role*

BALTIMORE, April 27.—The M.P. T.O. of Maryland has gone on record against exhibitors, in addition to operating theatres, engaging in production and distribution. Frank A. Horning, president of the unit, following an inquiry as to the views of the Maryland unit on the matter, says the board of directors adopted a resolution at its meeting yesterday, declaring:

"That we, the M.P.T.O. of Maryland, are opposed to exhibitors engaging in the producing business and producer-distributors in the exhibition business."

### *Ferguson Picks His Ampa Aides for Year*

William R. Ferguson, of M-G-M, new president of Ampa, has appointed the following committees to serve during his administration, 1934-35:

Trustees: Walter Eberhardt, 3 years; Kelcey Allen, 2 years; Si Seadler, one year; auditing: Edward

(*Continued on page* 3)

### *Kansas City Censor Change Is Reported*

KANSAS CITY, April 27.—William E. Sullivan, city welfare director whose department has charge of film and stage censorship and general supervision over amusements, is slated to be removed, according to reports

(*Continued on page* 3)

## Grievances Go Back for Use Of New Forms

### *Campi Returning Them to All Parts of Country*

All complaints filed by exhibitors and distributors with Code Authority before official forms for registering protests were sent out are being returned to the complainants. Protests must be registered in triplicate on one of three types of forms provided by Campi.

In practically all parts of the country this is holding up hearings before the grievance boards. Campi is insisting on a standard legal procedure for filing protests. All of the complaints filed previous to the sending out of the forms are void under the

(*Continued on page* 4)

### *Boards in Detroit Open Office May 5*

DETROIT, April 27.—Local code board offices will be opened in the Francis Palms (State Theatre) Building on May 5, according to E. S. Kinney, secretary. The suite is now being equipped with furniture. Local boards will not meet again until after that date.

It is expected that the boards will meet on alternate Mondays, the clearance and zoning board one week and the grievance board the next.

Kinney said that only one complaint had been received so far by the local boards, that being one which was sent to New York and forwarded here.

### *Laboratory Code to Be Reopened May 9*

WASHINGTON, April 27.—Modification of the recovery code for the film laboratory industry will be discussed at a hearing to be held at the Hotel Willard May 9, it was announced here today by Deputy Administrator William P. Farnsworth.

The changes which have been proposed, it was said, involve standard costs accounting methods and the lowest reasonable cost of products.

### *Legality of NIRA Act Is Questioned*

ALBANY, April 27.—Constitutionality of National Industrial Recovery Act and the State Enabling Act was questioned at a hearing before the

(*Continued on page* 4)

### *Put Clocks Ahead*

**Clocks go ahead tomorrow morning at 2 o'clock for Daylight Saving Time, and stay that way until the last Sunday in September.**

## Expect Early End of A.T.&T. Trust Action

Settlement of the anti-trust suit brought against A. T. & T., Western Electric and Erpi by the Stanley Co. of America, General Talking Pictures and Duovac Radio has been materially advanced by agreements on virtually all basic points and may be consummated some time next week, it was learned yesterday.

What essentially amounts to an agreement has been reached with General Talking Pictures and Duovac, while all but final phases of a settlement with the Stanley Co., a Warner subsidiary, remain to be made, it is said. The first proposal for a settle-

(*Continued on page* 3)

### *Farewell Luncheon Given to Patterson*

Willard C. Patterson, recently appointed Publix executive in Detroit under George W. Trendle, was given a farewell luncheon yesterday afternoon at the M. P. Club by Warner executives. Patterson leaves tomorrow night for the automobile city.

Attending were Joseph Bernhard, I. J. Hoffman, Gradwell Sears, A. W. Smith, Don Jacocks, Moe Silver, Clayton Bond, Carl Lesserman, Abel Vigard, Lew Kaufman, Jules Levey, Ralph Budd, William Clarke, Frank Marshall, Herman Maier, Harold Rodner, Joe Hornstein, Jack Kelly, Lester Krieger and a number of others.

### *Lew Brown Wants to Produce Films Here*

Lew Brown, who recently quit Fox as associate producer, admits he would like to produce independently in the east, but has not made up his mind as yet because of eight offers made to him by major companies. He says he can turn out pictures here cheaper than in the west.

Brown is now considering production of a stage musical comedy, which he plans to do before reentering picture work.

## Sale of Stock Lessens Chase Power in Fox

### *No Closer Gaumont Tie Is Seen by Kent*

By RED KANN

HOLLYWOOD, April 27.—Chase National's sphere of influence in the affairs of Fox Film materially lessens as result of the sale of 200,000 shares of stock to Balfour, Boardman & Co., Ltd., London, with options for the purchase of 400,000 additional shares. At the same time Chase interests, which have invested over $115,000,000 to date in various Fox enterprises, will continue as holders of approximately 1,000,000 Fox shares.

Sidney R. Kent today told MOTION PICTURE DAILY the probability was extremely strong that the English deal was engineered by Chase as part of its plan to gradually reduce its

(*Continued on page* 3)

## Labor Muddle Goes On in Kansas City

KANSAS CITY, April 27.—With exhibitors and unions as far apart as they were six months ago on what constitutes an equitable contract, the labor situation in Kansas City continues in a muddle, and in all probability will not be clarified until the

(*Continued on page* 4)

### *Atkinson to Confer On Denver Theatre*

William E. Atkinson, president and receiver for Fox Theatres Corp., leaves for Denver next week to look over the Isis, now being operated under a leasing deal by Rick Ricketson, in charge of the Fox Rocky Mountain circuit of 11 theatres.

Atkinson will confer with Ricketson and pass on a plan which calls for $10,000 in improvements for the house.

### *Schlesinger Renews Deal with Warners*

HOLLYWOOD, April 27.—Leon Schlesinger has renewed with Warners for release of "Looney Tunes" and "Merrie Melodies." He will have 13 each for the new program, the "Melodies" to be in color. Beginning May 1 all release prints will be processed in Hollywood.

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Sued Over Hitler Film

CHICAGO, April 27.—Suit for $250,000 damages has been filed by Samuel Cummins in U. S. District Court here against Dr. Rolfe L. Jaeger, German consul general, charging the latter slandered and libeled "Hitler's Reign of Terror" by attacking its authenticity. Cummins is sponsoring the film. Newspaper copy emphasizes the picture was made in Austria and Germany by Cornelius Vanderbilt "at the risk of his life."

## Cohen West Wednesday

Emanuel Cohen, production head of Paramount, leaves for the coast Wednesday after several weeks of conferences here.

Adolph Zukor, president, plans to leave for the west later.

## Golden Leaves on May 16

Edward Golden, general sales manager for Monogram, leaves for Salt Lake City on May 16 to prepare for the first of the three regional sales meetings set for that city May 26.

## U. A. Party Back Monday

Joseph M. Schenck, Al Lichtman, Harpo Marx and Sam Harris return from a short vacation in Bermuda on Monday.

## Chester Hale to M-G-M

M-G-M has signed Chester Hale, dance director. He leaves for Hollywood on Thursday.

## "Glamour" Roxy May 11

"Glamour" has been dated into the Roxy starting May 11.

# Insiders' Outlook

*Hollywood, April 27*

THE history behind "The Sign of the Cross," as expounded by C. B. De Mille before the recent M. P. T. O. A. conclave, set forth that the director, hat in hand, traveled up and down studio row, was laughed out of court and found only Manny Cohen at Paramount who could be interested. Those who are in the know and are certain about it tell a different story. They hurtle their memoirs back to the time in 1931 when Paramount officials journeyed out of the East and the West to meet in Kansas City on a production powwow. Among those present from the East were Adolph Zukor, Sidney R. Kent, Ralph Kohn, Walter Wanger and Cohen. From the West, Jesse L. Lasky and B. P. Schulberg. . . .

▼

Schulberg, goes the account, had virtually made a deal with De Mille for the spectacle backgrounded in Biblical splendor, but, like Lasky, knew his confreres weren't so hot for De Mille. This time, however, the deal was right. De Mille had agreed to slash his salary and the picture was to be made at a set figure under studio control at all times. The proposition, therefore, was sprung at Kansas City, Zukor objected and so did some others, including Cohen. Schulberg argued for it and, in the light of his enthusiasm, Zukor is understand later to have consented to the deal. . . .

▼

A true story typical of the Hollywood manner. It deals with Cary Grant, which is the celluloid moniker for that tall, good-looking player whose name is something else. Clark Gable was going great guns. So, too, Gary Cooper, but he had gone to Italy to fraternize with nobility and to Africa to shoot lions. Paramount figured it was about to lose him. Came some alphabet mixing on the part of a certain agent, something like this: "Clark Gable, Gary Cooper. C. G., G. C., C. G., G. C. We'll call him Cary Grant." The agent did and told the actor, but the first time agent yelled latter's name across the lot, the actor kept on walking. He didn't know he was being paged. . . .

▼

A supervisor, trained in the mercantile field and dropped by lucky chance into an important studio berth here may be backward in learning the intricacies of dramatic construction and production lore, but persistently does he cling to the tenets of his earlier business. Beset by a time problem on a recent picture, he called in the writer. "We've got so much cloth," he said, "and we gotta fit the picture to the pattern." Answered the scribe: "I'll tell you what I'll do. Let me take it in by the belt, and I'll deliver the job to you by Friday." . . .

▼

Radio is understood to have had "Rip Van Winkle" under consideration for next season. The supervisor who had it in hand dillied and also dallied to discover later Paramount had beaten him to the punch. In other words, the wrong man went to sleep. . . . Startling new invention in sound reported on the way. More about it later. . . . A quaint place, this Hollywood. There couldn't be two like it in all of this world's broad acres. . . .

KANN

## Eastman Up 1½ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 29 | 29 | 29 | — ⅜ | 600 |
| Consolidated Film Industries | 4 | 4 | 4 | — ⅛ | 400 |
| Consolidated Film Industries, pfd | 16⅝ | 16⅝ | 16⅝ | + ⅜ | 100 |
| Eastman Kodak | 95½ | 94¾ | 95½ | +1½ | 300 |
| Eastman Kodak, pfd | 136 | 135 | 136 | ..... | 5,000 |
| Fox Film "A" | 17⅜ | 16⅝ | 16¾ | — ⅝ | 12,800 |
| Loew's, Inc. | 33¼ | 32⅝ | 32⅝ | — ¼ | 6,100 |
| Paramount, cts. | 4¾ | 4¾ | 4¾ | — ⅛ | 400 |
| Pathe Exchange | 2⅞ | 2¾ | 2⅞ | ..... | 1,200 |
| Pathe Exchange "A" | 22 | 21½ | 21¾ | ..... | 1,900 |
| RKO | 3½ | 3⅛ | 3⅛ | — ⅛ | 1,600 |
| Universal Pictures, pfd | 44 | 44 | 44 | ..... | 2,000 |
| Warner Bros. | 7½ | 7⅜ | 7⅜ | + ⅛ | 6,000 |

## Trans-Lux Gains ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9½ | 9¼ | 9¼ | ..... | 400 |
| Trans-Lux | 2⅛ | 2⅛ | 2⅛ | — ⅛ | 100 |

## G. T. E. Bonds in Sharp Rise

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 11¾ | 9⅞ | 11¾ | +1¾ | 140 |
| General Theatre Equipment 6s '40, ctf | 10¾ | 9¼ | 10¾ | +1⅝ | 80 |
| Loew's 6s '41, ww deb rights | 101 | 101 | 101 | ..... | 1 |
| Paramount F. L. 6s '47 | 50 | 50 | 50 | ..... | 16 |
| Paramount Publix 5½s '50 | 50¾ | 50⅝ | 50⅝ | — ⅝ | 9 |
| Warner Bros. 6s '39, wd | 64¾ | 64 | 64¾ | + ½ | 38 |

# Purely Personal

CLARK GABLE and MYRNA LOY will broadcast scenes tomorrow from M-G-M's "Manhattan Melodrama" on the Hall of Fame program, received in New York over WEAF at 10:30 P. M., D. S. T. On the same program the following Sunday will be heard JOAN CRAWFORD and FRANCHOT TONE in scenes from "Sadie McKee."

RUDOLPH MATE, European cameraman, has arrived in New York on his way to Hollywood, where he will spend three weeks studying American camera technique. He flies west this week-end. MATE plans to return to Europe June 2.

MARGARET SULLAVAN, BARON VELTNIN MANDELSTAMM, French film writer; MISS WINNA WINFRIED, Danish director, and the four MILLS brothers, are among the passengers on the *Paris* which sails today.

ARMAND DENIS and MRS. DENIS, who is LEILA ROOSEVELT, were guests this week at the White House. They are expected in New York in a few days. DENIS directed "White Cargo."

GEORGE W. BOOTH has been appointed special representative for Gaumont-British of America by ARTHUR A. LEE, and will have the Connecticut and western Massachusetts territory.

EMANUEL B. TISHMAN, manager of Paramount Publix trustees' legal department, leaves today for a week-end of golf near Lake Mohansic as the guest of B. A. DRUCKER.

JOE RIVKIN led the RITZ brothers into the Roxy yesterday to see if they laughed at themselves in their first short, "Hotel Anchovy."

KATHERINE BROWN, Radio's eastern story editor, is back from the coast after two weeks of studio conferences with PANDRO BERMAN.

MADELEINE CARROLL will arrive in New York next week on her way to England. She will sail on the *Empress of Britain*.

ARCHIE MAYO, who has been vacationing here and also looking for talent and stories, returns this week to the coast.

ALEXANDER HALL, Paramount director, has left by plane for Hollywood after a short vacation here, his first visit in six years.

CHARLES ROSENZWEIG, general sales manager for First Division Exchanges, left last night on a business trip to Washington.

BUDD ROGERS, general sales manager of Liberty Pictures, is on a tour of middle western exchanges.

DOROTHY MACKAILL left for Hollywood this week, where she will report to M-G-M.

FRANK SCULLY has joined Fox and has sailed for London to take up his new duties.

SPENCER TRACY is on his way back to the Coast after a vacation here.

ETHEL MERMAN is making personal appearances at the Paramount.

## Eckman Due Next Week

Sam Eckman, in charge of M-G-M activities in Great Britain, arrives from London next week.

# Sale of Stock Lessens Chase Power in Fox

(Continued from page 1)

holdings in Fox and will result in final removal of Fox securities from listing on the board of the New York Stock Exchange and their listing on the floor of the stock market in London.

"The deal," said Kent, "does not presage a closer tieup with Gaumont-British. As a matter of fact my understanding is Gaumont-British has had nothing at all to do with it."

Asked if the English deal presaged future Fox financing from British capitalists, Kent replied: "It may mean many things, but all of them are in the future right now."

### Confirms FWC Story

Kent confirmed MOTION PICTURE DAILY's story of Wednesday that shortly he will be elected president of Fox West Coast, while Chase will ultimately withdraw from the circuit through a deal to accept Fox Film stock in lieu of its claim of many millions against Wesco, which is the Fox-controlled holding company for F. W. C.

At present discussing production with Winfield Sheehan, Kent stays another week, then goes east.

The Balfour, Boardman deal for Fox stock is regarded in downtown quarters and by film executives as an ordinary investment transaction by the British financing house and having no bearing on the future control of Fox.

Officials within the Chase organization pointed out yesterday that it is required by Federal banking laws to dispose of its common stock holdings in Fox ultimately, and that Winthrop W. Aldrich, chairman of the board, has publicly stated the bank's policy is to relinquish such holdings within a reasonable time and to concentrate exclusively on banking activities. It was intimated that under this policy Chase's entire Fox holdings of 1,749,507 shares will eventually be disposed of.

### View Given Substantiation

Substantiating this view is the Chase plan to give options to the reorganized General Theatres Equipment Co. to purchase approximately 325,000 shares of Class A stock of Fox Film at $15 a share. If the British investment house exercises its option for the additional 400,000 shares, and the G. T. E. option is also exercised, Chase would, in the two transactions, dispose of more than half its Fox holdings.

The two sales, if they materialize, would produce more than $20,000,000 for Chase, it is estimated, and the bank still would have more than 800,000 shares for sale to other purchasers. The estimate may be compared with the figure at which the total Fox investment is now carried on the Chase books, which is $19,757,866 for the entire block of approximately 1,750,000 shares. According to these estimates, the Fox holdings may be liquidated at twice the amount at which they are carried on the Chase books. This would still be less than half of the Chase's original investment in Fox, which was, according to Aldrich's testimony before the Senate banking committee last November, $89,330,047.

Further indication of a carrying out of the Chase policy of disposing of its common stock holdings in various enterprises was its recent sale in the open market of 130,000 shares of Loew's, Inc., acquired as its equity in defaulted notes of Film Securities Corp.

Fox stock yesterday was fairly active, opening at $17.50 and selling off to $16.75 on a turnover of 12,800 shares.

## *Swanson Skips Brooklyn*

Gloria Swanson has dropped the Brooklyn Paramount from her list of personal appearances and goes to Detroit Wednesday, following with a date in Chicago and then heads for the coast.

Lupe Velez starts May 4 for a personal in Columbus, following with dates in Loew houses in Baltimore, Pittsburgh and the New York Capitol.

Jimmy Durante leaves for Hollywood next week following a series of appearances in eastern Loew theatres.

## *Flinn Meets Secretaries*

LOS ANGELES, April 27.—John C. Flinn, executive secretary of Code Authority, conferred today with secretaries of the Los Angeles, Seattle, San Francisco, Salt Lake City, Portland and Denver boards. He outlined details of operation and explained the various reports that must be submitted to him. Flinn will hold similar meetings in Kansas City and Chicago. On Monday he confers with Mrs. Mabel Kinney on the extra situation. He leaves here the next day.

## *Erpi Petition Granted*

In a lengthy opinion handed down in U. S. District Court here yesterday, Judge John Knox granted the petition of Erpi, Western Electric and A. T. & T. for a bill of particulars in the anti-trust suit filed against the electrics by Vocafilm Corp. several months ago. The complainant is directed by the court to file answers to the electrics' request for additional information in support of the allegations made in the suit.

## *Brock Term Ends May 26*

HOLLYWOOD April 27.—Lou Brock's contract as a producer for Radio expires May 26. Before negotiating for a renewal of the agreement or considering any other deal he will take a vacation in Europe, possibly for three months. H. N. Swanson, a producer at the same studio, denies reports he will leave the organization, saying he has just made a new verbal deal to continue.

## *Giannini Off Code Body*

HOLLYWOOD, April 27.—Dr. A. H. Giannini's resignation from the extras' code committee has been accepted, with J. P. Normanly chosen to succeed him. No more meetings of the committee will be held until hearing decisions on matters already forwarded to Washington.

## *"Prizefighter" Ban Stays*

BERLIN, April 27.—The ban on "The Prizefighter and the Lady" because of Max Baer's being a Jew was upheld by the supreme censor today.

## *Kansas City Censor Change Is Reported*

(Continued from page 1)

in political circles. His removal is to be part of an impending shakeup at the city hall as a result of a factional fight in the Democratic organization incident to the recent city election.

The three members of the city censor board will be required to take a 50 per cent cut in salary this month along with other city employes, so the city may end the year with a surplus. This is their third reduction in a year.

## *Majestic to Retain "Diggers" in Title*

Under the terms of a U. S. Circuit Court of Appeals decision giving Warners use of the title "Gold Diggers," Majestic claims the right to use the title "Gold Diggers of Paris," provided it indicates on its advertising that it has no connection with a Warner picture and is a production of Majestic Pictures Corp based on Avery Hopwood's play.

The court decision reads, according to Majestic, as follows: "In view of the fact that the words 'Gold Diggers' are in themselves terms of general description, it is but to limit use only so far as may be necessary to prevent unfair competition."

## *Dressler, Meyer Improve*

SANTA BARBARA, April 27.—Marie Dressler, seriously ill at a Santa Barbara hospital, was reported today much improved.

HOLLYWOOD, April 27.—Victor McLaglen was recovering today from a minor operation at the Hollywood Hospital. The condition of Fred S. Meyer was reported better at the Cedars of Lebanon Hospital although he has not passed the crisis yet.

## *Celia Villa Starts Tour*

Celia Villa, daughter of the late Pancho, opened yesterday in Philadelphia on the first leg of a series of personal appearances in conjunction with "Viva Villa." She will appear in Baltimore today and on Tuesday in Washington, leaving there that night for Dallas where the Interstate Circuit has signed her for a month's tour in its theatres.

# Expect Early End of A.T.&T. Trust Action

(Continued from page 1)

ment with the Stanley Co. is understood to have embraced the withdrawal of all litigation now pending against the electrics and involving any of the Warner companies as complainants. Such an agreement, if carried through, would end the long standing Vitaphone-Erpi litigation over royalties. In addition, a cash payment for a comparatively small amount, said to be less than $500,000, but sufficient to cover major litigation costs of the Warner companies against the electrics during the past few years, is reported to have been involved in the settlement.

High Warner executives are now reported to oppose a settlement on such a basis, with present indications pointing to an agreement, possibly within the next week, which will end the Stanley Co. suit, but leave the Vitaphone litigation in status quo.

## *Ferguson Picks His Ampa Aides for Year*

(Continued from page 1)

McNamee, chairman; Martin Starr, Vincent Trotta; entertainment: Seadler, chairman; Edward Finney, Marvin Kirsch, Edward McNamee, Terry Turner, Arnold Van Leer, Trotta; service bureau: Kirsch, chairman; Lou Rydell, Monroe Greenthal, Ray Gallagher; publicity: Van Leer, Milton Silver, Al Sherman, Martin Starr, Irwin Zeltner, James Cunningham, Jack Harrower, Mel Heyman; national counsellor of U. S. Chamber of Commerce, Hal Horne; advisory council: Howard Dietz, Horne, Robert Sisk, S. Chas. Einfeld, A. P. Waxman, Charles McCarthy, George Brown, Rodney Bush, Paul Gulick, Bruce Gallup, Bert Adler, Ed Finney, McNamee.

Paul Benjamin will be business manager.

## *"Villa" Closes May 6*

"Viva Villa" bows out of the Criterion May 6, when M-G-M will release it generally.


MASCOT PICTURES CORPORATION

*Proudly Announces*

10—MASCOT MASTER PRODUCTIONS—10

*The Prosperity Group*

"Crimson Romance"
"Confidential"
"One Frightened Night"
"Waterfront Lady"
"Headlines"
"The Marines Have Landed"
"Man From Headquarters"
"Streamline Express"
"Along Came a Woman"
"Anything Once"

2—EXPLOITATION SPECIALS—2

"Young and Beautiful" "Harmony Lane"

Being Readied For Greater 1934-1935 Grosses

MASCOT PICTURES CORPORATION

1776 BROADWAY, NEW YORK, N. Y. CIrcle 7-3177

# Theatre Men Protest New Tax by City

(Continued from page 1)

Frey of Loew's, and P. M. Stern, listed as representing independent theatres, put in appearances to register objections to the bill.

Frey contended that the city's theatres are already bearing a heavy tax burden and the new bill "would just about drive the theatre men out of business."

O'Reilly stated that the theatre delegation will point out to the board of aldermen when the bill comes before that body next week that the proposed measure is unfair to theatres which are already paying heavy realty taxes.

"The theatres should be exempted from this measure," O'Reilly said, "because of the high realty taxes they pay. A business firm occupying small office space may do a gross of $1,000,000 annually, pay no realty tax and still pay less than a theatre circuit under the proposed measure."

## *Labor Muddle Goes On in Kansas City*

(Continued from page 1)

need for new contracts arises next fall.

Since Dec. 1, last, operators and stage hands at suburban theatres have been working without contracts on the temporary scale effected in the spring of 1933 following the bank holiday. Present indications are the situation will remain undisturbed until early fall.

Of several points in controversy, the most serious difference revolves around labor provisions in the code. Exhibitors feel the code is partial to organized employes, inasmuch as it fixed wage scales in force as of Aug. 23, 1933. The unions so far have successfully defended their interpretation of that clause to mean last year's temporary agreement under which they granted one-man-in-a-booth operation, but with an increase ranging from 20 to 30 per cent for each operator.

## *Warner Men Shifted In Pittsburgh Area*

PITTSBURGH, April 27.—Ted Thomas, until last week manager of Warners' Enright in East Liberty, has been transferred to the Capitol in Wheeling, W. Va. Thomas' successor at the Enright is Harry Kendrick.

Another shift in the Warner managerial setup sends Sam Gould, manager of the downtown Davis until it closed a week ago, to the Schenley, a neighborhood house in Oakland, to succeed Frank Roberts.

## *Accept Booking Defense*

C. C. Pettijohn, general counsel of the M. P. P. D. A., and George Schaefer, Paramount general manager, have accepted invitations to address the Women's Republican Club of Boston, May 16, on the subject of block booking. Opponents of the practice who will also address the meeting will be Dr. A. Lawrence Lowell of Harvard and Mrs. Florence Bagley, according to present plans.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Sadie McKee"*

*(M-G-M)*

HOLLYWOOD, April 27.—Joan Crawford, who by this time has won some spurs as a dramatic actress, rates far better material than the hackneyed story handed her in "Sadie McKee." She does what she can in the role, but her prowess proves insufficient to make complete amends for that which "Sadie McKee" lacks.

Disappointed in romance, Joan decides to barter herself to the highest bidder and, through much detail not always convincing, marries Edward Arnold, a good-natured, drink-sodden millionaire. It is with Gene Raymond, however, that Joan remains in love. To prove she is regular she saves Arnold from a rum-soaked death and tells him of her love for Raymond. Lurking in the background as a righteous individualist is Franchot Tone, who subsequently gets to know what an upright gal Joan really is. So he falls for her, and the scenario falls over itself in its efforts to eliminate Arnold and Raymond to clear the path for Tone. Arnold is made to go noble and bows out. Raymond is given tuberculosis and dies.

Clarence Brown's direction overstresses many sequences in point of footage and emphasis, thereby making editing most essential. Strange, too, for an M-G-M attraction is the mediocre camera work.

Arnold gives Miss Crawford a close run for acting honors, with Jean Dixon not very far behind.

"Sadie McKee" certainly is not a "Dancing Lady," but on the strength of the star's personal draw may prove duck soup for Crawford fans.

K A N N

## *"The Last Gentleman"*

*(20th Century-U. A.)*

HOLLYWOOD, April 27.—Proud of his family, George Arliss, with distinctive artistry, portrays Cabot Barr, last of New England's Barrs, in a memorable manner.

The characterization recalls the epigram that "A gentleman never insults anyone unintentionally." Eccentric, unafraid of death, with a passion for the collection of clocks, Arliss summons the family for a memorial service for a niece, vents his spleen on a sister, Edna May Oliver; her son, Frank Albertson; his daughter, Janet Beecher; her daughter, Charlotte Henry; his son, Donald Meek; his best friend, Ralph Morgan, and his butler, Edward Ellis. The services end up in riotous laughter.

Intrigued by Charlotte Henry, Arliss contrives to bring a romance with Albertson to fruition. He is shocked by his son's intention to establish him as insane and changes his will. After his death Arliss manifests himself via the talking screen, speaking his last testament to the assembled family.

The central idea, by dipping into the unknown, contains an intriguing, fantastic quality packed with interest. Blending Puritanical harshness with unique comedy gives the production a well rounded entertainment value. Story and direction are good, with all performances likewise.

Followers of Arliss will get full satisfaction, though the factor of young folks' attendance may need exploitation. Following "House of Rothschild," it should do real business.

## *"Many Happy Returns"*

*(Paramount)*

HOLLYWOOD, April 27.—The title of this Burns and Allen feature suggests what the film will do at the box-office.

Slim story values countered by nonsensical dialogue and situations typical of the comedy duo round out 66 minutes of high speed laugh entertainment. Guy Lombardo gets featured billing and is spotted prominently in the musical and visible foreground. Veloz and Yolanda give the customers something new in fancy ballroom dancing.

The skeleton yarn revolves around George Barbier, distressed pater, trying to marry off Gracie, his goofy daughter, and conspiring to prevent his other daughter from marrying and going into pictures. There are plenty of laughs when Gracie turns her dad's store and radio broadcasting station into an aviary.

Barbier hires gangsters to kidnap one couple, but Gracie kidnaps the kidnapers. There is lots of fun in Hollywood when Gracie poses as a masked marvel and George Burns poses as a tenor contest winner.

The picture defies all routine formulae. It is extremely funny, getting by on sheer idiocy. Norman McLeod's swell direction is supported by an able cast, including Joan Marsh, Franklin Pangborn, Egon Brecher, Stanley Fields and John Kelly in addition to the principals.

# Grievances Go Back for Use Of New Forms

(Continued from page 1)

authority ruling. The cases will be heard in the order in which the new grievances are sent in.

Secretaries are giving special attention to a checkup on exhibitors registering complaints and in a number of instances it has been found that non-assentors are among the complainants. These theatremen are being notified their grievances cannot be accepted.

The three forms are printed on white, blue and pink paper with each type of complaint indicated.

The only grievance case so far heard is the Milwaukee action involving Saxe Amusement, which was awarded 30 Warner features previously contracted by Ashley Theatre Corp. The case comes up on appeal next Friday before Campi in New York.

## *Code Boards Agree On Local Schedule*

Schedules for the New York code boards and the trio of advisory committees of the main clearance and zoning group have been set.

On Mondays the advisory committee on clearance and zoning for Manhattan, Bronx, Staten Island and Westchester meets at 10:30. At 2:30 the same afternoons, the advisory group for New Jersey convenes. On Tuesdays, the grievance board gathers to hear protests and on Wednesday, 2:30 P. M., advisory clearance and zoning members for Brooklyn, Queens and Long Island confer. Thursdays are given over to the main clearance and zoning men to act on recommendations of the three subordinate groups.

No grievances are expected to be heard next Wednesday when the board handling protests congregate. This is due to the fact that original protests are being returned to exhibitors for resubmission on legal forms provided by Campi. The next meeting is being held Wednesday, instead of Tuesday, because Milt Kusell, attending a Paramount district managers' meeting in Chicago, having asked for the delay because he could not return on time for the Tuesday session. Other meetings will be held according to schedule.

## *Legality of NIRA Act Is Questioned*

(Continued from page 1)

Court of Appeals of the dispute between the I.T.O.A. and Local 306.

Five questions were brought up for determination by the appeals body. Three of them involved the matter of constitutionality. The other two were as follows:

Does Section 7a of the NIRA forbid the hiring or discharging of an employe by reason of affiliation or non-affiliation with a particular union?

Does the code confer any rights upon individuals to legally enforce the same?

Milton C. Weisman represented the I.T.O.A., while Charles Tuttle appeared for Local 306. A decision is expected soon.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 99 NEW YORK, SATURDAY, APRIL 28, 1934 TEN CENTS

## Theatre Men Protest New Tax by City

### *Intend to Argue Matter Before Aldermen*

Minor opposition of metropolitan theatre representatives was voiced yesterday at public hearings at City Hall on Mayor F. H. LaGuardia's new tax bill providing for a levy of one-twentieth of one per cent on gross receipts of New York enterprises over $15,000.

Organized opposition to the measure will be made by the city's theatres when the proposed tax bill comes before the Board of Aldermen for a vote, according to Charles L. O'Reilly, president of the T.O.C.C. Yesterday's hearing was before a Board of Estimate committee. Austin C. Keough of Paramount, Isador

(*Continued on page* 4)

### *Maryland MPTO Hits Dual Exhibitor Role*

BALTIMORE, April 27.—The M.P.T.O. of Maryland has gone on record against exhibitors, in addition to operating theatres, engaging in production and distribution. Frank A. Horning, president of the unit, following an inquiry as to the views of the Maryland unit on the matter, says the board of directors adopted a resolution at its meeting yesterday, declaring:

"That we, the M.P.T.O. of Maryland, are opposed to exhibitors engaging in the producing business and producer-distributors in the exhibition business."

### *Ferguson Picks His Ampa Aides for Year*

William R. Ferguson, of M-G-M, new president of Ampa, has appointed the following committees to serve during his administration, 1934-35:

Trustees: Walter Eberhardt, 3 years; Kelcey Allen, 2 years; Si Seadler, one year; auditing: Edward

(*Continued on page* 3)

### *Kansas City Censor Change Is Reported*

KANSAS CITY, April 27.—William E. Sullivan, city welfare director whose department has charge of film and stage censorship and general supervision over amusements, is slated to be removed, according to reports

(*Continued on page* 3)

## Grievances Go Back for Use Of New Forms

### *Campi Returning Them to All Parts of Country*

All complaints filed by exhibitors and distributors with Code Authority before official forms for registering protests were sent out are being returned to the complainants. Protests must be registered in triplicate on one of three types of forms provided by Campi.

In practically all parts of the country this is holding up hearings before the grievance boards. Campi is insisting on a standard legal procedure for filing protests. All of the complaints filed previous to the sending out of the forms are void under the

(*Continued on page* 4)

### *Boards in Detroit Open Office May 5*

DETROIT, April 27.—Local code board offices will be opened in the Francis Palms (State Theatre) Building on May 5, according to E. S. Kinney, secretary. The suite is now being equipped with furniture. Local boards will not meet again until after that date.

It is expected that the boards will meet on alternate Mondays, the clearance and zoning board one week and the grievance board the next.

Kinney said that only one complaint had been received so far by the local boards, that being one which was sent to New York and forwarded here.

### *Laboratory Code to Be Reopened May 9*

WASHINGTON, April 27.—Modification of the recovery code for the film laboratory industry will be discussed at a hearing to be held at the Hotel Willard May 9, it was announced here today by Deputy Administrator William P. Farnsworth.

The changes which have been proposed, it was said, involve standard costs accounting methods and the lowest reasonable cost of products.

### *Legality of NIRA Act Is Questioned*

ALBANY, April 27.—Constitutionality of National Industrial Recovery Act and the State Enabling Act was questioned at a hearing before the

(*Continued on page* 4)

### *Put Clocks Ahead*

**Clocks go ahead tomorrow morning at 2 o'clock for Daylight Saving Time, and stay that way until the last Sunday in September.**

## Expect Early End of A.T.&T. Trust Action

Settlement of the anti-trust suit brought against A. T. & T., Western Electric and Erpi by the Stanley Co. of America, General Talking Pictures and Duovac Radio has been materially advanced by agreements on virtually all basic points and may be consummated some time next week, it was learned yesterday.

What essentially amounts to an agreement has been reached with General Talking Pictures and Duovac, while all but final phases of a settlement with the Stanley Co., a Warner subsidiary, remain to be made, it is said. The first proposal for a settle-

(*Continued on page* 3)

### *Farewell Luncheon Given to Patterson*

Willard C. Patterson, recently appointed Publix executive in Detroit under George W. Trendle, was given a farewell luncheon yesterday afternoon at the M. P. Club by Warner executives. Patterson leaves tomorrow night for the automobile city.

Attending were Joseph Bernhard, I. J. Hoffman, Gradwell Sears, A. W. Smith, Don Jacocks, Moe Silver, Clayton Bond, Carl Lesserman, Abel Vigard, Lew Kaufman, Jules Levey, Ralph Budd, William Clarke, Frank Marshall, Herman Maier, Harold Rodner, Joe Hornstein, Jack Kelly, Lester Krieger and a number of others.

### *Lew Brown Wants to Produce Films Here*

Lew Brown, who recently quit Fox as associate producer, admits he would like to produce independently in the east, but has not made up his mind as yet because of eight offers made to him by major companies. He says he can turn out pictures here cheaper than in the west.

Brown is now considering production of a stage musical comedy, which he plans to do before reentering picture work.

## Sale of Stock Lessens Chase Power in Fox

### *No Closer Gaumont Tie Is Seen by Kent*

By RED KANN

HOLLYWOOD, April 27.—Chase National's sphere of influence in the affairs of Fox Film materially lessens as result of the sale of 200,000 shares of stock to Balfour, Boardman & Co., Ltd., London, with options for the purchase of 400,000 additional shares. At the same time Chase interests, which have invested over $115,000,000 to date in various Fox enterprises, will continue as holders of approximately 1,000,000 Fox shares.

Sidney R. Kent today told MOTION PICTURE DAILY the probability was extremely strong that the English deal was engineered by Chase as part of its plan to gradually reduce its

(*Continued on page* 3)

## Labor Muddle Goes On in Kansas City

KANSAS CITY, April 27.—With exhibitors and unions as far apart as they were six months ago on what constitutes an equitable contract, the labor situation in Kansas City continues in a muddle, and in all probability will not be clarified until the

(*Continued on page* 4)

### *Atkinson to Confer On Denver Theatre*

William E. Atkinson, president and receiver for Fox Theatres Corp., leaves for Denver next week to look over the Isis, now being operated under a leasing deal by Rick Ricketson, in charge of the Fox Rocky Mountain circuit of 11 theatres.

Atkinson will confer with Ricketson and pass on a plan which calls for $10,000 in improvements for the house.

### *Schlesinger Renews Deal with Warners*

HOLLYWOOD, April 27.—Leon Schlesinger has renewed with Warners for release of "Looney Tunes" and "Merrie Melodies." He will have 13 each for the new program, the "Melodies" to be in color. Beginning May 1 all release prints will be processed in Hollywood.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## *Sued Over Hitler Film*

CHICAGO, April 27.—Suit for $250,000 damages has been filed by Samuel Cummins in U. S. District Court here against Dr. Rolfe L. Jaeger, German consul general, charging the latter slandered and libeled "Hitler's Reign of Terror" by attacking its authenticity. Cummins is sponsoring the film. Newspaper copy emphasizes the picture was made in Austria and Germany by Cornelius Vanderbilt "at the risk of his life."

## *Cohen West Wednesday*

Emanuel Cohen, production head of Paramount, leaves for the coast Wednesday after several weeks of conferences here.

Adolph Zukor, president, plans to leave for the west later.

## *Golden Leaves on May 16*

Edward Golden, general sales manager for Monogram, leaves for Salt Lake City on May 16 to prepare for the first of the three regional sales meetings set for that city May 26.

## *U. A. Party Back Monday*

Joseph M. Schenck, Al Lichtman, Harpo Marx and Sam Harris return from a short vacation in Bermuda on Monday.

## *Chester Hale to M-G-M*

M-G-M has signed Chester Hale, dance director. He leaves for Hollywood on Thursday.

## *"Glamour" Roxy May 11*

"Glamour" has been dated into the Roxy starting May 11.

# *Insiders' Outlook*

*Hollywood, April 27*

THE history behind "The Sign of the Cross," as expounded by C. B. De Mille before the recent M. P. T. O. A. conclave, set forth that the director, hat in hand, traveled up and down studio row, was laughed out of court and found only Manny Cohen at Paramount who could be interested. Those who are in the know and are certain about it tell a different story. They hurtle their memoirs back to the time in 1931 when Paramount officials journeyed out of the East and the West to meet in Kansas City on a production powwow. Among those present from the East were Adolph Zukor, Sidney R. Kent, Ralph Kohn, Walter Wanger and Cohen. From the West, Jesse L. Lasky and B. P. Schulberg. . . .

▼

Schulberg, goes the account, had virtually made a deal with De Mille for the spectacle backgrounded in Biblical splendor, but, like Lasky, knew his confreres weren't so hot for De Mille. This time, however, the deal was right. De Mille had agreed to slash his salary and the picture was to be made at a set figure under studio control at all times. The proposition, therefore, was sprung at Kansas City, Zukor objected and so did some others, including Cohen. Schulberg argued for it and, in the light of his enthusiasm, Zukor is understand later to have consented to the deal. . . .

▼

A true story typical of the Hollywood manner. It deals with Cary Grant, which is the celluloid moniker for that tall, good-looking player whose name is something else. Clark Gable was going great guns. So, too, Gary Cooper, but he had gone to Italy to fraternize with nobility and to Africa to shoot lions. Paramount figured it was about to lose him. Came some alphabet mixing on the part of a certain agent, something like this: "Clark Gable, Gary Cooper. C. G., G. C., C. G., G. C. We'll call him Cary Grant." The agent did and told the actor, but the first time agent yelled latter's name across the lot, the actor kept on walking. He didn't know he was being paged. . . .

▼

A supervisor, trained in the mercantile field and dropped by lucky chance into an important studio berth here may be backward in learning the intricacies of dramatic construction and production lore, but persistently does he cling to the tenets of his earlier business. Beset by a time problem on a recent picture, he called in the writer. "We've got so much cloth," he said, "and we gotta fit the picture to the pattern." Answered the scribe: "I'll tell you what I'll do. Let me take it in by the belt, and I'll deliver the job to you by Friday." . . .

▼

Radio is understood to have had "Rip Van Winkle" under consideration for next season. The supervisor who had it in hand dillied and also dallied to discover later Paramount had beaten him to the punch. In other words, the wrong man went to sleep. . . . Startling new invention in sound reported on the way. More about it later. . . . A quaint place, this Hollywood. There couldn't be two like it in all of this world's broad acres. . . .

KANN

## *Eastman Up 1½ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 29 | 29 | 29 | — ⅜ | 600 |
| Consolidated Film Industries | 4 | 4 | 4 | — ⅛ | 400 |
| Consolidated Film Industries, pfd | 16⅝ | 16⅝ | 16⅝ | + ⅜ | 100 |
| Eastman Kodak | 95½ | 94¾ | 95½ | +1½ | 300 |
| Eastman Kodak, pfd | 136 | 135 | 136 | ..... | 5,000 |
| Fox Film "A" | 17⅜ | 16⅝ | 16¾ | — ⅝ | 12,800 |
| Loew's, Inc. | 33¼ | 32⅝ | 32⅝ | — ¼ | 6,100 |
| Paramount, cts. | 4¾ | 4¾ | 4¾ | — ⅛ | 400 |
| Pathe Exchange | 2⅞ | 2¾ | 2⅞ | ..... | 1,200 |
| Pathe Exchange "A" | 22 | 21½ | 21¾ | ..... | 1,900 |
| RKO | 3½ | 3⅛ | 3⅛ | — ⅛ | 1,600 |
| Universal Pictures, pfd | 44 | 44 | 44 | ..... | 2,000 |
| Warner Bros. | 7½ | 7⅜ | 7⅜ | + ⅛ | 6,000 |

## *Trans-Lux Gains ⅛ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9½ | 9¼ | 9¼ | ..... | 400 |
| Trans-Lux | 2⅛ | 2⅛ | 2⅛ | — ⅛ | 100 |

## *G. T. E. Bonds in Sharp Rise*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 11¾ | 9⅞ | 11¾ | +1¾ | 140 |
| General Theatre Equipment 6s '40, ctf | 10¾ | 9¼ | 10¾ | +1⅝ | 80 |
| Loew's 6s '41, ww deb rights | 101 | 101 | 101 | ..... | 1 |
| Paramount F. L. 6s '47 | 50 | 50 | 50 | ..... | 16 |
| Paramount Publix 5½s '50 | 50¾ | 50⅝ | 50⅝ | — ⅝ | 9 |
| Warner Bros. 6s '39, wd | 64¾ | 64 | 64¾ | + ½ | 38 |

# *Purely Personal*

CLARK GABLE and MYRNA LOY will broadcast scenes tomorrow from M-G-M's "Manhattan Melodrama" on the Hall of Fame program, received in New York over WEAF at 10:30 P. M., D. S. T. On the same program the following Sunday will be heard JOAN CRAWFORD and FRANCHOT TONE in scenes from "Sadie McKee."

RUDOLPH MATE, European cameraman, has arrived in New York on his way to Hollywood, where he will spend three weeks studying American camera technique. He flies west this week-end. MATE plans to return to Europe June 2.

MARGARET SULLAVAN, BARON VELTNIN MANDELSTAMM, French film writer; MISS WINNA WINFRIED, Danish director, and the four MILLS brothers, are among the passengers on the *Paris* which sails today.

ARMAND DENIS and MRS. DENIS, who is LEILA ROOSEVELT, were guests this week at the White House. They are expected in New York in a few days. DENIS directed "White Cargo."

GEORGE W. BOOTH has been appointed special representative for Gaumont-British of America by ARTHUR A. LEE, and will have the Connecticut and western Massachusetts territory.

EMANUEL B. TISHMAN, manager of Paramount Publix trustees' legal department, leaves today for a week-end of golf near Lake Mohansic as the guest of B. A. DRUCKER.

JOE RIVKIN led the RITZ brothers into the Roxy yesterday to see if they laughed at themselves in their first short, "Hotel Anchovy."

KATHERINE BROWN, Radio's eastern story editor, is back from the coast after two weeks of studio conferences with PANDRO BERMAN.

MADELEINE CARROLL will arrive in New York next week on her way to England. She will sail on the *Empress of Britain.*

ARCHIE MAYO, who has been vacationing here and also looking for talent and stories, returns this week to the coast.

ALEXANDER HALL, Paramount director, has left by plane for Hollywood after a short vacation here, his first visit in six years.

CHARLES ROSENZWEIG, general sales manager for First Division Exchanges, left last night on a business trip to Washington.

BUDD ROGERS, general sales manager of Liberty Pictures, is on a tour of middle western exchanges.

DOROTHY MACKAILL left for Hollywood this week, where she will report to M-G-M.

FRANK SCULLY has joined Fox and has sailed for London to take up his new duties.

SPENCER TRACY is on his way back to the Coast after a vacation here.

ETHEL MERMAN is making personal appearances at the Paramount.

## *Eckman Due Next Week*

Sam Eckman, in charge of M-G-M activities in Great Britain, arrives from London next week.

# Sale of Stock Lessens Chase Power in Fox

(Continued from page 1)

holdings in Fox and will result in final removal of Fox securities from listing on the board of the New York Stock Exchange and their listing on the floor of the stock market in London.

"The deal," said Kent, "does not presage a closer tieup with Gaumont-British. As a matter of fact my understanding is Gaumont-British has had nothing at all to do with it."

Asked if the English deal presaged future Fox financing from British capitalists, Kent replied: "It may mean many things, but all of them are in the future right now."

**Confirms FWC Story**

Kent confirmed MOTION PICTURE DAILY's story of Wednesday that shortly he will be elected president of Fox West Coast, while Chase will ultimately withdraw from the circuit through a deal to accept Fox Film stock in lieu of its claim of many millions against Wesco, which is the Fox-controlled holding company for F. W. C.

At present discussing production with Winfield Sheehan, Kent stays another week, then goes east.

The Balfour, Boardman deal for Fox stock is regarded in downtown quarters and by film executives as an ordinary investment transaction by the British financing house and having no bearing on the future control of Fox.

Officials within the Chase organization pointed out yesterday that it is required by Federal banking laws to dispose of its common stock holdings in Fox ultimately, and that Winthrop W. Aldrich, chairman of the board, has publicly stated the bank's policy is to relinquish such holdings within a reasonable time and to concentrate exclusively on banking activities. It was intimated that under this policy Chase's entire Fox holdings of 1,749,507 shares will eventually be disposed of.

**View Given Substantiation**

Substantiating this view is the Chase plan to give options to the reorganized General Theatres Equipment Co. to purchase approximately 325,000 shares of Class A stock of Fox Film at $15 a share. If the British investment house exercises its option for the additional 400,000 shares, and the G. T. E. option is also exercised, Chase would, in the two transactions, dispose of more than half its Fox holdings.

The two sales, if they materialize, would produce more than $20,000,000 for Chase, it is estimated, and the bank still would have more than 800,000 shares for sale to other purchasers. The estimate may be compared with the figure at which the total Fox investment is now carried on the Chase books, which is $19,757,866 for the entire block of approximately 1,750,000 shares. According to these estimates, the Fox holdings may be liquidated at twice the amount at which they are carried on the Chase books. This would still be less than half of the Chase's original investment in Fox, which was, according to Aldrich's testimony before the Senate banking committee last November, $89,330,047.

Further indication of a carrying out of the Chase policy of disposing of its common stock holdings in various enterprises was its recent sale in the open market of 130,000 shares of Loew's, Inc., acquired as its equity in defaulted notes of Film Securities Corp.

Fox stock yesterday was fairly active, opening at $17.50 and selling off to $16.75 on a turnover of 12,800 shares.

## *Swanson Skips Brooklyn*

Gloria Swanson has dropped the Brooklyn Paramount from her list of personal appearances and goes to Detroit Wednesday, following with a date in Chicago and then heads for the coast.

Lupe Velez starts May 4 for a personal in Columbus, following with dates in Loew houses in Baltimore, Pittsburgh and the New York Capitol.

Jimmy Durante leaves for Hollywood next week following a series of appearances in eastern Loew theatres.

## *Flinn Meets Secretaries*

LOS ANGELES, April 27.—John C. Flinn, executive secretary of Code Authority, conferred today with secretaries of the Los Angeles, Seattle, San Francisco, Salt Lake City, Portland and Denver boards. He outlined details of operation and explained the various reports that must be submitted to him. Flinn will hold similar meetings in Kansas City and Chicago. On Monday he confers with Mrs. Mabel Kinney on the extra situation. He leaves here the next day.

## *Erpi Petition Granted*

In a lengthy opinion handed down in U. S. District Court here yesterday, Judge John Knox granted the petition of Erpi, Western Electric and A. T. & T. for a bill of particulars in the anti-trust suit filed against the electrics by Vocafilm Corp. several months ago. The complainant is directed by the court to file answers to the electrics' request for additional information in support of the allegations made in the suit.

## *Brock Term Ends May 26*

HOLLYWOOD April 27.—Lou Brock's contract as a producer for Radio expires May 26. Before negotiating for a renewal of the agreement or considering any other deal he will take a vacation in Europe, possibly for three months. H. N. Swanson, a producer at the same studio, denies reports he will leave the organization, saying he has just made a new verbal deal to continue.

## *Giannini Off Code Body*

HOLLYWOOD, April 27.—Dr. A. H. Giannini's resignation from the extras' code committee has been accepted, with J. P. Normanly chosen to succeed him. No more meetings of the committee will be held until hearing decisions on matters already forwarded to Washington.

## *"Prizefighter" Ban Stays*

BERLIN, April 27.—The ban on "The Prizefighter and the Lady" because of Max Baer's being a Jew was upheld by the supreme censor today.

## *Kansas City Censor Change Is Reported*

(Continued from page 1)

in political circles. His removal is to be part of an impending shakeup at the city hall as a result of a factional fight in the Democratic organization incident to the recent city election.

The three members of the city censor board will be required to take a 50 per cent cut in salary this month along with other city employes, so the city may end the year with a surplus. This is their third reduction in a year.

## *Majestic to Retain "Diggers" in Title*

Under the terms of a U. S. Circuit Court of Appeals decision giving Warners use of the title "Gold Diggers," Majestic claims the right to use the title "Gold Diggers of Paris," provided it indicates on its advertising that it has no connection with a Warner picture and is a production of Majestic Pictures Corp based on Avery Hopwood's play.

The court decision reads, according to Majestic, as follows: "In view of the fact that the words 'Gold Diggers' are in themselves terms of general description, it is but to limit use only so far as may be necessary to prevent unfair competition."

## *Dressler, Meyer Improve*

SANTA BARBARA, April 27.—Marie Dressler, seriously ill at a Santa Barbara hospital, was reported today much improved.

HOLLYWOOD, April 27.—Victor McLaglen was recovering today from a minor operation at the Hollywood Hospital. The condition of Fred S. Meyer was reported better at the Cedars of Lebanon Hospital although he has not passed the crisis yet.

## *Celia Villa Starts Tour*

Celia Villa, daughter of the late Pancho, opened yesterday in Philadelphia on the first leg of a series of personal appearances in conjunction with "Viva Villa." She will appear in Baltimore today and on Tuesday in Washington, leaving there that night for Dallas where the Interstate Circuit has signed her for a month's tour in its theatres.

# Expect Early End of A.T.&T. Trust Action

(Continued from page 1)

ment with the Stanley Co. is understood to have embraced the withdrawal of all litigation now pending against the electrics and involving any of the Warner companies as complainants. Such an agreement, if carried through, would end the long standing Vitaphone-Erpi litigation over royalties. In addition, a cash payment for a comparatively small amount, said to be less than $500,000, but sufficient to cover major litigation costs of the Warner companies against the electrics during the past few years, is reported to have been involved in the settlement.

High Warner executives are now reported to oppose a settlement on such a basis, with present indications pointing to an agreement, possibly within the next week, which will end the Stanley Co. suit, but leave the Vitaphone litigation in status quo.

## *Ferguson Picks His Ampa Aides for Year*

(Continued from page 1)

McNamee, chairman; Martin Starr, Vincent Trotta; entertainment: Seadler, chairman; Edward Finney, Marvin Kirsch, Edward McNamee, Terry Turner, Arnold Van Leer, Trotta; service bureau: Kirsch, chairman; Lou Rydell, Monroe Greenthal, Ray Gallagher; publicity: Van Leer, Milton Silver, Al Sherman, Martin Starr, Irwin Zeltner, James Cunningham, Jack Harrower, Mel Heyman; national counsellor of U. S. Chamber of Commerce, Hal Horne; advisory council: Howard Dietz, Horne, Robert Sisk, S. Chas. Einfeld, A. P. Waxman, Charles McCarthy, George Brown, Rodney Bush, Paul Gulick, Bruce Gallup, Bert Adler, Ed Finney, McNamee.

Paul Benjamin will be business manager.

## *"Villa" Closes May 6*

"Viva Villa" bows out of the Criterion May 6, when M-G-M will release it generally.


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10—MASCOT MASTER PRODUCTIONS—10

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"One Frightened Night"
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"The Marines Have Landed"
"Man From Headquarters"
"Streamline Express"
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"Anything Once"

2—EXPLOITATION SPECIALS—2

"Young and Beautiful" "Harmony Lane"

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MASCOT PICTURES CORPORATION

1776 BROADWAY, NEW YORK, N. Y. CIrcle 7-3177

# Theatre Men Protest New Tax by City

(Continued from page 1)

Frey of Loew's, and P. M. Stern, listed as representing independent theatres, put in appearances to register objections to the bill.

Frey contended that the city's theatres are already bearing a heavy tax burden and the new bill "would just about drive the theatre men out of business."

O'Reilly stated that the theatre delegation will point out to the board of aldermen when the bill comes before that body next week that the proposed measure is unfair to theatres which are already paying heavy realty taxes.

"The theatres should be exempted from this measure," O'Reilly said, "because of the high realty taxes they pay. A business firm occupying small office space may do a gross of $1,000,000 annually, pay no realty tax and still pay less than a theatre circuit under the proposed measure."

## *Labor Muddle Goes On in Kansas City*

(Continued from page 1)

need for new contracts arises next fall.

Since Dec. 1, last, operators and stage hands at suburban theatres have been working without contracts on the temporary scale effected in the spring of 1933 following the bank holiday. Present indications are the situation will remain undisturbed until early fall.

Of several points in controversy, the most serious difference revolves around labor provisions in the code. Exhibitors feel the code is partial to organized employes, inasmuch as it fixed wage scales in force as of Aug. 23, 1933. The unions so far have successfully defended their interpretation of that clause to mean last year's temporary agreement under which they granted one-man-in-a-booth operation, but with an increase ranging from 20 to 30 per cent for each operator.

## *Warner Men Shifted In Pittsburgh Area*

PITTSBURGH, April 27.—Ted Thomas, until last week manager of Warners' Enright in East Liberty, has been transferred to the Capitol in Wheeling, W. Va. Thomas' successor at the Enright is Harry Kendrick.

Another shift in the Warner managerial setup sends Sam Gould, manager of the downtown Davis until it closed a week ago, to the Schenley, a neighborhood house in Oakland, to succeed Frank Roberts.

## *Accept Booking Defense*

C. C. Pettijohn, general counsel of the M. P. P. D. A., and George Schaefer, Paramount general manager, have accepted invitations to address the Women's Republican Club of Boston, May 16, on the subject of block booking. Opponents of the practice who will also address the meeting will be Dr. A. Lawrence Lowell of Harvard and Mrs. Florence Bagley, according to present plans.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Sadie McKee"*

*(M-G-M)*

HOLLYWOOD, April 27.—Joan Crawford, who by this time has won some spurs as a dramatic actress, rates far better material than the hackneyed story handed her in "Sadie McKee." She does what she can in the role, but her prowess proves insufficient to make complete amends for that which "Sadie McKee" lacks.

Disappointed in romance, Joan decides to barter herself to the highest bidder and, through much detail not always convincing, marries Edward Arnold, a good-natured, drink-sodden millionaire. It is with Gene Raymond, however, that Joan remains in love. To prove she is regular she saves Arnold from a rum-soaked death and tells him of her love for Raymond. Lurking in the background as a righteous individualist is Franchot Tone, who subsequently gets to know what an upright gal Joan really is. So he falls for her, and the scenario falls over itself in its efforts to eliminate Arnold and Raymond to clear the path for Tone. Arnold is made to go noble and bows out. Raymond is given tuberculosis and dies.

Clarence Brown's direction overstresses many sequences in point of footage and emphasis, thereby making editing most essential. Strange, too, for an M-G-M attraction is the mediocre camera work.

Arnold gives Miss Crawford a close run for acting honors, with Jean Dixon not very far behind.

"Sadie McKee" certainly is not a "Dancing Lady," but on the strength of the star's personal draw may prove duck soup for Crawford fans.

KANN

## *"The Last Gentleman"*

*(20th Century-U. A.)*

HOLLYWOOD, April 27.—Proud of his family, George Arliss, with distinctive artistry, portrays Cabot Barr, last of New England's Barrs, in a memorable manner.

The characterization recalls the epigram that "A gentleman never insults anyone unintentionally." Eccentric, unafraid of death, with a passion for the collection of clocks, Arliss summons the family for a memorial service for a niece, vents his spleen on a sister, Edna May Oliver; her son, Frank Albertson; his daughter, Janet Beecher; her daughter, Charlotte Henry; his son, Donald Meek; his best friend, Ralph Morgan, and his butler, Edward Ellis. The services end up in riotous laughter.

Intrigued by Charlotte Henry, Arliss contrives to bring a romance with Albertson to fruition. He is shocked by his son's intention to establish him as insane and changes his will. After his death Arliss manifests himself via the talking screen, speaking his last testament to the assembled family.

The central idea, by dipping into the unknown, contains an intriguing, fantastic quality packed with interest. Blending Puritanical harshness with unique comedy gives the production a well rounded entertainment value. Story and direction are good, with all performances likewise.

Followers of Arliss will get full satisfaction, though the factor of young folks' attendance may need exploitation. Following "House of Rothschild," it should do real business.

## *"Many Happy Returns"*

*(Paramount)*

HOLLYWOOD, April 27.—The title of this Burns and Allen feature suggests what the film will do at the box-office.

Slim story values countered by nonsensical dialogue and situations typical of the comedy duo round out 66 minutes of high speed laugh entertainment. Guy Lombardo gets featured billing and is spotted prominently in the musical and visible foreground. Veloz and Yolanda give the customers something new in fancy ballroom dancing.

The skeleton yarn revolves around George Barbier, distressed pater, trying to marry off Gracie, his goofy daughter, and conspiring to prevent his other daughter from marrying and going into pictures. There are plenty of laughs when Gracie turns her dad's store and radio broadcasting station into an aviary.

Barbier hires gangsters to kidnap one couple, but Gracie kidnaps the kidnapers. There is lots of fun in Hollywood when Gracie poses as a masked marvel and George Burns poses as a tenor contest winner.

The picture defies all routine formulae. It is extremely funny, getting by on sheer idiocy. Norman McLeod's swell direction is supported by an able cast, including Joan Marsh, Franklin Pangborn, Egon Brecher, Stanley Fields and John Kelly in addition to the principals.

# Grievances Go Back for Use Of New Forms

(Continued from page 1)

authority ruling. The cases will be heard in the order in which the new grievances are sent in.

Secretaries are giving special attention to a checkup on exhibitors registering complaints and in a number of instances it has been found that non-assentors are among the complainants. These theatremen are being notified their grievances cannot be accepted.

The three forms are printed on white, blue and pink paper with each type of complaint indicated.

The only grievance case so far heard is the Milwaukee action involving Saxe Amusement, which was awarded 30 Warner features previously contracted by Ashley Theatre Corp. The case comes up on appeal next Friday before Campi in New York.

## *Code Boards Agree On Local Schedule*

Schedules for the New York code boards and the trio of advisory committees of the main clearance and zoning group have been set.

On Mondays the advisory committee on clearance and zoning for Manhattan, Bronx, Staten Island and Westchester meets at 10:30. At 2:30 the same afternoons, the advisory group for New Jersey convenes. On Tuesdays, the grievance board gathers to hear protests and on Wednesday, 2:30 P. M., advisory clearance and zoning members for Brooklyn, Queens and Long Island confer. Thursdays are given over to the main clearance and zoning men to act on recommendations of the three subordinate groups.

No grievances are expected to be heard next Wednesday when the board handling protests congregate. This is due to the fact that original protests are being returned to exhibitors for resubmission on legal forms provided by Campi. The next meeting is being held Wednesday, instead of Tuesday, because Milt Kusell, attending a Paramount district managers' meeting in Chicago, having asked for the delay because he could not return on time for the Tuesday session. Other meetings will be held according to schedule.

## *Legality of NIRA Act Is Questioned*

(Continued from page 1)

Court of Appeals of the dispute between the I.T.O.A. and Local 306.

Five questions were brought up for determination by the appeals body. Three of them involved the matter of constitutionality. The other two were as follows:

Does Section 7a of the NIRA forbid the hiring or discharging of an employe by reason of affiliation or non-affiliation with a particular union?

Does the code confer any rights upon individuals to legally enforce the same?

Milton C. Weisman represented the I.T.O.A., while Charles Tuttle appeared for Local 306. A decision is expected soon.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 100 NEW YORK, MONDAY, APRIL 30, 1934 TEN CENTS

## Fox Schedule To Include 50 For Next Year

### *Kent, Sheehan Whipping Program Into Shape*

HOLLYWOOD, April 29.—Fox will release 50 features next season, including four from Gaumont British. The program is being whipped into shape by S. R. Kent and Winfield Sheehan and now breaks down into the following schedules.

Sheehan will oversee all production, but will concentrate on nine. "The World Moves On," clouded with much secrecy around the Fox lot, is finished and probably will play Broadway two-a-day before general release in the fall. "Marie Galante,"

(*Continued on page 7*)

### *Rowland May Do One Picture of 8 in East*

Richard A. Rowland is understood to be planning to make eight pictures a year for Radio as associate producer. At least one of these will be made in the east, it is said.

Rowland is now here looking over material for Radio's new lineup. When he was president of Metro Picture Corp., the company produced at its own studio in the east with the late Maxwell Karger as production head. The studio was on 63rd St., off Central Park West.

### *M-G-M Now Selling New Trailer Service*

Sales of the new trailer service to be instituted by M-G-M with release of the picture set for Jan. 4, 1935, are now under way. Several contracts already have benn signed and expectations by company executives are that some territories will be sold 100 per cent before the new selling season starts.

Felix F. Feist, general sales manager, has not yet discussed the con-

(*Continued on page 4*)

### *Wisconsin Puts Ban On Free Car Parking*

MILWAUKEE, April 29.—Free automobile parking may no longer be given as a trade inducement by theatres or other businesses to patrons under the provisions of the new state parking code signed by Gov. A. G. Schmedeman. Free parking is considered an unfair trade practice under the code and violators may be prosecuted by the attorney general for misdemeanor.

## *Duals Bedevil 'Frisco Town; Even 1st Runs Go That Way*

By RED KANN

SAN FRANCISCO, April 29.—"Bottoms Up" at 55 cents top seemed enough attraction for Loew's State 485 miles to the South in Los Angeles a week or so ago. "As the Earth Turns," same top money, at the Warner Downtown in the same city also was pretty good.

When the pictures reach this city, they go double at the first run Paramount and the public is asked to part with only 40 cents peak to catch the attractions, paired off on the same bill.

The extent to which double features have caught on in San Francisco and what has followed thereafter mark this big town as one of the most competitive in the United States and, in many ways, give it cutthroat competition of a calibre and an intensity difficult of matching any other place on the domestic map.

The story of what goes on in San Francisco could end here, but some of the whys and wherefores combine to make the tale an intriguing one.

What comes to light here, as elsewhere, depends on who does the talking. There is the opinion which blames it all on the huge Fox Theatre, built when money was easy when William Fox was off on a theatre construction program predicated on how much, not how wise

(*Continued on page 6*)

## Para. Will Set Its Policy at Chicago

CHICAGO, April 29.—Paramount's new season stand on double features, minimum admissions, percentage playing and other significant sales policies will be set before the company's two-day district managers' meeting adjourns here today.

George J. Schaefer, Paramount general manager, stated at the close of yesterday's session that he came to the meeting with no specific program of policies prepared in advance; in-

(*Continued on page 4*)

### *Discuss Merger for Film Relief Funds*

A move is under way to consolidate three charity funds in order to avoid duplications of relief. By merging the funds, it is believed from $25,-0000 to $35,000 can be raised annually.

Under the plan, the *Film Daily* Relief Fund, the M. P. Charity Fund and the I.T.O.A. fund would be brought together as one relief organization with two members of each of the present groups to sit in as an advisory board and pass on contributions.

The Ampa dinner raised $15,000 for the *Film Daily* Relief Fund and the M. P. Charity Fund.

### *Conditions in West Gaining—Schlaifer*

Conditions in the west are showing signs of improvement, L. J. Schlaifer, western division manager for U. A., states following a seven-week tour. States which are on the upgrade include Iowa, Nebraska,

(*Continued on page 4*)

## Next Campi Confab Delayed to May 11

Because S. R. Kent and Executive Secretary John C. Flinn have been detained in the west, the next Campi meeting has been postponed from May 4 to May 11.

Several important topics will come up, one being the appeal of Ashley Theatre Corp. from the decision rendered by the Milwaukee grievance board ordering 30 Warner pictures turned over to Saxe Amusement Co When this case is heard, it will mark

(*Continued on page 4*)

### *Advisory Boards to Suggest Alternates*

The three New York advisory committees to the main clearance and zoning board have been asked to recommend alternates for code meetings. The substitutes can sit only in the event of sickness and forced absence of the members as designated by Campi, which will pass on all suggestions.

Alternates for the main clearance and zoning board in addition to the grievance board are provided for in the special manual on rules and regulations of the boards. This stipulates that only members of similar standings on opposite boards can substitute.

### *Cleveland Exhibitors Protest Protection*

CLEVELAND, April 29.—Protest on protection granted to first runs has been made by the Cleveland M. P. Exhibitors' Ass'n. in a petition to the local clearance board.

The petition points out that current

(*Continued on page 4*)

## License Fee Jump Figured At $208,400

### *This Is the Total Applied To Circuits Alone*

An increase of $208,400 annually for 15 major and independent Greater New York circuits would result from enactment of Alderman Baum's tax bill to step up current license fees. The amendment, now before the General Welfare Committee, will go into effect June 30, if passed.

However, local exhibitors are girding forces to fight the bill at the next public hearing. The figures listed do not include minor circuits which would likewise feel the effects of a boost in license fees.

Loew's would be the hardest hit under the new regulation, if passed, with an increase of $59,250 annually imminent for its group of houses. The

(*Continued on page 4*)

## Theatres to Seek Exemption on Tax

Convinced that Mayor F. H. LaGuardia's proposed tax of one-twentieth of one per cent on gross business receipts over $15,000 will be enacted, metropolitan theatre interests will make their fight before the Board of Aldermen this week in an effort to have theatres exempted from the bill,

(*Continued on page 4*)

### *Kalmus Due East on Technicolor's Deals*

Dr. Herbert T. Kalmus, president of Technicolor, arrives from the coast on May 8 for a general meeting. Discussions will revolve around plans for next season.

Warners has just renewed its contract with the company to continue making a series of shorts in the three-color process. Radio, Paramount, Warners, M-G-M and Audio already have announced plans to produce shorts in Technicolor next season.

### *Radio Seeks Facts On All Free Shows*

WASHINGTON, April 29.—Questionnaires have been sent out by the radio Code Authority to some 200 broadcasting stations to determine the

(*Continued on page 4*)

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Atkinson to Act Alone

Receivership of Fox Theatres Corp. will continue in the sole hands of William E. Atkinson. He has been co-receiver for the past two years with John F. Sherman, who died recently. Atkinson has been handling the major part of the work for Fox Theatres since the receivership. The court has informed him no successor will be appointed.

## Gaumont Film Held Over

"The Prince of Wales," Gaumont British release playing its initial run in this country, has been held for a second week at the new Westminster Cinema, near Times Square.


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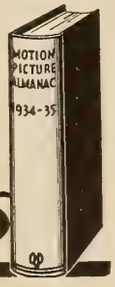



# Purely Personal

GEORGE MURPHY of "Roberta" has been assigned a part in EDDIE CANTOR's next. He also has a term contract with Columbia. The deals were handled by AL MELNICK of LOUIS SHURR's office.

ED EBERLE, production manager for 20th Century, is on his way to New York via the Panama Canal. He is aboard the *Santa Paula* and will spend five weeks vacationing.

WILLIAM E. ATKINSON says he has turned down nine deals to return to the production end of the business. He is receiver for Fox Theatres Corp.

ELIZABETH ALLEN is on her way back from England. She is scheduled to start soon in M-G-M's "The Green Hat."

MELVILLE BAKER's and JACK KIRKLAND's "Intimate" has been purchased by Paramount as a starring vehicle for MIRIAM HOPKINS.

FRANCES MARION has left the coast bound for Honolulu where she will meet a company working on "Good Earth."

EDMUND GOULDING will direct a stage play before returning to the coast and M-G-M lot. He's in town working on the play.

IRA E. EPSTEIN, formerly of Loew's, is managing Rugoff & Becker's Sheepshead, Brooklyn.

LEONARD IDE's unproduced play, "Concealment," has been purchased by Warners.

HARRY WARREN, songwriter for Warners, is on his way east on a vacation.

ROBERT LORD, a supervisor for Warners, has disposed of "War Lord" to the company.

HERBERT H. LEID, in charge of ventilating and heating for the Loew circuit, is the latest Kentucky colonel.

HARRY SEGALL's play, "Lost Horizon," has been bought by M-G-M as a starring vehicle for HELEN HAYES.

ROBERT LEE JOHNSON's "Just Out of College" has been purchased by Warners.

EDWARD EGGLESTON's "The Hoosier Schoolmaster" has been taken by Monogram for early production.

ALBERT J. COHEN's and ROBERT T. SHANNON's story, "I'll Sell Anything," has been bought by Universal.

HARRY JACOBS' original, "Little Big Shot," has been purchased by Warners.

JOE PINCUS, eastern talent scout for Fox, is on the high seas on board the *Santa Elena*, bound for the coast.

ALLAN DINEHART has returned to the coast to work in Fox's "Baby Take a Bow."

EDWIN BURKE, dialogue writer and director, will arrive in town shortly for a vacation.

HARRY CAREY is appearing in person with the Barnett Circus, now in Washington, Pa.

GEORGE HURELL, photographer, is enroute to New York from Hollywood.

MOE STRIEMER, local U. A. exchange manager, returns today from a three-week vacation.

PATSY RUTH MILLER is at the Warwick from the coast.

WILLIAM FERGUSON has big things in store for Ampa this year.

SIG WITTMAN returns from a trip to Philadelphia today.

FLORENCE RYERSON's "Mild Oats" has been acquired by M-G-M.

## Mayfair to Install W. E.

The Mayfair has signed for Western Electric equipment to replace its present sound reproducing system. The installation will mark W. E.'s 20th in the theatrical district, leaving only three film houses using equipment of other make. The theatre has also signed a repair and replacement contract with the company.

## Franklin Back Tuesday

Harold B. Franklin arrives from London and Paris tomorrow on the *Ile de France*. It was reported from abroad that Franklin had completed arrangements in London for bringing several players, including Elizabeth Bergner, to Broadway in plays now current in London.

## Trading Light on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 4⅜ | 4⅜ | 4⅜ | + ⅜ | 100 |
| Consolidated Film Industries, pfd | 17 | 16½ | 16½ | — ½ | 1,000 |
| Eastman Kodak | 95¼ | 95 | 95 | — ½ | 500 |
| Fox Film "A" | 16¾ | 16⅛ | 16⅛ | — ⅝ | 3,600 |
| Loew's, Inc. | 33 | 32⅜ | 32⅜ | — ¼ | 5,400 |
| Paramount, cts. | 4¾ | 4⅝ | 4⅝ | — ⅛ | 2,100 |
| Pathe Exchange | 2⅞ | 2¾ | 2¾ | — ⅛ | 400 |
| Pathe Exchange "A" | 22 | 21 | 21 | — ¾ | 1,000 |
| RKO | 3⅛ | 3⅛ | 3⅛ | ..... | 500 |
| Universal Pictures, pfd | 44 | 44 | 44 | ..... | 20 |
| Warner Bros. | 7⅞ | 7⅛ | 7¼ | — ⅛ | 2,500 |

## Technicolor Off ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9¼ | 9⅛ | 9⅛ | — ⅛ | 300 |

## Warner Bros. Bonds Drop ¾

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 11½ | 11 | 11¼ | — ½ | 25 |
| General Theatre Equipment 6s '40, ctf | 10⅝ | 10⅝ | 10⅝ | — ⅛ | 32 |
| Loew's 6s '41, ww deb rights | 101 | 101 | 101 | ..... | 6 |
| Paramount F. L. 6s '47 | 49⅞ | 49¾ | 49¾ | — ¼ | 10 |
| Paramount Publix 5½s '50 | 50¾ | 50⅝ | 50¾ | + ⅛ | 4 |
| Warner Bros. 6s '39, wd | 64½ | 64 | 64 | — ¾ | 15 |

## Payment of Rent to Reopen Great Lakes

BUFFALO, April 29.—Payment of back rent due on the lease of the Great Lakes theatre by the Chippewa Theatre Corp., subsidiary of Loew's, Inc., has paved the way for resumption of operation by the Shea Theatres Corp. Vincent R. McFaul, vice-president of the Shea company, is in New York to make arrangements for reopening the house, closed last week.

The showdown was precipitated by an eviction order obtained in Buffalo city court by J. & D. H. Coplon, Inc., owners. Michael M. Cohn, attorney for the Coplons, announced the matter had been settled amicably out of court. The court action, it was asserted, was brought to determine whether the original tenant, Loew's and its subsidiaries, or the sub-tenant, the Shea corporation and its subsidiaries, was liable for the rent.

## Patterson to Start Today in Detroit

DETROIT, April 29.—Willard C. Patterson, recently named to succeed Thomas Moule as general manager of the United Detroit (Publix) theatres, is expected to arrive here tomorrow to assume his new duties.

Sam Rubin, who has been connected with the publicity department for several years, has resigned and his place has been taken by William Wray, who came here from New York.

## Teague, Butler in Today

George Teague and Laurence Butler, process experts, get into town today from the coast on their way to London to work on Douglas Fairbanks' "The Private Life of Don Juan," which London Films is making for United Artists release. The men are being loaned to the English company under a recent agreement to exchange American and British acting and technical talent.

## Studios Golf May 12-13

HOLLYWOOD, April 29.—Top line golfers of the film industry will meet at Agua Caliente May 12 and 13 to compete for the annual Motion Picture Golf Championship. Major studios will be represented by four man teams. Last year's award went to Warners.


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JOHN W. HEATH, *Manager*

STAND BY AMERICA!
CALLING ALL THEATRES!
SECOND WEEK ALREADY IS
YEAR'S STRONGEST HOLDOVER
AT RADIO CITY MUSIC HALL!
"STAND UP
AND CHEER!"
THE SHOW OF 1,001 SURPRISES
A
FOX
PICTURE

## Next Campi Confab Delayed to May 11

(Continued from page 1)

the first time the trade press will sit in on a session of the authority.

All appeals, according to the code, must be heard by Campi 15 days after the request is made. The decision was handed down April 19 and must be aired at the next Campi session.

A report on the Hollywood situation in connection with labor, reduction of working hours and increases in salaries as recommended by President Roosevelt for all industries also is slated to be made. In addition to production conferences with Fox executives, Kent is looking into the code matter and is expected to bring back the required information.

## *Radio Seeks Facts On All Free Shows*

(Continued from page 1)

extent of studio performances. Return of the completed questionnaires by June 1 has been asked.

The stations are asked to report the average number of visitors, the maximum capacity of their studios, whether free admissions are regularly or occasionally granted, whether the public performances are due to requests of sponsors, designed to create good will or for entertainment purposes only, whether visitors are required to pay admissions, and, if so, what percentage of the total is represented by such payments, and whether a limitation or restriction on free shows would interfere with the sale of time.

## *Cleveland Exhibitors Protest Protection*

(Continued from page 1)

protection schedules were set up at a time when first runs charged more than subsequents and played single bills, but that now "first run theatres are charging as low as 25 cents for adult evening admissions and are double featuring, and subsequent runs are charging a higher admission than some first runs." Present protection here is Class A, 36 days; Class B, 57 days; Class C, 63 days; Class D, 100 days.

## *Jersey Allied Gets Code Board Lawyer*

Allied of New Jersey has retained David P. Wilentz, attorney general of New Jersey, as general counsel to represent the organization and its members in code matters, including disputes before the grievance board and setting up schedules for clearance and zoning in New Jersey.

Most of the members of the unit have signed the code and Wilentz will represent these exhibitors in actions they file with the grievance board. Where members have not signed and can only come before the grievance board as defendants, the attorney will also represent them.

## *N. H. Boards Meet Today*

New Haven, April 29.—The local grievance board meets tomorrow and the clearance and zoning board will hold a session Tuesday. Both will be held in the mornings.

# *License Fee Boost Will Cost Circuits $208,400*

(Continued from page 1)

circuit is now paying $12,000 yearly and the new hike would bring this figure to $71,250. RKO would be next in line with a boost of $31,700 facing it, compared to the current $6,850.

Under the proposed increases, theatres seating under 600 will pay $300 annually instead of the present $100. For houses seating 600 to 1,000, the new rate would be $500; from 1,000 seats to 1,500, $750; from 1,500 to 2,500, $1,000; from 2,500 to 3,500, $1,500, and for theatres seating upward of 3,500, $2,000. All open air houses will be taxed $150, an increase of $100.

The 15 circuits, present fees, the new figure and the difference between them are listed in the accompanying chart.

Detailed figures covering the principal New York circuits and showing present and proposed license fees follow:

| Circuit | Present Fee | New Fee | Difference |
|---|---|---|---|
| Century | $2,600 | $14,000 | $11,400 |
| Consolidated | 3,400 | 14,650 | 11,250 |
| Elite | 700 | 2,200 | 1,500 |
| Isle Theatre | 1,950 | 8,600 | 6,650 |
| Loew's | 12,000 | 71,250 | 59,250 |
| Manhattan | 3,100 | 11,550 | 8,450 |
| Lee Ochs | 850 | 2,900 | 2,050 |
| Paramount | 950 | 6,500 | 5,550 |
| Prudential | 550 | 1,850 | 1,300 |
| RKO | 6,850 | 38,550 | 31,700 |
| Randforce | 8,600 | 38,300 | 29,700 |
| Rugoff & Becker | 800 | 3,600 | 2,800 |
| Skouras | 5,450 | 26,250 | 20,800 |
| S. & C. | 4,650 | 18,050 | 13,400 |
| Yoost | 900 | 3,500 | 2,600 |
| | $53,350 | $261,750 | $208,400 |

## *Conditions in West Gaining—Schlaifer*

(Continued from page 1)

Kansas, Missouri, Colorado, Utah, Wyoming and Idaho.

Schlaifer bases his report on an increase in theatre receipts in the territories mentioned.

## *Dispose of RCA Shares*

General Electric and Westinghouse are reported to have reduced their holdings in RCA common stock to only 7½ per cent of the shares outstanding, as compared with 61 per cent held by the two companies a year ago. Under the consent decree of Nov., 1932, dissolving the relationship between the electrical companies and RCA, 19 months remain in which G. E. may dispose of its 134,516 shares remaining, and Westinghouse its 1,500,000 shares.

## *Nolan, Meyer Are Gaining*

Hollywood, April 29.—John Nolan, while seriously ill here of thrombosis of the leg, is expected to recover. He recently went to Australia to represent Fox.

Fred S. Meyer is waging a long and arduous battle for life at Cedars of Lebanon Hospital and is gradually gaining ground, although visitors are still denied him.

## *Orry-Kelly Coming East*

Hollywood, April 29.—Orry-Kelly, Warner fashion designer, will leave for New York May 16 to review the latest styles.

## *Danziger With D. & C.*

William E. Danziger, formerly with the Harold Lloyd Corp. and Paramount, has joined the copy department of Donahue & Co., Inc.

## *M-G-M Now Selling New Trailer Service*

(Continued from page 1)

vention, but the probability is that the annual sales talks will be held some time in June.

Branch managers, in a sales message from the M-G-M home office, have been advised that "our studios produce our features and are therefore equipped to turn out a better tabloid edition of our features than will be available from any other source.

"Production of trailers by M-G-M is no experiment as we have been making them for weeks. We have been trying out new ideas and are well equipped for the work."

Frank Whitbeck is in charge of the trailers at the studio.

## *Roy Mack Returns Soon*

Hollywood, April 29.—Roy Mack will leave Hollywood for New York May 4, having completed the direction of two shorts starring Leon Errol at Warners. Mack will resume direction of Vitaphone shorts in New York.

## *Rogers Sets Two Deals*

Budd Rogers, general sales manager for Liberty Pictures, has closed distribution deals on the Liberty product with Monogram of Detroit for Michigan and with B. N. Judell, Inc., for Milwaukee, Indiana, St. Louis and Chicago.

## *Allied in New Quarters*

Allied of New Jersey will hold its first meeting in new quarters at the Lincoln hotel tomorrow. The session will be held in the Gold room at 11 A.M. Sidney Samuelson, president, will be in the chair.

## Theatres to Seek Exemption on Tax

(Continued from page 1)

rather than in opposition to its passage, it was learned over the week-end.

Observers here interpret the action of Democratic aldermen in voting with their Fusion colleagues to close the committee hearings on opposition to the measure last Friday as a definite indication that the bill will go through. Consequently, efforts of the theatre representatives will be concentrated on seeking exemption for theatres when the bill is put to a vote some time this week. The stand will be made on the grounds that theatres are already burdened with a Federal admission tax and high city realty taxes.

The measure levies on gross business receipts for 1933, is due and payable Aug. 1, and stands to cost the local industry $400,000 to $500,000, according to estimates.

## Para. Will Set Its Policy at Chicago

(Continued from page 1)

tending to rely on the advice of the district managers in formulating new season procedures to conform with present requirements. Until he has obtained the views of all attending the meeting, Schaefer said, no declaration of policy can be made. The session will be concluded tonight.

Attending the meeting in addition to Schaefer are: Neil Agnew, J. J. Unger, Stanley Waite, Milt Kusell, G. B. J. Frawley, P. A. Bloch, Philadelphia; J. E. Fontaine, Cleveland; William Erbb, Boston; Oscar Morgan, Atlanta; Jack Dugger, Dallas; Charles Reagan, Chicago; R. C. LiBeau, Kansas City; Hugh Braly, Denver; M. H. Lewis, Los Angeles; Ben Blotcky, Minneapolis, and M. A. Milligan, Toronto.

The eastern contingent of Paramount executives attending the Chicago district and division managers' meeting returns tomorrow.

## *"Rothschild" Phila. Hit*

Philadelphia, April 29.—"The House of Rothschild" opened yesterday at the Aldine to 7,349 paid admissions, the largest audience with the exception of New Year's since United Artists took over the management of this theatre.

## *"U" in Radio City Today*

Universal home office headquarters open this morning in the RCA building, Rockefeller Center. The company completed its move from the Heckscher building, Fifth Ave. and 57th St., over the week-end.

## *New Columbia Exchange*

Columbia has opened a new distributing office in Shanghai under the management of Paul Sien Chung. John Albeck continues as Far Eastern manager.

## *Mrs. Bryan Foy Better*

Hollywood, April 29.—Mrs. Bryan Foy is recuperating at the California Lutheran hospital here from a major operation performed Tuesday.

*For Three Years*

# THE LEADER

EASTMAN Super-sensitive "Pan" led the way into the amazing field of ultra-speed motion picture photography. That was three years ago. At no time since then has this Eastman film faltered in its leadership. Producers and cameramen today find that it is as closely linked as ever with the outstanding box-office triumphs...with the finest and foremost in cinematography. Eastman Kodak Co., Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-sensitive Panchromatic Negative*

# Houses in Wild Scramble for Film

## Duals Bedevil 'Frisco Town, Even 1st Runs

(Continued from page 1)

and when Mrs. Fox had much to say about interior decorating.

There is the opinion which holds Fox West Coast and its hold on the Paramount, Warner, M-G-M and Fox product so eager to keep its own nest feathered that its disciples failed to recognize what might follow subsequently to and in its own properties and the millions invested, whether foolishly or otherwise, in the properties of others.

The Fox, no matter how it is approached and who may be right about it all, undoubtedly sprawls importantly through the structural framework of the drama. In the fracas that followed the legal dry cleaning through which Fox West Coast passed when receiverships and bankruptcies entered filmdom's business order, the circuit determined to drop the 5,000-seat gargantuan.

### Explaining Fox Angles

The story goes Bill Fox didn't want the house, couldn't help himself when he remembered, or was told, his name was on the lease. The story continues that the new management, by corporate title the Pacific Theatres Corp., made valiant efforts to interest FWC in a product split to the end that admissions might be maintained on a level that would not invite ruin upon the city.

Number three angle has it that the invitation to harmony was rejected, a double feature policy hurried into one of the FWC competitive houses without warning, thereby forcing the Fox into a very embarrassing spot and facing it with the necessity of doing something on the double quick.

To get the pattern makes necessary a digression that has to do with first runs and what pictures they show.

This city's ace house is the Warfield, for years operated by Loew's, but for some years now managed by FWC via a sub-company known as the Combined Theatres Corp. With its 2,657 seats, its 65-cent top—the city's top—and its first call on four major lines of product and with its stage shows, the Warfield stands on hallowed ground insofar as any competitors may be concerned.

### Warfield Is Ace House

What the Warfield won't or can't use has a choice of going several ways with FWC calling the turns. Product might go to the 3,000-seat Paramount, as much of it does, on a twin bill, first run policy at 40 cents high. Or it might follow the Warfield by trailing into the 1,400-seat St. Francis on what are described as "extended runs" but which are in reality second runs. Or it might hit the St. Francis on a dual bill second run policy.

There is available, also, as a FWC house the California, 2,348 seats strong, which can be, and is, used for second run duals. There is available, to carry this on to its conclusion, the 1,200-seat Embassy for subsequent run duals. On all of these situations, FWC makes and fires the shots, decrees the who, what and when of the attractions it controls and, by a zoning plan to be outlined later, makes the going difficult for all theatres that follow.

### Many Other First Runs

In the first run division are other houses as well. San Francisco has plenty. The Golden Gate, operated by Cliff Work, who once was compelled to leave the California he likes so well for a short tenure of office under Nat Holt, then RKO divisional manager in Cincinnati, is RKO's show window here. A 2,900-seat house, geared like practically all other first runs here at 40 cents top, it has first crack at Radio, a split of Universal and Columbia, combines its pictures with a stage show policy, but shortly will give up the single feature ghost for a twin bill idea like most of its neighbors.

Once part and parcel of RKO, the Orpheum no longer is. Currently it is operated by Fanchon and Marco. Depending largely on stage names, such as Duke Ellington, Ted Lewis and Kate Smith, this house, which only the other day was turned over to management of Charles Wuertz as Charles Caballero repaired to the F. and M. headquarters in Los Angeles for another assignment, has to limp along with whatever Radio product the Golden Gate cannot use, plus a split on Universal and whatever is around loose. With the Golden Gate about to swing to duals, the anticipation locally is the Orpheum will find few, if any, Radio releases available. Therefore, its film situation becomes increasingly difficult.

### U. A. on Single Bills

Operated by Herman Cohen is the 1,165-seat United Artists, home of the product its name indicates and operating on a single bill. It uses some independent product when U.A. releases fail to come along regularly enough to keep the theatre going.

The Fox, with its 5,000 seats, has been trying to get Columbia cast-offs by the Golden Gate, but has been unable to get very far. With every major line of pictures piece-mealed elsewhere along the line, the house can turn only one way, and that is the way of the independents. The theatre is moving to make up for what it is shy on the screen by bolstering what it hands out on the stage. The struggle admittedly is hectic, arduous and just plain tough.

Records at the Fox demonstrate thousands buy tickets there weekly at 15 cents in the balcony and 25 cents in the orchestra during the day and 25 and 35 cents in the same divisions at nights. Double features are the rule and free parking space thrown in as part of the job to keep ink black and heads above water.

### Product Scramble Frenzied

What has resulted as a direct consequence is to turn San Francisco into undoubtedly the sweetest situation in America for independent first runs. So frenzied is the scramble for product, any product, that hardly a picture made by any company below the major producers' class fails to get a break on 'Frisco's Broadway, which is Market St.

The domination exercised by FWC in the first run classification reflects itself in the subsequent run field by virtue of a situation which several national sales managers are understood to have recognized, but about which none has ever taken steps. The situation, complete, is the El Capitan, 2,400-seat neighborhood stand in the Mission district.

Geared at 30 cents, this theatre spots in product 56 days after the close of the first run in the instance of Paramount, Warner, M-G-M and Fox. In other words, 56 days after the Warfield or the Paramount. In the second division is a group of neighborhoods designated as "key houses." They charge 30 cents, like the El Cap, but have to wait 75 days after termination of first runs before product becomes available. Below this second classification are more theatres, likewise geared at 30 cents. FWC first runs are granted 88 days over this type of operation. The neighborhoods tipped at 25 cents have to sit on their so-and-sos for 120 days; the 20-centers, 144 days and the 15-centers, six months.

### El Cap Raises a Problem

Much substantial opinion in these parts maintains the El Cap and its peculiar designation as a second run is merely another line of defense cleverly concocted by FWC and gotten away with in a plan, understandable from that circuit's point of view, of setting subsequent runs as far back as possible. If the El Cap were indexed as a neighborhood run, releases then would hit the subsequents in the higher admission brackets on the 56th day after termination of first run, not the 88th. Obviously, this would tend to reduce the protective period for the entire city.

To make the situation additionally complex is the dual situation to which FWC subscribes in its Market Street houses. While it is a fact that many of the subsequents operate on a twin show policy, it is similarly true many of them do not. Those faithful to single bills poise the question:

"How can we get by when downtown doubles the product we ask our public to patronize single, weeks later?"

They do not believe the slight difference in admission prices is enough recompense or sufficient inducement to keep their regulars coming in. With the Golden Gate going duals, the identical condition is expected to apply to Radio product. The fact that the Fox Theatre always duals on independent releases ties the tangle into further knots.

The possibility is strong that a solution to all these shenanigans may emerge through the clearance and zoning schedule slated to be set under the code before the advent of the 1934-35 season. The suggestion made by Morgan Walsh, president of the Independent Theatre Owners' Ass'n of Northern California and one of the two unaffiliated exhibitors representing subsequent runs on the clearance and zoning board, that the base line be calculated on admissions has found welcoming echoes in many quarters.

### Classifies First Runs

Walsh argues, and sensibly, too, that first runs break down into three groups. "One," he says, "is the first run showing pictures only on a single bill. Two is the first run which runs pictures, but supplements them either with vaudeville or presentations. Three is the first run which runs doubles. There should be some sort of a price differential among them.

"No one, of course, can fix what a specific theatre should charge, but the price definitely can be influenced through the simple expedient of setting up and setting back protection dependent upon type of theatre and its policy."

Walsh is confirmed in his opinion that the situation can be ironed out if the forthcoming zoning schedule for San Francisco is conceived with these considerations in the forefront of deliberations.

Time was when 'Frisco's first runs kept moving along at a 65-cent level. Where the fault rests for the 25-cent drop to the average 40 cents now current, always excepting the Warfield, which rules the town from its own mountain peak, is largely a matter of opinion. Subject to correction, perhaps, but subscribed to by some, nevertheless, is the opinion that it was the United Artists which started the slide when it ran "The Bowery" and, at the same time, announced a price slash from 65 to 40 cents.

There are many here, including oldtimers like Bob McNeill of United California Theatres, Inc., and the most significant factor in the territory after FWC, and Aaron Goldberg, representing unaffiliated exhibitors on the grievance board and operator of a string of six 15-cent houses, who remember well the days when the city in which they evidence so much pride was one of the best

(Continued on page 7)

### "Mr. Morgenthau . ."

**San Francisco, April 29.—One of those Fox "monuments," built in the hey-hey days here as well as in St. Louis, Atlanta, Detroit and Brooklyn, is, like its brothers, an example of how much gold leaf and paint can be dumped into one house.**

**Says Henry Goldenberg, managing the theatre for William Fox who got it back when Fox West Coast went for a stroll, about that:**

**"If they could scrape the leaf and the paint and melt it down, the country could return to the gold standard."**

## See Possible Solution in Industry Code

# "Rothschild" 3rd Week Top On the Coast

Los Angeles, April 29.—"House of Rothschild" demonstrated a third-week pulling power that made some of the downtown first runs look bad. The take at Grauman's Chinese, $21,286, was over normal by $7,286.

Business perked up in two other spots. "Tarzan and His Mate" topped average by $3,500 on a $17,500 gross at Loew's State, and "The Witching Hour," helped by "A Century of Progress" revue, garnered $21,820 at the Paramount.

Business was pretty dull elsewhere.

Total first run grosses were $97,656. Average is $95,450.

Estimated takings for the week ending April 25:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 3rd week, 7 days. Sid Grauman prologue. **Gross:** $21,286. (Aevarge, $14,400)

**"THE CONSTANT NYMPH" (Fox)**
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $1,800. (Average, $2,650)

**"TARZAN AND HIS MATE" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $17,500. (Average, $14,000)

**"THE WITCHING HOUR" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Ripley's "Believe It or Not" characters in revue; "A Century of Progress," with Faith Bacon. **Gross:** $21,820. (Average, $18,000)

**"GLAMOUR" (Univ.)**
RKO—(2,700), 25c-40c, 7 days. **Gross:** $3,100. (Average, $8,000)

**"WE'RE NOT DRESSING" (Para.)**
UNITED ARTISTS—(2,100), 30c-55c, 7 days. **Gross:** $12,000. (Average, $12,800)

**"AS THE EARTH TURNS" (Warners)**
WARNER BROS. (Hollywood)—(3,000), 25c-55c, 7 days. **Gross:** $11,200. (Average, $14,000)

**"AS THE EARTH TURNS" (Warners)**
WARNER BROS. (Downtown)—(3,400), 25c-55c, 7 days. **Gross:** $8,950. (Average, $12,000)

# "Spitfire" Is Only Draw in Portland

Portland, April 29.—One dollar opera, ninety degree weather and opening additional first runs all kept grosses down for the third week of the month.

"Spitfire," in its second week at Hamrick's Music Box, took in $3,500, or just $500 over average.

Balance of houses were average and under, with the Liberty, showing "Cradle Song" back in the first-run column.

Total first run business was $23,800. Average is $25,000.

Estimated takings for the week ending April 19:

**"THE SHOW OFF" (M-G-M)**
BROADWAY—(1,912), 25c-35c-40c, 6 days. **Gross:** $5,800. (Average, $6,000)

**"SPITFIRE" (Radio)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $3,500. (Average, $3,000)

**"CRADLE SONG" (Para.)**
LIBERTY—(1,800), 15c-25c, 7 days. **Gross:** $1,500. (Average, $2,000)

**"SUCCESS AT ANY PRICE" (Radio)**
**"THE LAST ROUND UP" (Para.)**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,800. (Average, $2,000)

**"BOTTOMS UP" (Fox)**
**"ONE IS GUILTY" (Col.)**
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

**"LAUGHING AT LIFE" (Mascot)**
PANTAGES—(1,700), 15c-25c, 7 days. Stage show. **Gross:** $1,500. (Average, $2,000)

**"MEN IN WHITE" (M-G-M)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $4,700. (Average, $5,000)

# *Duals Bedevil 'Frisco Town; Even 1st Runs Go That Way*

(*Continued from page 6*)

show towns in America. They, and others as well, stand foursquare behind the business philosophy that theatre trade in this section will be far better once prices are jacked up. They lean toward the Walsh idea that the new zoning plan may supply the answer.

### City Is Overseated

Like other major cities, San Francisco is overseated. With an approximate population of 700,000, statistics show a theatre seat for approximately every five and one-half persons. There is a constant, unending bid for patronage by night clubs, cafes, prizefights, and horse and dog racing. While this is not peculiar to the Golden Gate city, those familiar with the situation believe the native heath has more of its share than any other of comparable size in the United States. They, for instance, point to the Kezar Stadium with its 50,000 seats in the city proper; to the Stanford University Stadium at Palo Alto nearby, and to the Berkeley Stadium of the University of California, each with 85,000 seats, and the competition they set up during the football season. Cliff House Beach, only a few minutes from the heart of the downtown district, 10 radio broadcasting stations, good roads that persuade the public to go places and more equitable climate in nearby points—these and other conditions are around and the theatres know it.

### Three Houses Dark

Because there are too many seats downtown and so many competitive bids for public favor, three Market Street district theatres are more or less consistently dark. They are the President, Tivoli and Capitol. San Francisco, in its other trade aspects, varies nary a bit from what goes on elsewhere. Duals are in the picture with claws buried deeply in the amusement carcass. Clearance and zoning are a problem, as are premiums.

Peculiar, however, is the lineup of circuits. Taylor Street—Number 25—is the street address of the Golden Gate Building. In it is housed 70 per cent of the buying power of the entire, far-flung territory served by local exchanges. In it is, by estimate as well, approximately 98 per cent of the headquarters of the city's exhibition industry. Thus, it becomes a simple process for the seller of film to interest his buyer in the concentrated confines of one office building, and those, not too large. It becomes not so simple, however, from the exchangeman's angle. Warding off quotable remarks like the devil, some private viewpoints maintain the setup reduces rentals to "the irreducible." Exhibitors, in rebuttal, dismiss that by asking what else an exchangeman would say.

### Serves 418 Theatres

Four hundred and eighteen houses are served out of this exchange center. In California, not the state but that portion shipped from here, there are 388, seating 314,828; in Nevada, 19, seating 8,577; and in Oregon, 11, seating 5,603. Affiliated theatres, confined to California, total 45, seating 75,104. Evidencing full well the domination exercised by FWC are the figures themselves. That circuit controls 42 of the 45 affiliated houses in towns like Berkeley, Burlingame, Fresno, Oakland, Palo Alto, Porterville, Redwood City, Richmond, Sacramento, San Francisco, San Jose, San Mateo, Stockton, Tracy, Vallejo, Watsonville and, in practically all instances, controls the first run situation as well. The remaining three of the 45 are the Golden Gate (RKO) and United Artists (U.A.) in San Francisco and the Warner, Fresno (Warners).

Unaffiliated circuit theatres, headed by McNeill's company, run to a total of 108 with a combined capacity of 104,694 in California and three, seating 2,977, in Reno, Nev. Of this number, United California Theatres, Inc., parent company for Golden States Theatre and Realty Corp., T. & D. Jr. Enterprises and San Francisco Theatres, Inc., controls 64. Thirty or more are in country towns, solidly controlled by McNeill, et al; the rest in San Francisco and the surrounding bay district.

### Mann's Two-Way Operation

George Mann, confirmed San Franciscan now but still talking pleasantly of the days when he was with the Stanley Company of America some thousands of miles removed in Philadelphia, maintains a two-way circuit operation in the unaffiliated division. His Redwood Theatres, Inc., run nine houses in smaller towns such as Eureka, 300 miles to the northwest with its "furthest West street in the United States." His Midland Theatres, Inc., operates six in other towns. These are the companies of which Morgan Walsh is general manager.

Then there are the Nassers with seven theatres and a brother to run each one; Joe Blumenfeld with nine banded together as the circuit bearing his name; the C. E. Peterson string of five; and H. V. Harvey with an identical number.

Of the 418 theatre total, 344 are open and flourishing in variable degrees. In San Francisco itself, the total ends at 76, of which nine houses currently are dark.

### Worried by CWA Dismissals

Some concern is evidencing itself at the minute over the rapidity with which the CWA is ridding itself of workers. The realization is widespread that the curtailment in spending power is very apt to reflect itself on theatre business.

On relief rolls are between 50,000 and 65,000 individuals. Radical elements place the figure as high as 100,000, conservatives at 40,000. Nobody dips below the latter.

While the Chamber of Commerce may not like it, the facts are just that, notwithstanding. As additional evidences of a condition not locally confined by any manner of means, newspapers as late as today headlined into San Francisco homes the impending necessity for taxpayers to face levies of from $1,000,000 to $6,000,000 next year by way of relief for the unemployed.

The depression was late in reaching this western metropolis. Like worldly facts seeping into Hollywood to the South, the situation apparently had trouble scaling the mountains. However, it arrived some time ago to take up what prayers nightly urge will not become too permanent a residence.

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# Fox Schedule To Include 50 For Next Year

(*Continued from page 1*)

Henry King directing, will be one of Sheehan's, as will "Servants' Entrance," starring Janet Gaynor, with Frank Lloyd directing.

Jesse L. Lasky will again make eight. He is now preparing a story schedule which includes "Casanova." Al Rockett will have four, Sol Wurtzel 19 at the Western Avenue Studio, Eric Pommer one, and E. W. Butcher, now production manager, two, and perhaps four after his elevation to the associate producer class is announced shortly.

Among the pictures planned by Lasky are "The Red Head," "The Apple Tree" and "The Flight of the Swan," based on the life of Anna Pavlowa.

### Two for Will Rogers

Will Rogers is already down for two. One is "Judge Priest," from an Irvin Cobb script, and the other is "County Chairman," both by Wurtzel.

Planned as a big one now in work is "Caravan," first American picture by Erik Charell, with Charles Boyer, Loretta Young, Jean Parker and Phillips Holmes. Also in work, is "Music in the Air" with Erich Pommer supervising and directing.

Wurtzel's 19, of which John Stone will make nine, include: "State vs. Elinor Norton," with Helen Twelvetrees; Dante's "Inferno," planned on a large scale; "Wanted," with Hugh Williams; "Love Time," starring Lilian Harvey; "Charlie Chan in London," "Charlie Chan in Paris," "365 Nites in Hollywood," starring Miss Harvey; "24 Hours a Day," with Claire Trevor.

Stone also will make 10 Spanish pictures with Raoul Roulien, Jose Mojica, Rosita Moreno, Catalina Barcena and Conchita Montenegro.

## *Form Two Film Concerns*

Dover, Del., April 29.—Lowenstein Theatres, Inc., has been chartered here with capital stock of 2,000 shares, no par value. The incorporators are S. L. Mackey, C. O. Layman and H. Kennedy of Wilmington.

Photo Process Research Corp. has been chartered to deal in photo-color films, listing capital of $100,000. The incorporators are D. B. Hilliard, R. M. Hilliard and E. P. Crawford of Wilmington.

## *Erpi Man Hurt in Fall*

Passaic, April 29.—D. L. Demarest, Erpi repair man, fell 30 feet while repairing a loud speaker at the Capitol. He was injured about the right thigh and left arm. Demarest, who lives in Oradell, was taken to the hospital by Assistant Manager George Birkner and D. M. Cole, a fellow employe.

# "Rothschild" Hits $23,000 In 5th Week

"House of Rothschild" was still strong in its fifth week at the Astor where it chalked up $23,000. The performance was outstanding in a generally dull week.

"Looking for Trouble" was good for $28,500 at the Rivoli, which was better than the $25,000 chalked up at the Paramount by "Trumpet Blows" and a stage show. "Riptide" fell off to $22,000 in its third week at the Capitol with Paul Whiteman still on the stage.

"This Man Is Mine" took a very mild $63,000 at the RKO Music Hall.

Estimated takings:

***Week Ending April 16:***

**"LOOKING FOR TROUBLE" (U. A.)**
RIVOLI—(2,200), 35c-99c, 7 days. **Gross:** $28,500.

***Week Ending April 17:***

**"HOUSE OF ROTHSCHILD" (U. A.)**
ASTOR—(1,012), 55c-$2.20, 5th week, 7 days. **Gross:** $23,000.

***Week Ending April 18:***

**"THIS MAN IS MINE" (Radio)**
RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $63,000.

**"RIPTIDE" (M-G-M)**
CAPITOL—(4,700), 35c-$1.65, 3rd week, 7 days. Stage: Paul Whiteman and band; Peggy Healy, Ramona, Jack Fulton and Florence and Alvarez. **Gross:** $22,000.

**"WILD CARGO" (Radio)**
PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $12,200.

**"TRUMPET BLOWS" (Para.)**
PARAMOUNT—(3,700), 35c-99c, 7 days. Stage: Block and Sully, B. A. Rolfe, Frank Parker and others. **Gross:** $25,000.

**"SING AND LIKE IT" (Radio)**
ROXY—(6,200), 25c-65c, 7 days. Stage show. **Gross:** $19,100.

**"AS THE EARTH TURNS" (Warners)**
STRAND—(2,000), 25c-$1.10, 7 days. **Gross:** $15,420.

***Week Ending April 20:***

**"LOST PATROL" (Radio)**
RIALTO—(2,300), 25c-65c, 3rd week, 7 days. **Gross:** $12,000.

**"GEORGE WHITE'S SCANDALS" (Fox)—4 days**
**"I BELIEVED IN YOU" (Fox)—3 days**
RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $6,900.

***Week Ending April 23:***

**"I LIKE IT THAT WAY" (Univ.)**
MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $7,000.

# "Tarzan" $16,500 Hit in Providence

PROVIDENCE, April 29.—"Tarzan and His Mate" and a vaudeville program piled up a big $16,500 at Loew's State last week, going over par by $4,500.

Total first run business was $45,400. Average business is $41,500.

Estimated takings for the week ending April 26:

**"COME ON MARINES" (Para.)**
**"THE QUITTER" (Chesterfield)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $6,200. (Average, $6,500)

**"TARZAN AND HIS MATE" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Seiler and Wills. **Gross:** $16,500. (Average, $12,000)

**"WONDER BAR" (F. N.)**
MAJESTIC—(2,400), 15c-40c, 7 days, 2d week. **Gross:** $5,000. (Average, $7,000)

**"ALL MEN ARE ENEMIES" (Fox)**
FAY'S—(1,600), 7 days. Stage: Clifford's revue, "Let's Cheer." **Gross:** $7,100. (Average, $7,000)

**"THIS MAN IS MINE" (Radio)**
**"NO GREATER GLORY" (Col.)**
RKO ALBEE—(2,300, 15c-40c, 7 days. **Gross:** $8,500. (Average $7,000)

**"HELL ON EARTH" (Aeolian)**
**"SING AND LIKE IT" (Radio)**
RKO VICTORY—(1,600), 10c-25c, 7 days. **Gross:** $2,100. (Average, $2,000)

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Little Miss Marker"*

(*B. P. Schulberg-Paramount*)

HOLLYWOOD, April 29.—Chalk up a box-office bullseye for B. P. Schulberg's "Little Miss Marker," adapted from Damon Runyon's story. Packed with human interest, tenderly sentimental, sparkling with topical comedy, capitalizing on dramatic suspense, the production, motivated by colorful dialogue, zooms Shirley Temple to stardom.

The yarn rotates around Runyon, racetrack and Lindy Cafe characters. Adolphe Menjou, sorrowful, gets Miss Temple for a bad I. O. U. The baby knows only King Arthur legends and draws Menjou and Claudia Dell together, upsetting the menacing Charles Bickford romance. A slangy, tough gang is horrified as the child takes on its manners and speech, and masquerades as medieval knights to make her dreams come true. Miss Temple, hurt in a fall from a horse as Bickford busts up a party, is saved from death by his blood transfusion, making the villain a hero and clearing the way for a Menjou-Dell wedding and the child's adoption.

Menjou and Miss Dell are outstanding. Bickford is convincing as the menace to the child. Lyman Overman, Tammany Young, Sam Hardy, Warren Hymer and John Kelly excel in comedy contrast.

It is a natural for first runs. The picture, teeming with personality and production story values, also is a strong family attraction for recreating children interest. Alexander Hall directed with sympathetic understanding from a screen play by William Lipman, Sam Hellman and Gladys Lehman.

## *"Affairs of a Gentleman"*

(*Universal*)

HOLLYWOOD, April 29.—"Affairs of a Gentleman," Universal's version of the stage play, "Women in His Life," is program fodder appealing mostly to sophisticates.

It can be catalogued as a murder mystery farce wherein Paul Lukas gives an excellent performance, carrying the load of a none too strong story. A threadbare premise points a finger at more than a dozen persons for murdering novelist Paul Lukas, who back tracks in his life for a solution, revealing his love with more than a half dozen women women and disclosing many complications in somewhat amusing situations. As the dialogue sparkles intermittently it is sufficient to sustain a scattered interest.

Dorothy Burgess gives the serious dramatic touch to the story as the original flame, while other fervent and ardent admirers, including Patricia Ellis, Leila Hyams, Lillian Bond, Joyce Compton and Dorothy LeBaire furnish enough action to keep the story moving right along.

Other players, including Onslow Stevens, Philip Reed, Murray Kinnell, Richard Carle, Wilfred Hari, Sara Haden, Charles Wilson and Gregory Gaye, all contribute their abilities under the able direction of Edwin L. Marin. Photography and settings are above par.

## *Lengthen Film Runout*

HOLLYWOOD, April 29.—Upon recommendation of the New York Chapter of the American Projection Society, approved by the projection advisory council, a total of 18 frames of a picture is now included in the runout of a feature, following the final series of changeover dots. This will be in place of the former 12 frames. This will improve projection and contribute toward a smoother show, it is claimed.

## *Lon Young With Mascot*

Mascot has signed Lon Young to handle west coast publicity. He will work in association with Al Sherman, director of advertising and publicity. Young was most recently in charge of publicity on the coast for Columbia.

## *Walter Obtains Another*

NORTH BALTIMORE, O., April 29.—Ernest H. Walter, who operates the Liberty, Toledo, and La France at Swanton, has acquired the Virginia here.

## *To Sell Liberty Lineup*

First Division has closed a deal with Liberty Pictures for distribution of the latter's product in New England, Ohio, Kentucky, western Virginia and western Pennsylvania. Films involved are "Cheaters," "When Strangers Meet," "Take the Stand," "No Ransom," "Strange Honeymoon," "Two Heads on a Pillow," "School for Girls" and "Without Children."

## *Trans-Lux Files in Md.*

BALTIMORE, April 29.—Trans-Lux Corp. has been chartered here to acquire and manage theatres. Capital consists of 500 shares of $100 par value and the incorporators are Edgar Allen Poe, Edgar Allen Poe, Jr., and Robert D. Bartlett, all of this city.

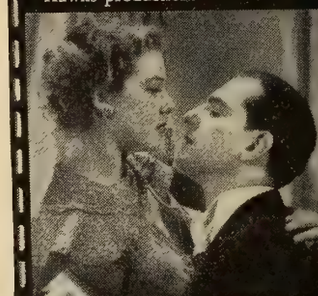
## *Roach to Reopen May 7*

HOLLYWOOD, April 29. — Activity will resume at the Hal Roach studio on May 7, following a five weeks' shutdown, with two Thelma Todd-Patsy Kelly comedies going into production at the same time.


*Spot News from Columbia*

OPENS MAY 4th, ROXY THEATRE, NEW YORK
"The most courageous picture of the season . . . a masterpiece!"—Screenland. The screen's mightiest soul-stirring triumph hailed by critics from Coast to Coast! "NO GREATER GLORY," based on Ferenc Molnar's world famous novel. A Frank Borzage production.

"One of the BIG hit pictures of the year, this comedy will blow the dust off any theatre's cash register!" —Hollywood Reporter. JOHN BARRYMORE in "20th Century," with Carole Lombard, Walter Connolly, Roscoe Karns. From the sensational Broadway smash by Ben Hecht, Chas MacArthur, and Chas. Bruce Milholland. A Howard Hawks production.



One of the most lavish productions of the year booked in Radio City Music Hall! ELISSA LANDI in "Sisters Under The Skin" with Frank Morgan, Joseph Schildkraut. Directed by David Burton. An outstanding dramatic romance that will line them up at the box-office without fail.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 101 NEW YORK, TUESDAY, MAY 1, 1934 TEN CENTS

## Fox Control Not Involved In Stock Sale

### *Four Dividends Will Put B Holders on Board*

Substantiation of the belief in film and financial circles here that current buying of Fox Film Class A common from Chase National Bank is an investment activity only was given by Fox executives yesterday who pointed out that control of the company will rest with the Class B stock as soon as the company has paid four consecutive quarterly dividends of $1 per share.

At present the A stock controls the company, with nine of its 12 directors being elected by the A shareholders. As soon as the required dividends have been paid, however, the B stockholders can elect seven directors and the A, five.

Chase, which holds 1,149,000 shares

(*Continued on page* 3)

## Loew 28-Week Net Up to $3,973,472

Net profit of Loew's, Inc., for 28 weeks ending March 15, 1934, after the subsidiaries' preferred dividend had been subtracted, was $3,973,472, as compared to last year's $2,013,281. This is equivalent for the period to $2.38 per share on the common stock as compared to $1.04 for the corresponding period of 1933.

Operating profit for this period was $6,680,713, a gain of $2,251,469 over the similar period of last year. Depreciation and taxes were $2,707,241 for the 1934 period, slightly more than 1933's $2,415,963.

### *Court Writ Issued For "Hitler" Film*

To prevent possible interference with the showing of "Hitler's Reign of Terror" at the Mayfair, Jewel Productions secured an injunction from Supreme Court Justice Alfred Frankenthaler. The stay is directed at the commissioner of education, the board of regents, members of the censor

(*Continued on page* 8)

### *FitzPatrick Going West in Two Weeks*

James A. FitzPatrick leaves for the Coast in two weeks to line up players and material for his first feature. Although he plans to produce it

(*Continued on page* 8)

### *That's Right!*

**New Orleans, April 30.—The height of unconscious humor was reached by the Plaza at North Claiborne and Ursuline Aves., when it displayed a sign which read: "Mae West in I'm No Angle."**

## U. A. Program Seems Headed For About 20

By RED KANN

HOLLYWOOD, April 30.—It looks like a total of about 20 features next season for United Artists.

Darryl Zanuck, head man at 20th Century, will make eight or 10, as against the 12 which he completed in his first year of operation. Leaving here Wednesday for New York en route to Africa on a big game hunting expedition, Zanuck already has gone over the script of "The Mighty Barnum" in which Wallace Beery will play the title role. Gene Fowler and Bess Meredyth did the writing job. Looming large in his plans as well is "Cardinal Richelieu" with George Arliss starring. Both of these will be made on a large scale as the first two of Zanuck's new production philosophy which boils down into one line: "Every picture a Rothschild."

He is on the hunt for vehicles suit-

(*Continued on page* 2)

### *Fox Convention Is Advanced to May 30*

May 30 to June 1 have been set as convention dates for Fox with meetings to take place at the Waldorf-Astoria. Approximately 260 delegates are expected to be on hand. William Sussman, assistant to John D. Clark, will be in charge of details and arrangements.

## MPTOA Moves Against Duals To Start Soon

### *Several Tentative Plans To Be Discussed Here*

Campaigns to curb double featuring, eliminate five and 10-cent admissions and premium nights will be among the first objectives of the M.P.T.O.A. executive committee when it reconvenes here within the next few weeks to carry out policies adopted by the recent national convention in Hollywood, it was learned yesterday.

Double features have already received attention from the committee which has under consideration three plans for curbing the practice. One plan is to seek distributor aid through

(*Continued on page* 3)

## Rosenblatt to Get Daily Code Report

Daily check on activities of the 62 code boards throughout the country is being maintained by Division Administrator Sol A. Rosenblatt. Impartial members of clearance and zoning and grievance boards, according to regulations, send in written reports at the meetings as they take place to Rosenblatt and he files them.

These reports are particularly valuable to the division administrator when appeals come before Campi. Rosenblatt attends all Campi meetings.

### *Allied of Nebraska Fights Code Setups*

OMAHA, April 30.—Nebraska and Iowa Allied and a group of independent exhibitors, headed by Lester F. Martin and Calvin Bard, have protested the NRA board appointments, all of which went to M. P. T.

(*Continued on page* 3)

## Schaefer Says Theatres Must Be Stabilized

### *Asserts First Run Cuts Have Harmful Effect*

CHICAGO, April 30.—Warning that the industry must do something to stabilize admission prices in view of the increased costs of production and distribution under the Administration's recovery program and that this must take the form of correction of unfair relations between scales of first runs and subsequents was sounded by George J. Schaefer, general sales manager of Paramount, at the conclusion of the two-day meeting of branch and district managers at the Edgewater Beach hotel last night.

The meeting, which ran the gamut of questions and problems demanding attention for the 1934-35 sales season touched especially upon the matter of percentage sales, admission prices gen-

(*Continued on page* 3)

## Production Jumps To Season's High

HOLLYWOOD, April 30.—Production activity last week skyrocketed to a new high level for the season with a total of 46 features and 11 shorts before the cameras as against 38 and 13 for the preceding week.

Pictures in preparation and final editing stages also shows a noticeable increase, with 29 features and seven shorts in the final preparation stages and 43 features and 25 shorts in the final editing stages.

Paramount heads the list for ac-

(*Continued on page* 3)

### *Services Tomorrow For Wm. H. English*

Funeral services for William H. English, banker and member of the board of Paramount Publix for many years, will be held tomorrow morning at 11:00 A. M., at the Chapel of the Intercession, 155th St. and Broadway. Interment will be private.

English died late Sunday night in

(*Continued on page* 3)

### *Ohio Admission Tax Repeal Hopes Fading*

COLUMBUS, April 30.—Prospects for passage of the general retail sales tax, and repeal of the 10 per cent admission tax which is expected to result therefrom, are rapidly diminish-

(*Continued on page* 3)

## *Grosses Fall, But Seven Features Continue Strong*

In a week marked by falling grosses in a number of key spots "House of Rothschild," "Tarzan and His Mate," "Wild Cargo," "Bottoms Up," "Men in White," "Catherine the Great" and "The Private Life of Henry VIII" were the outstanding money makers.

The Arliss vehicle surprised San Francisco by going to $12,500 at $1.65 top, and "Bottoms Up" was the only attraction to do big business in Cleveland.

The San Francisco showing of "House of Rothschild" was at the Geary. The picture probably will be held another four weeks. "Wonder Bar" also turned in a fine $9,500 at

(*Continued on page* 2)

# MOTION PICTURE DAILY

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Baer May Do Two More

Max Baer returned from the coast yesterday and may make two more features following his fight with Carnera on June 14. Negotiations on the film deal are under way and are contingent on the outcome of the fight in the Garden Bowl.

## Reopen Vitaphone May 7

Warners will reopen the Vitaphone studio in Brooklyn May 7 with Ben Blue, who has just returned from abroad, scheduled to make the first comedy on the new season's lineup. Blue will do six in a second series for the company.

## Knorr on Voyage Abroad

Arthur Knorr, producer of the stage shows for the Capitol, is on the high seas bound for a month's vacation in London, Paris and Monte Carlo. He's on the *Paris*.

## Chas. Rosenzweig Back

Charles Rosenzweig, general sales manager for First Division, has returned from a short tour of the company's exchanges.

## Robbins in from Coast

Herman Robbins, president of National Screen Service, is back from a visit to the coast.

## Penner to Be at Ampa

Joe Penner will be guest of honor at the Ampa Thursday. The meeting will be held at the M. P. Club.

## Budd Rogers Returns

Budd Rogers of Liberty has returned from Pittsburgh and Cleveland.

# Grosses Fall, But Seven Features Continue Strong

(*Continued from page* 1)

the St. Francis and "Catherine the Great" had a big $10,000 at the United Artists. "Men in White" was a wow at the Warfield, reaching $23,000, up by $4,000. It was helped by a stage show. "Glamour," "Keep 'em Rolling" and a dual, "Crime of Helen Stanley" and "City Limits," were only fair. "Bottoms Up" and "As the Earth Turns" pulled a par $12,000 at the Paramount.

Chicago went into a slump, with "Tarzan and His Mate" the only better-than-normal attraction at McVickers. The take was $15,000, up by $2,000. Even with a stage show, "We're Not Dressing" failed to reach the Chicago average with $34,000. The other weak ones were: "Looking for Trouble," "Wharf Angel," "Glamour," "Spitfire" and "Men in White."

### Three Hits in Detroit

Detroit had three hits, with "Wild Cargo" topping the trio at $24,300 in the Fox, helped by a stage show. "Melody in Spring" was strong at the Michigan with $21,300 and "Men in White" piled up $12,200 at United Artists. Spring and the competition hit "All Men are Enemies" at the Downtown, "You're Telling Me" at the Fisher and a dual, "One Is Guilty" and "Lazy River," at the State.

Pittsburgh went into the throes of a slump, with only two spots beating par and a third equalling it. The draws were "The Quitter," $7,400 at the Pitt, and "Let's Be Ritzy" with "Madame Spy" at the Regent. "Wild Cargo" was normal with $9,000 at the Stanley. Those taking it on the chin were: "Coming Out Party," $2,300, Fulton; "The Trumpet Blows," $17,500, Penn, and "A Very Honorable Guy," $3,900 at the Warner.

A combination of "Mystery of Mr. X" and Dave Apollon and his revue took the only big money in Indianapolis, $9,000 at the Palace. This was 100 per cent over average. "I'll Tell the World" was $1,000 up at $7,000 in the Lyric. "Wild Cargo" had a par $3,500 at the Circle. "Wharf Angel" took $2,500, fair, at the Indiana.

"The Private Life of Henry VIII" was an outstanding Minneapolis hit in the 400-seat World at $4,000. This is double the normal take. St. Paul had a similar sensation, "Catherine the Great," which grabbed $3,000 in the 300-seat World on the other side of the river. The other hits were: "The Cat and the Fiddle," $6,000 at the Minneapolis State, and "The Lost Patrol," $4,500 at the RKO Orpheum. "Jimmy, the Gent," "Tarzan and His Mate" and "I Like It that Way" were just average.

Dual bills failed to stir up much box-office activity in Omaha, the only combination bettering normal being "Melody in Spring" and "Upperworld" at the Orpheum, with $7,000. The average combinations were: "Nana" and "The Show Off," $6,750, Paramount, and "This Man Is Mine" and "The Ninth Guest," $4,250, Brandeis.

### Oklahoma City Slips

Oklahoma City slipped back into the doldrums with only one strong attraction, "Let's Fall in Love," which reached $2,500, a normal week's draw, in four days at the Liberty. The others, all pretty weak, were: "Madame Spy," $900 in three days at the Liberty; "Melody in Spring," $3,000 at the Mid-West, and "Tarzan and His Mate," $4,000 at the Criterion.

High gross in Seattle went to "Men in White" at the Fifth Avenue, where the $8,500 take was $1,500 up. The weak links were: "Keep 'em Rolling" and "Upperworld," $3,000, Blue Mouse; "It Happened One Night," $2,750, Liberty; "This Man Is Mine," $3,500, Music Box, and "Death Takes a Holiday," $5,500, Paramount.

"Bottoms Up" was a smash-hit at Warners' Hippodrome, Cleveland, going $4,000 over normal to $9,000. "Catherine the Great" also was strong, getting $3,700 at the Allen. "Mystery of Mr. X" and "Thunder Over Mexico" were good with $4,200 at Loew's Stillman. "Palooka," with a stage show at the RKO Palace, and "Tarzan and His Mate" at Loew's State were both disappointing.

## Eastmans Lead Big Board Slump

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 28⅝ | 28⅛ | 28⅝ | — ⅜ | 900 |
| Consolidated Film Industries, pfd | 16½ | 15⅞ | 15⅞ | — ⅝ | 1,300 |
| Eastman Kodak | 94½ | 93 | 93 | —2 | 1,400 |
| Eastman Kodak, pfd | 134 | 134 | 134 | —2 | 2,000 |
| Fox Film "A" | 16½ | 15⅞ | 15⅞ | — ¼ | 4,200 |
| Loew's, Inc. | 32½ | 31⅝ | 31¾ | — ⅝ | 10,000 |
| Loew's, Inc., pfd | 95 | 95 | 95 | — ⅝ | 100 |
| Paramount, cts. | 4⅝ | 4⅛ | 4⅛ | — ½ | 12,200 |
| Pathe Exchange | 2⅞ | 2⅝ | 2⅝ | — ⅛ | 1,800 |
| Pathe Exchange "A" | 21½ | 20½ | 21 | ..... | 2,900 |
| RKO | 3¼ | 3 | 3 | — ⅛ | 2,000 |
| Warner Bros. | 7⅛ | 6¾ | 6¾ | — ½ | 9,300 |

## Trans Lux Up ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | | ¼ | ..... | 200 |
| Technicolor | 9⅞ | 9 | 9 | — ⅛ | 2,300 |
| Trans Lux | 2¼ | 2⅛ | 2¼ | + ¼ | 300 |

## Warner Bonds Off Two Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 11⅛ | 10¾ | 10¾ | — ½ | 42 |
| General Theatre Equipment 6s '40, ctf | 10¼ | 9⅝ | 9⅝ | —1 | 40 |
| Keith B. F. 6s '46 | 70⅛ | 70⅛ | 70⅛ | + ⅛ | 1 |
| Loew's 6s '41, ww deb rights | 102 | 101 | 101 | ..... | 8 |
| Paramount Broadway 5½s '51 | 35 | 35 | 35 | — ¾ | 4 |
| Paramount F. L. 6s, '47 | 50½ | 49 | 50⅜ | + ⅝ | 15 |
| Paramount Publix 5½s '50 | 49 | 48¼ | 48¼ | — ¾ | 26 |
| Warner Bros. 6s '39, wd | 64⅜ | 61¾ | 652 | —2 | 59 |

# U. A. Program Seems Headed For About 20

(*Continued from page* 1)

able for Ronald Colman. Fredric March and Constance Bennett and is contemplating starring combinations of various kinds, including Colman and March in one picture. It all depends on story material. Definite, however, is a reduction in numbers of pictures for the new season.

Samuel Goldwyn will make four. One will be "Resurrection" with Anna Sten and March. A second will be the usual annual Eddie Cantor musical and a third will be "Barbary Coast," originally planned for Gloria Swanson with Miss Sten the replacement now.

Edward Small and Reliance now are figured for three.

London Film, headed by Alexander Korda, are regarded as a source of three more.

# Purely Personal

C. C. PETTIJOHN, HERMAN ROBBINS, MORTON VAN PRAAG, BUDD ROGERS, CHARLES ROSENZWEIG, ROBERT WOLFF, JOE VERGESSLICH, JACOB SCHECHTER, COL. E. A. SCHILLER, LEO BRECHTER, SI SEADLER, LOUIS NIZER, JACK STEINMAN, CHARLES L. O'REILLY, GUS EDWARDS, BEN SHERMAN, EUGENE PICKER, MORT SPRING, DAVE BLUM, HARRY SHIFFMAN, EMIL JENSEN, IRVING WORMSER, EDWARD SCHNITZER, MAX COHEN, M. J. KANDEL, LAURENCE BOLOGNINO and a host of others at the M.P. Club yesterday for lunch.

DAVE PALFREYMAN returned yesterday from four weeks of bookings at exhibitor conventions, which included two weeks at Los Angeles, one at San Francisco and a few days each at Salt Lake City, Denver and Cleveland.

DASHIEL HAMMET, author; SAM SIDMAN, character actor, and TOM MCNAMARA, comic strip artist, will be guests of the Cheese Club today.

CARL LESSERMAN, assistant to GRADWELL SEARS at Warners, is recuperating at the New Rochelle Hospital following a minor operation performed Sunday night.

AL DEZEL of Road Show Pictures has acquired the rights to "Guilty Parents" for Wisconsin, Upper Michigan, Minnesota and the Dakotas.

ZELDA SEARS, on leave from M-G-M, will reach New York Thursday on her way to Europe for an eight-week rest.

SAM ECKMAN, in charge of M-G-M activities in Great Britain, arrives today on the *Ile de France*.

LOUIS GASNIER, French director, and BOB NEWMAN are among those arriving today on the *Ile de France*.

EDWIN BURKE, Fox writer, is due in New York today for a month's vacation.

GEORGE BURNS and GRACIE ALLEN arrive in town today from the Coast.

# Schaefer Says Theatres Must Be Stabilized

(Continued from page 1)

erally and the double feature situation. What definite conclusions affecting company policy were arrived at on these matters is being reserved for the company's national convention in Los Angeles, June 18-20.

Schaefer admitted, however, that considerable emphasis was placed on competition between first runs and subsequents which play at sharply reduced admission prices. He did not say how it was planned to meet this condition, but declared that inasmuch as major revenue is derived from important accounts the wide differential in admissions charged by later runs creates a harmful effect on first runs. Tearing down the position of first runs hurts the entire industry, he declared.

Paramount's program for 1934-35 calls for 64 features, 100 single-reelers and 24 two-reel subjects, Schaefer said.

Paramount's national convention on the Coast this year will be confined to company executives, district and branch managers and theatre associates, he said.

Attending the Chicago meeting were Neil F. Agnew, Joseph J. Unger, Stanley Waite, G. B. J. Frawley. District managers included M. S. Kusell, New York; Percy A. Bloch, Philadelphia; Ed Fontaine, Cleveland; William Erbb, Boston; Oscar Morgan, Atlanta; Jack Dugger, Dallas; Charles Reagan, Chicago; Ralph LlBeau, Kansas City; Hugh Braly, Denver; Myke Lewis, Los Angeles; Ben Blotcky, Minneapolis; Morris A. Milligan, Toronto, and Alan Usher, Chicago.

Schaefer started east at noon.

## *Allied of Nebraska Fights Code Setups*

(Continued from page 1)

O. members. They are completing the organization of the independent theatre owners. I. T. O. plans to send C. L. Niles, Allied president, to New York to voice the protests and will resist code assessments until representation is assured, Martin said. The group also wired Clarence Darrow to act as their legal counsel, and to secure an injunction against Code Authority here.

## *Hamrick House Picketed*

Portland, April 30.—Although the mechanical staff of Hamrick's Music Box is completely unionized, the house was picketed with the opening of Jay C. Flippen's "World's Fair Follies," because of the non-employment of a union engineer. Picket answered picket when the house put out a banner stating that all employes of the house were union members. Later NRA officials called off the pickets and both sides will arbitrate May 29.

## *Texas Boards Set Dates*

Dallas, April 30.—The grievance board for Texas will have its first official meeting May 8, and the clearance and zoning board will meet in Dallas May 15.

# Production Jumps To Season's High

(Continued from page 1)

tivity with eight features working, six preparing and three editing; M-G-M reports seven, zero and 10; Warners, five, three and six; Radio, five, six and four; Universal, three, two and four; United Artists, three, two and one; Columbia, three, two and five, while the independent producers register a total of eight, four and five.

Activity in the short subject field shows M-G-M with three in work, none preparing and six editing. Universal reports one, one and two; Columbia, one, one and four; Roach, zero, zero and four; Radio, zero, zero and three, while the independent group totals six, five and six.

## *Services Tomorrow For Wm. H. English*

(Continued from page 1)

New York hospital after a brief illness. In addition to his post on the Paramount board, he was a director in Irving Trust Co., Brooklyn Trust Co., Lawyers' County Trust Co. and in a number of industrial concerns, among them the Prudence Co. It was through his association with the latter company, which financed the acquisition and construction of a number of theatres for Paramount, that English was appointed to the Paramount board in 1927.

He was 71 years old and is survived by his widow, a sister and two sons. English was named as a defendant in the action started last week by trustees in bankruptcy for Paramount Publix which seeks to recover up to $12,237,071 from members of the 1931-32 board that authorized repurchase of the company's stock which had been issued for the acquisition of theatres.

## *Ohio Admission Tax Repeal Hopes Fading*

(Continued from page 1)

ing. Following five decisive defeats in the House within a year, the Senate, after hours of debate in an all-night session, has again defeated the measure sitting as a committee of the whole, and again on the floor. The vote in the latter case was 13 for and 15 against, even with the tax reduced to one per cent. Previously it had been three per cent and later it was reduced to two per cent.

The vote by which it was defeated in the Senate was reconsidered, and the bill was sent back to the taxation committee, which insures another vote. However, if it should be brought out of committee and adopted by the Senate, there is considerable doubt that it will be carried by the House If defeated in either branch, the special session will adjourn.

The admission tax will remain in effect until the end of 1937 unless repealed by enactment of the sales impost.

## *Cohen, Keough to Coast*

Emanuel Cohen, Paramount production head, left for Hollywood yesterday with a complete outline of the company's 1934-35 production schedule. Cohen was in New York about a month. Austin Keough, Paramount general counsel, accompanied Cohen west on the coast theatre and real estate organization matters.

# MPTOA Moves Against Duals To Start Soon

(Continued from page 1)

inclusion in sales contracts of provisions designed to place a premium on single featuring, such as a cash discount for pictures shown singly, or a penalty on pictures shown on the same program with another feature. A second plan is to seek unanimous agreements among exhibitors in principal territories to ban the policy, and a third is to make a new attempt to have included in the film code a clause prohibiting duals when opposed by a majority of the exhibitors in any territory.

One or all three of the methods may be designated for trial by the executive committee when it meets here, it was stated. The committee was empowered by the M.P.T.O.A. convention to take what action it deemed best. Members of the executive committee are: Ed Kuykendall, Fred Meyer, Sidney Lust, Jack Miller, Charles Williams, Jules Michael and O. C. Lam.

## *Rich Fills Vacancy On Pittsburgh Board*

Pittsburgh, April 30. — Charles Rich, exchange manager here, has just been appointed to the grievance board. He succeeds Ben Kalmenson.

Kalmenson, named originally to represent the affiliated distributors, vacated the board when he was transferred from the Warner distribution department to theatres in charge of booking operations.

## *Named in Salt Lake City*

Salt Lake City, April 30.—Frederick Loofbourow, local attorney, has been notified of his appointment as secretary of the Salt Lake grievance and clearance and zoning boards by John C. Flinn, executive secretary of the Code Authority. The territory under Loofbourow's jurisdiction includes Utah, Montana, Idaho, eastern Nevada and western Wyoming. Immediately following his appointment Loofbourow left for the Coast to confer with Flinn.

## *No Oklahoma Complaints*

Oklahoma City, April 30.—No cases have been filed with the local grievance and zoning boards, but it is believed the boards will find enough to act upon when exhibitors learn that Charles Zears, the newly appointed secretary, is ready for action.

## *Board Office Ready Soon*

Offices of the New York clearance and zoning and grievance boards will be ready for occupancy this week. On Monday of next week the advisory committees of the clearance and zoning board will start discussing protests for new schedules.

## *Omaha Boards in Office*

Omaha, April 30.—Code boards here have picked offices in the Loyal Hotel, and Miss Regina Molseed, secretary, will move into the quarters this week upon returning from a Chicago conference with John C. Flinn.

# Fox Control Not Involved In Stock Sale

(Continued from page 1)

of the A after its sale of 200,000 shares to British and American investment interests, is also the owner of virtually all of the Class B stock.

Balfour, Boardman & Co., London investment house, was acting for the Fleming group of English investment trusts and the Atlas Corp., American investment concern, in purchasing the 200,000 shares of Fox A from Chase last week. It also holds an option on an additional 400,000 shares from the Chase for the same two accounts. Atlas is also revealed as the owner of $3,000,000 of Warners' convertible debentures and of 18,434 shares of Loew's, Inc. Floyd B. Odlum, Atlas president, told stockholders of the company at their recent annual meeting, that the company's policy would be to make a number of investments of a diversified nature in fields ordinarily neglected by investment trusts.

## Balfour, Boardman Are Chase Men in England

By BRUCE ALLAN

London, April 30.—Both members of the firm of Balfour, Boardman & Co., purchasers of 200,000 shares of Fox Film A and holders of an option on another 400,000 shares, are the Chase-Fox nominees on the board of Gaumont British. They have been associated previously here with Chase, Harris & Forbes, the security affiliate of the Chase bank.

They refuse to make any statement beyond saying that the purchase is "purely private."

Isidore Ostrer, head of Gaumont British, is abroad and his office says it has no knowledge of the transaction beyond press reports.

Walter Hutchinson, managing director of Fox here, says it is purely a financial deal by Chase to spread the shares and keep the price stable. Holding of the investment here will keep the shares off the market, he says. He declares that Balfour, Boardman are acting independently of Chase.

The opinion prevails here that the shares will be sold gradually to the public.

Possibility that the purchase of Fox Film stock may meet governmental objections because of a possible violation of the Treasury ban on exports of capital was voiced here. The embargo on exports of capital has been in effect since 1931.

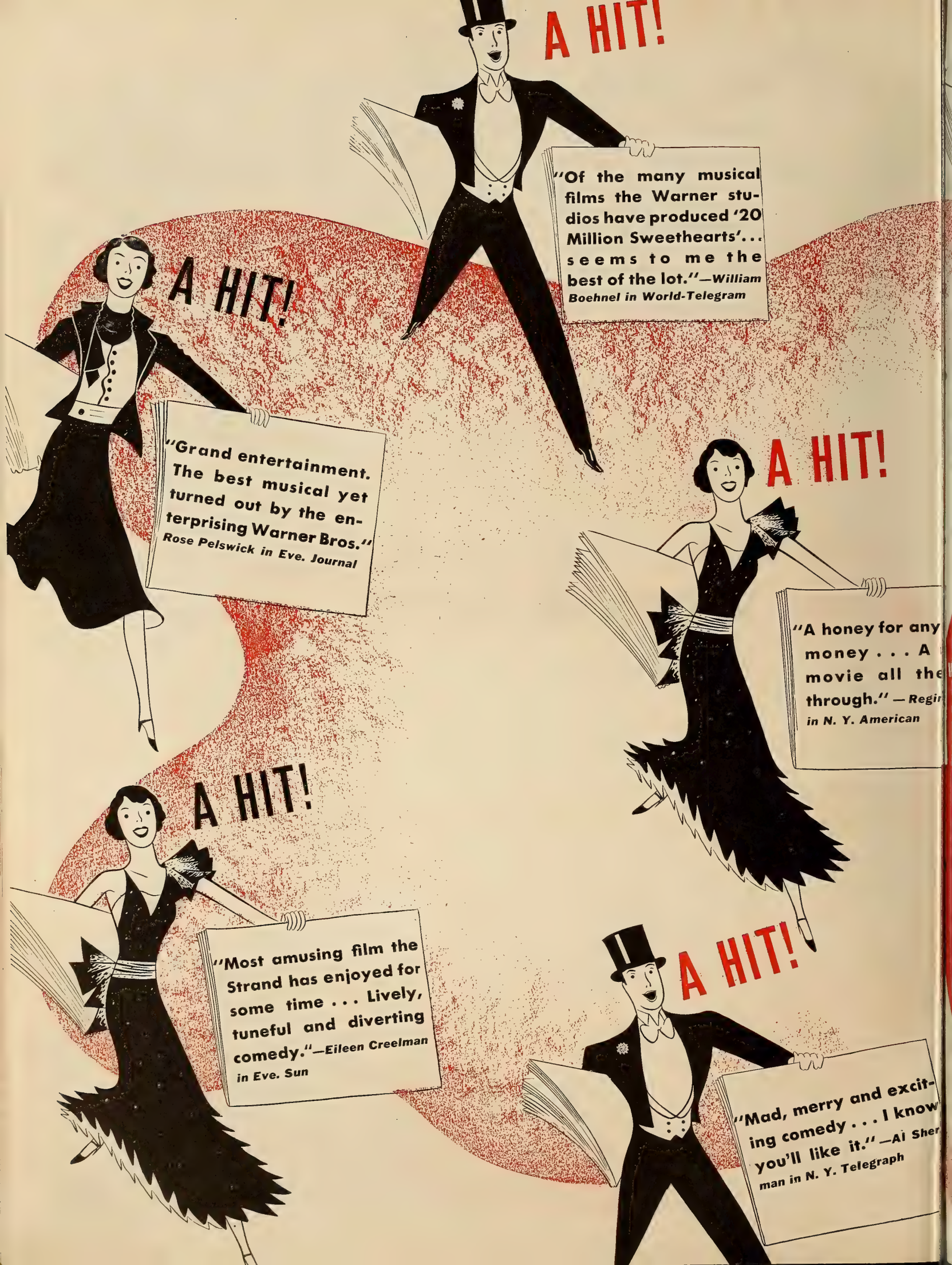
Financial circles here regard the transaction as merely meeting an ordinary investment demand.

## *Mahoney in Labor Post*

Washington, April 30.—Former Supreme Court Justice Jeremiah T. Mahoney has been named chairman of the New York Regional Labor Board. Mrs. Eleanore T. Herrick, who has been acting as chairman, will continue as vice-chairman.

## *Grainger in Tomorrow*

Hollywood, April 30.—J. R. Grainger arrives in New York Wednesday.


A HIT!
"Of the many musical films the Warner studios have produced '20 Million Sweethearts'... seems to me the best of the lot."—William Boehnel in World-Telegram
A HIT!
"Grand entertainment. The best musical yet turned out by the enterprising Warner Bros."
Rose Pelswick in Eve. Journal
A HIT!
"A honey for any money . . . A movie all the through." — Regi
in N. Y. American
A HIT!
"Most amusing film the Strand has enjoyed for some time . . . Lively, tuneful and diverting comedy."—Eileen Creelman in Eve. Sun
A HIT!
"Mad, merry and exciting comedy . . . I know you'll like it." —Al Sher
man in N. Y. Telegraph

A HIT!

"★★★½★ — The producers of '42nd Street' have done it again!" —Wanda Hale in Daily News

A HIT!

"A rollicking potpourri of fun, song and romance... A film with a wide appeal." —Mordaunt Hall in N. Y. Times

A Hit in New York, Philadelphia, Detroit, Baltimore, St. Louis, Washington, New Haven, Hartford!

# WARNER BROS.'

# "20 MILLION SWEETHEARTS"

A HIT!

DICK POWELL • GINGER ROGERS • PAT O'BRIEN
4 MILLS BROS. • TED FIORITO & BAND • 3 RADIO ROGUES • THE 3 DEBUTANTES • MUZZY MARCELLINO • ALLEN JENKINS • Songs by WARREN & DUBIN • Directed by RAY ENRIGHT

*A First National Picture. Vitagraph, Inc., Distributors*

"Great entertainment... One of the cleverest musical movies which have yet come out of Hollywood. Fun galore." —Bland Johaneson in Daily Mirror

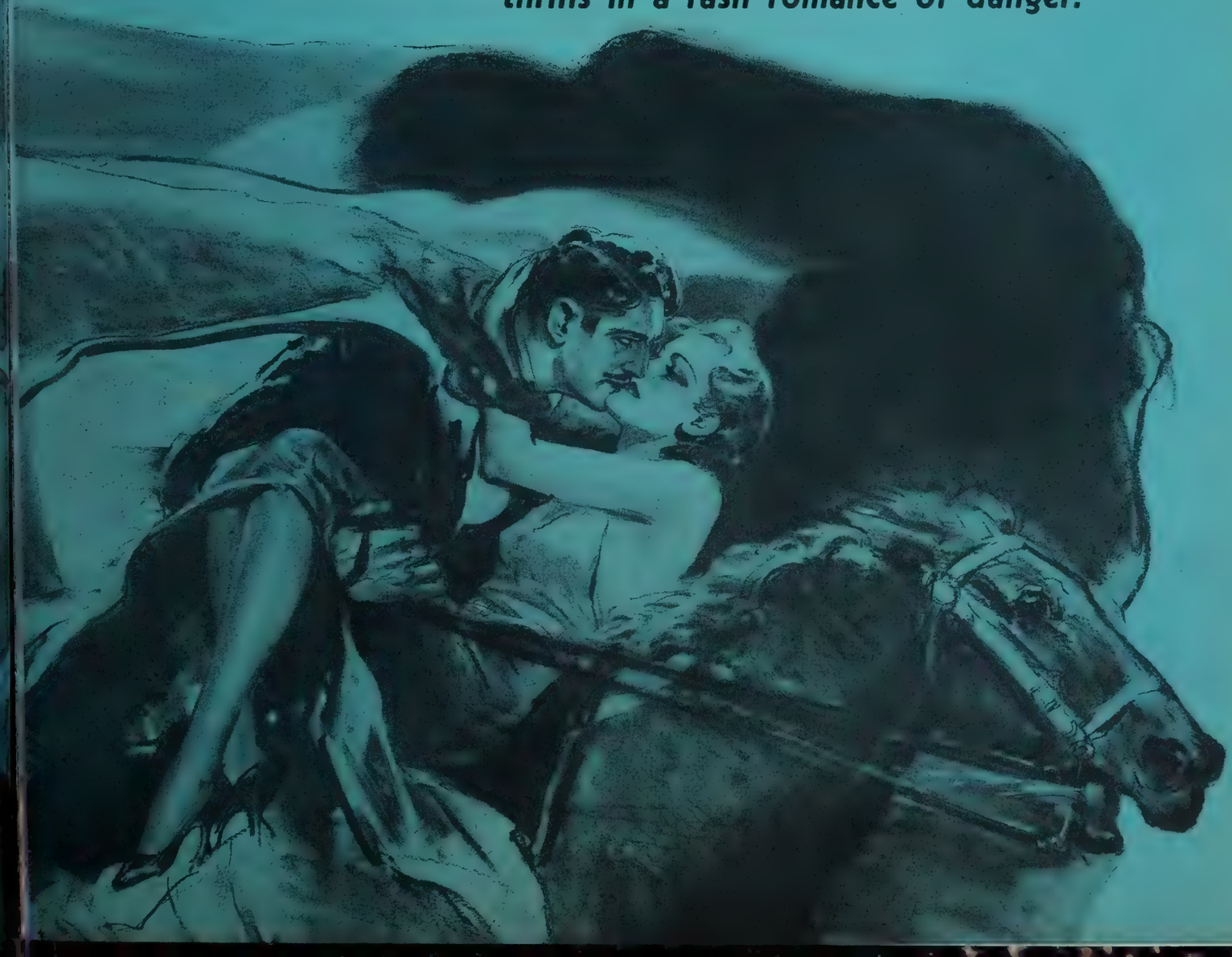
THE STARS OF IMMORTAL
IRENE
STI
with
MARY BOLAND
CONWAY TEARLE . . ANDY DEVINE
HENRY STEPHENSON . . UNA O'CONNOR
DIRECTED BY WILLIAM A. WELLMAN
BASED ON STORIES BY E. W. HORNUNG
RKO RADIO PICTURE
A MERIAN C. COOPER PRESENTATION
PANDRO S. BERMAN, Executive Producer

"CIMARRON" UNITED AGAIN!

# DUNNE . . . RICHARD DIX

# NGAREE

*A PRICE ON HIS HEAD . . . a song in his heart . . . a girl in his dreams . . . this gay Australian outlaw who feared neither death nor devil fires your blood with leaping thrills in a rash romance of danger.*



## Court Writ Issued For "Hitler" Film

(Continued from page 1)

board and Police Commissioner John F. O'Ryan.

The stay was sought because the picture has been classified by the producers as a newsreel and under this classification is being shown without a license from the censor board.

Those named in the writ were: Frank P. Graves, commissioner of education; James Byrne, Thomas Mangan, William Day Walling, William Bonday, Robert W. Higbie, Roland B. Woodward, William Leland Thompson, John Lord O'Brien, Grant C. Madill, George Hopkins Bond and Owen D. Young, the board of regents of New York University; Irwin Esmond, director of the censor board, and the police commissioner.

## Kuykendall in Plea For Unity at K. C.

KANSAS CITY, April 30.—Addressing the Variety Club today on his way to his home in Memphis, Ed Kuykendall pleaded for cooperation among all industry branches for the common good of the business. He called on exhibitors and conferred with A. F. Baker, president, and R. R. Biechele, secretary of the K. M. T. A. He leaves tomorrow.

## Irene Castle Returning

HOLLYWOOD, April 30.—Upon her return from Chicago, where she was called by the illness of her mother-in-law, Irene Castle McLaughlin will make a screen comeback with Warners, who made several tests last week with favorable results.

## LeRoy to Resume Work

HOLLYWOOD, April 30.—Contrary to reports that Mervyn LeRoy will take an executive production post now that he has returned from his round-the-world honeymoon, the studio is ready with several stories for him to direct.

## Omaha Sale Up to Court

OMAHA, April 30.—Transfer of the Orpheum, which was bid in by a bondholders' protective committee last week at a foreclosure sale, awaits approval of the Federal court. A hearing is scheduled for May 3.

## Gets Call to Meeting

KANSAS CITY, April 30.—Grace Gannon, board secretary, was instructed today by John C. Flinn to attend a meeting of middle western secretaries in Chicago Thursday.

## Bomb 4 in Pittsburgh

PITTSBURGH, April 30.—The fronts of four local houses were damaged by bomb explosions today. Labor trouble is blamed. Damage is put at $25,000.

## Farrell Is Flying to N. Y.

HOLLYWOOD, April 30.—Charles Farrell started by plane tonight for New York, from where he sails aboard the *Majestic* Friday on a one-picture deal with British Gaumont.

## Warner Execs. Leaving

Arriving today, Hal Wallis and William Koenig are sailing Saturday for a six-week European vacation.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Stingaree"

*(Radio)*

HOLLYWOOD, April 30.—Richard Dix and Irene Dunne, reunited for the first time since "Cimarron," appear in a romance between a bandit and an opera singer.

The time is 1874 and the place Melbourne, Australia. The film parallels the alleged romance of a world-famous singer and is adapted from a story by E. W. Hornung. The bandit, Stingaree (Dix), comes to the house of rich Miss Clarkson (Mary Boland) to rob and discovers Hilda Bouvarie (Miss Dunne), one of the domestic help, singing. They sing together and become enamored. Stingaree urges a Sir Kent (Conway Tearle), a visiting London impresario, to hear Hilda. The police arrive, Stingaree is shot but escapes. Sir Kent, impressed with Hilda's voice, sponsors her continental tour. She goes from triumph to triumph. In London, at the height of her career, Stingaree, as he promised, returns after a concert and sweeps her off. The police follow and they ride together to their destiny.

Dix and Miss Dunne hold the spotlight. The latter's singing of "Tonight Is Mine" is splendid. For comedy Miss Boland stands out, helped by Una O'Connor, that fine character actress, and Andy Devine, who plays Stingaree's aide. Henry Stephenson and George Barraud round out the cast.

The picture is interesting, clean and romantic, with a nice balance of values. It is nothing big, but it is satisfying.

## "Handy Andy"

*(Fox)*

HOLLYWOOD, April 30.—Fast on the heels of the successful "David Harum" comes this new Will Rogers vehicle loaded with down-to-earth, homespun, wholesome qualities which characterize all of the comedian's pictures.

An ambitious wife, played effectively by Peggy Wood, persuades Will on this occasion to sell his drug store to the chain interests. With nothing on his hands but some money, Rogers finds that the hardest job of all is to get rid of time. He makes himself a nuisance around the house and finally is tipped off that the way to cure his wife is to follow her footsteps at the Mardi Gras ball in New Orleans. Rogers goes as Tarzan. What happens thereafter is a howl, and he wins his point. The minor love thread is carried forward principally by Mary Carlisle.

"Handy Andy" is a typical Rogers vehicle, highlighted by the golf episode and the Tarzan sequence, with many laughs in a somewhat minor key throughout. It's a good show.

# Looking 'Em Over

## "Hitler's Reign of Terror"

*(Jewel Productions)*

"Hitler's Reign of Terror" probably will bring crowds to the box-office regardless of what its merits as entertainment may be. Besides being timely, the subject is one that has stirred wide discussion. The production will create a varied reaction, depending upon the feeling of each member of an audience toward Hitler and his policies. At a showing at the Mayfair yesterday, for example, there were scenes that brought applause from some and hisses from others. "Hitler's Reign of Terror" is the type of picture to keep an audience in a ferment.

The film is a compilation of newsreel shots and of film taken by Cornelius Vanderbilt, Jr. It is difficult to say just how much of it has been contributed by Vanderbilt, who is supposed to have made what part of the film he is responsible for "at risk of his life." Some of the scenes poke the camera's "nose" intimately enough into Nazi affairs to have this statement taken as a fact.

Scattered through the film are interviews with many notable German figures. Exciting moments are numberless. Vanderbilt alternates with Edwin C. Hill in providing the production with a running narrative. Michael Mindlin directed. Samuel Cummins is sponsoring the production.

## David Back from Frisco

SALT LAKE CITY, April 30.—Harry David, general manager of L. Marcus theatres in Utah and Idaho, has returned from San Francisco, where he attended the funeral of his mother.

## FitzPatrick Going West in Two Weeks

(Continued from page 1)

in the East, some parts of the picture may be made on the Coast.

From Hollywood, FitzPatrick will go to Mexico with a Technicolor unit where he will make a Traveltalk for M-G-M. Mrs. FitzPatrick is now in The Hague with a Technicolor unit which will make "Tulip Time in Holland," the first of the eight 1934-35 Traveltalk M-G-M will release. From there Mrs. FitzPatrick will go to Switzerland, France, England and Ireland.

FitzPatrick has just completed "Egypt, Kingdom of the Nile," eighth of the 12 black and white travelogues being released by M-G-M this season. He will turn out the other four at the rate of one every two weeks.

## Zirn to Supreme Court

WASHINGTON, April 30.—Samuel Zirn, counsel for a group of Paramount Publix bondholders, was here today to make preparations for a plea to appeal to the Supreme Court his action seeking the removal of the Paramount Publix trustees in bankruptcy.

## Opens Office in Italy

Norton V. Ritchey has completed arrangements for distribution of the entire 1933-34 Monogram product of 20 pictures in Italy. Distribution headquarters have been opened in Rome.

## Camden Theatre Burned

CAMDEN, April 30.—Damage estimated at more than $200,000 was caused by fire yesterday at the Broadway. The theatre was only recently constructed.

"Rates High As Film Entertainment"—*VARIETY* .. "Swell picture . . . will keep audiences in suspense"—*M. P. DAILY* . . . "Outstanding mystery story"—*BILLBOARD* . . . "One of the topnotch independent productions of the year"—*N. Y. STATE EXHIBITOR.*

1934 LIBERTY PICTURES 1935

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 102 NEW YORK, WEDNESDAY, MAY 2, 1934 TEN CENTS

## Cut Rates Hit By Cleveland Code Decision

### *Grievance Board Rules On Several Cases*

CLEVELAND, May 1.—The local grievance board has injected itself into the fight to protect admission prices in this city by indicating it intends to deal severely with those found guilty of violations.

The board revealed just what its stand in the matter is yesterday, when it meted out censure to three exhibitors and placed them on six months' probation after finding them guilty of distributing in quantities 10-cent passes in lieu of the minimum contract admission price of 15 cents in direct violation of Article V (E), Part 3, Section 3 of the code. No penalties were inflicted.

The cases were those of L. & F.

(*Continued on page* 12)

## Deny White House Film Report Confab

WASHINGTON, May 1.—Clarence Darrow and John F. Sinclair of the National Recovery Review Board today visited the White House to confer with the President but refused to reveal the subject of their discussion other than to deny that it was with regard to the report on the film investigation. The film report, it was stated, has not yet been completed, and no definite time has been set for its submission.

Following the action of the Secretary of the Interior last week in ex-

(*Continued on page* 12)

## Kuykendall Certain Of Code Reopening

KANSAS CITY, May 1.—Ed Kuykendall, here on his way to his home in Columbus, Miss., said today it is inevitable the code will be reopened for revision, with additional hearings in Washington, in the light of the industry's experience with it since its

(*Continued on page* 8)

### *Hearing Is Cancelled On Laboratory Code*

WASHINGTON, May 1.—Cancellation of the hearing on the laboratory code, set for May 9, was announced today by the National Recovery Administration.

## First Session On Rentals to Be Held Here

### *Penn MPTO Men Decide On Tuesday as Date*

First of the three regional conventions sponsored by the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware to protest high rentals, percentages and score charges will be held in New York next Tuesday.

The initial meeting was set yesterday following conferences between David Barrist, chairman of the board of the Philadelphia unit; Harry Brandt, president, and Louis Blumenthal, an executive of the I. T. O. A. The plan is to call in leading indepen-

(*Continued on page* 12)

### *Rosenblatt Quickly Halts Loew Strike*

A 30-minute strike of service employes called on Loew's Metropolitan, Brooklyn, yesterday afternoon by Local 118, Theatre & Amusement Employes' Union, was brought to an abrupt halt when Division Administrator Sol A. Rosenblatt telephoned from Washington and obtained an agreement from Charles C. Levey. secretary-treasurer of the local, to submit the dispute to arbitration.

The strike was called, according to

(*Continued on page* 12)

### *New Jersey Allied For Producer Plan*

Allied of New Jersey yesterday voted in favor of the national organization's plan to tie up with a producer, now with a major company, who plans to make pictures on his own. The Allied plan is to distribute the product in territories where its units are represented.

This marks the first unit to go for

(*Continued on page* 8)

## Para. B'way Corp. Finance Plan Set

Under the terms of a reorganization of the Paramount Broadway Corp. which has been approved by a bondholders' protective committee headed by Peter Grimm and the trustees of the Paramount Publix Corp. interest charges are to be cut to three per cent until 50 per cent of the bonds of the present corporation are retired and after that the interest rate is to be 5½ per cent. This additional 2½ per cent is to be paid only if earned by

(*Continued on page* 4)

## Coast Meet Votes to End Double Bills

HOLLYWOOD, May 1.—That double bills throughout Southern California will be doomed within four weeks was the assurance given at a general mass meeting of producers and exhibitors, both independent and affiliated. More than 350 exhibitors were at the gathering. Ben Berinstein was the official representative of independent exhibitors. B. B. Kahane represented major producers, while I. E. Chadwick represented the independents.

Evils besetting the industry were discussed and a solution sought to the problem of doubles.

Kahane took a stand against doubles,

(*Continued on page* 8)

### *RKO Quarter Gain Reported by Sarnoff*

That RKO earned a net profit of $403,616 in the first quarter of the current year, as compared with a loss of $1,297,947 in the similar period of last year, was revealed by David Sarnoff, head of RCA, yesterday in reporting on profits of the latter company for the first three months of 1934.

## *Spring Hits Grosses in 14 Principal Key Spots*

Spring developed competition with theatres in the 22 key cities reporting to the MOTION PICTURE DAILY. Grosses were off sharply for the weeks ending April 13-14 and April 20-21 from the high marks registered during the week ending April 6-7.

The April 6-7 total of $1,571,695 was the highest mark since last September. In the two weeks since then the totals have been $1,360,061 and $1,342,151.

The declines were almost uniform

(*Continued on page* 8)

## Ralph A. Kohn Resigns Post At Paramount

### *V-P, Director, Head of Recent Theatre Setup*

Ralph A. Kohn, vice-president and a director of Paramount Publix and subsidiaries, has resigned from the company, the resignation to take effect immediately.

Ralph A. Kohn

Kohn, who has been a ranking executive in Paramount since the days of Famous Players Film Co., confirmed his resignation yesterday in a terse announcement in which no reason for the move was given. Likewise no official explanation was given by the

(*Continued on page* 4)

## Zirn Takes Para. Case to Top Court

Samuel Zirn, counsel for a group of Paramount bondholders, said yesterday that he had filed a 32-page brief with his petition to the U. S. Supreme Court for leave to appeal his action seeking the removal of the Paramount Publix trustees in bankruptcy. Zirn's action was dismissed some time ago by the U. S. Circuit Court of Appeals here.

Counsel for the Paramount trustees

(*Continued on page* 4)

### *Chase Wins Review On Interest Denial*

Chase National Bank, as trustee under a $20,000,000 Paramount Bond indenture, yesterday was granted a review by the U. S. Circuit Court of Appeals here of an order denying the bank the right to receive dividends on the portion of the bond issue which

(*Continued on page* 4)

### *Franklin's Bergner Films Going to Fox*

Arrangements for making several pictures with Elizabeth Bergner at the Fox Hollywood studios for release by that company were completed by Harold B. Franklin in London,

(*Continued on page* 8)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Columbians to Install

Hal Hode will be installed as the new president of the Columbians at a dinner-dance to be held Friday night at the Theatre Cafe. Harry and Jack Cohn are expected to attend. Other new officers are: Milton Hannock, first vice-president; Sam Hacker, second vice-president; Vincent Borelli, treasurer; Clara Gorin, secretary; Minna Stieglitz, assistant secretary; Ruth Cohen, financial secretary; Mary Koben, chairman of the board of governors; Frances Goldberg, exchange representative, and Heiss, publicity.

## A. T. & T. Selling Loew's

Financial writers yesterday reported the sale by A. T. & T. and Western Electric of 160,000 shares of its block of 260,000 shares of Loew's, Inc., acquired under the liquidation of Film Securities Corp. last December. MOTION PICTURE DAILY exclusively reported on April 13 that A. T. & T. had disposed of half its Loew's holdings and that the remainder would be disposed of within a reasonable time.

## McNamee Doing Feature

Graham McNamee, NBC announcer, has been signed by Mentone to do the off-screen narrative for "The World in Revolt."

## Michael Shea Improves

BUFFALO, May 1.—Michael Shea, head of the Shea Theatres Corp., is greatly improved in health.

## New Universal Title

HOLLYWOOD, May 1.—Universal has changed title of "The Humbug" to "The Love Captive."

# Insiders' Outlook

*Hollywood, May 1*

JOE SCHNITZER is plotting features with a very major releasing creeping up on him. . . . "Dante's Inferno" is on the Fox list as one of its 1934-35 dreadnaughts. Sol Wurtzel will turn it out at the Western Ave. plant. . . . Distribution talk in Hollywood confines itself to producers who are seeking releases. Some talk afoot that Fox will take on outside pictures if outside pictures belong inside the Fox fold. In other words, it's a case of quality. . . . The air is full of conversation of costume pictures and filmed classics, even in the face of "Queen Christina" and what it failed to do. Watch out! There's danger of a Dickens epidemic. . . .

▼

Sam Goldwyn, time on his hands one day, determined to visit his offspring, same name, and a student at the Black-Foxe Military Academy, where sons of the Wurtzels, the Charlie Rogers, the Paul Sloans, the Buster Keatons, the Nat Levines, the John Stahls and Charlie Chaplin are learning how to protect Hollywood and the Gold Coast—in case. Much excitement attended Goldwyn's visit. The principal escorted the producer to the boys' class where Sam pere found Sam fils in a temporary doghouse. "Why?" queried Goldwyn. "What has he done?" It seems the youngster had interrupted a story with a two-word juvenile classic: "It's lousy." Said Goldwyn: "I can forgive him for that. He's like me. Already he knows a lousy story when he hears one. He'll make a good producer." . . .

▼

How it goes here: "David Harum" kicked around the Fox story department for five years before it was made and started going places theatre-wise. Time after time did the studio turn persuasion loose on Rogers, but where there is a Rogers, there's a will. So Will willed not. The quaint Hollywood custom of hitching horses to a winning star found this star doing exactly that and didn't prevent Rogers from taking bows down the line for "Harum's" success. Or prevent a Southern California exhibitor from figuring it was a harem, sex picture. . . .

▼

Commercial broadcasting is making it tough for several of the major studios. In the first place real stars get plenty, one chap, for a program about to be, grabbing $4,000 for less than an hour's work. There being no secrets in Hollywood, the word is around and already other stars on that lot are refusing to go on unless the original figure is met or topped. The studios find it all a headache, particularly when they want ether time to plug an impending release of their own. Which leads to speculation if that long-pending promise of wedlock between films and radio won't have to come off some day after all. . . .

▼

The well-liked "Doc" Giannini, friend of and banker for much of the production colony: "Herman Wobber tells me Winnie Sheehan is the greatest producer of them all. Yesterday I played golf with Sam Goldwyn and he admitted he was. The day before at lunch Jack Warner made the same observation and it was only 24 hours preceding that when Irving Thalberg said the same thing. Now I'm asking who is?" Giannini hasn't heard from Harry Cohn yet. . . . KANN

## Eastman Pfd. Up 1 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 28½ | 27½ | 27⅞ | — ¾ | 900 |
| Consolidated Film Industries | 4⅛ | 4 | 4 | — ⅜ | 500 |
| Consolidated Film Industries, pfd | 16 | 15¾ | 16 | + ⅛ | 800 |
| Eastman Kodak | 93 | 92 | 92 | —1 | 500 |
| Eastman Kodak, pfd | 135 | 135 | 135 | +1 | 2,000 |
| Fox Film "A" | 16¼ | 15¾ | 16 | + ⅛ | 2,300 |
| Loew's, Inc. | 32½ | 31⅞ | 32⅜ | + ⅝ | 11,300 |
| Loew's, Inc., pfd | 95 | 94¾ | 95 | ..... | 500 |
| Paramount Publix | 4½ | 4⅛ | 4¼ | + ⅛ | 6,200 |
| Pathe Exchange | 3 | 2⅝ | 2⅞ | + ¼ | 5,200 |
| Pathe Exchange "A" | 22¼ | 20⅜ | 22¼ | +1¼ | 7,400 |
| RKO | 3 | 2⅞ | 3 | ..... | 8,100 |
| Warner Bros. | 6⅞ | 6½ | 6⅝ | — ⅛ | 7,500 |

## Technicolor Up ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9¾ | 9¼ | 9¼ | + ¼ | 200 |
| Trans Lux | 2¼ | 2¼ | 2¼ | ..... | 100 |

## Paramount Broadway Bonds Up 5

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10¾ | 10⅝ | 10⅝ | ..... | 3 |
| General Theatre Equipment 6s '40, ctf | 9⅝ | 9½ | 9⅝ | ..... | 8 |
| Keith B. F. 6s '46 | 70½ | 70½ | 70½ | + ⅜ | 5 |
| Loew's 6s '41, ww deb rights | 101 | 101 | 101 | ..... | 1 |
| Paramount Broadway 5½s '51 | 40½ | 38½ | 40 | +5 | 104 |
| Paramount F. L. 6s '47 | 50½ | 49⅞ | 50½ | + ⅛ | 10 |
| Paramount Publix 5½s '50 | 52 | 50⅝ | 51½ | +2⅜ | 15 |
| Pathe 7s '37, ww | 96½ | 96⅜ | 96½ | —1 | 4 |
| Warner Bros. 6s '39, wd | 62½ | 61 | 61⅝ | — ⅜ | 131 |

## Purely Personal

AL LICHTMAN, BORIS MORROS, HAL HORNE, HERMAN ROBBINS, BERT ADLER, WILLIAM R. FERGUSON, SI SEADLER, HARRY BRANDT, CHARLES L. O'REILLY, DAVID BARRIST, MAX COHEN, LEO ABRAMS, JACK COHN, NATE SPINGOLD, ABE SCHNEIDER, LAURENCE BOLOGNINO, E. H. GOLDSTEIN, JULES LEVY, PHIL REISMAN, NAT GOLDBERG, EDWARD SCHNITZER, EARLE KRAMER, HERMAN BERNIE, ABE MONTAGUE, MORT SPRING, DAVID LOEW, PHIL MEYER, LOUIS BLUMENTHAL, EMIL JENSEN, LOU WEINBERG, HERBERT EBENSTEIN, LOUIS NIZER, CHARLES ROSENZWEIG, LEO BRECHER, FRANK DRISCOLL, J. LOUIS GELLER, BERNARD GOTTLIEB, DAVE EPSTEIN, JOE BRANDT, TOBY GRUEN, J. J. MCCARTHY and WILLIAM FRANKEL helped keep the M. P. Club lunch room at capacity yesterday.

C. C. PETTIJOHN, commander-in-chief of the Kentucky colonels, leads a battalion of his men to Churchill Downs tomorrow for the Kentucky Derby Saturday.

J. GEORGE FEINBERG, vice-president of International Seat Corp., is making a business tour of western cities in conjunction with trade showings of the company's new U-16 chair.

HY DAAB has resigned from the Warner advertising and publicity department. He leaves the company the end of the week and plans to go to the coast to write.

JAMES E. O'BRIAN has been placed in charge of the newly opened New England office of International Seat Corp. at Gardner, Mass.

FRED ASTAIRE left for Louisville yesterday to attend the Kentucky Derby at Churchill Downs on Saturday.

HENRY GINSBERG returned to the Hal Roach studio yesterday after a week's conferences with M-G-M home office executives.

DEAN JAGGER, appearing in "Tobacco Road" on Broadway, has been signed by Paramount. He leaves for the coast within the next few weeks.

EDDIE BONNS, short subject sales manager for Universal, returned yesterday from a swing around the exchanges.

HARRY WARREN, Warner songwriter, is in town for a rest. He reports back to the Coast in July.

HY GLICK arrives by plane from the coast tonight where he has been attending conferences with NAT LEVINE.

DAVID IDZAL, in charge of the Fox, Detroit, is in town for a few days. He may leave for home today.

MILTON BERLE is slated to compete with JOE PENNER tomorrow at the Ampa.

COL. W. S. BUTTERFIELD is in from Detroit.

**MERRILY We Roll Along!**

★

**"TARZAN"** clicking—whoopee!

★

**"MEN IN WHITE"** is doing jolly—by golly!

★

**CONGRATS CLARK GABLE!** And we just saw "Manhattan Melodrama" Nifty!

★

**LEO! YOU'RE RUNNING WILD!** Joan Crawford's "Sadie McKee"

Marion Davies and Gary Cooper *in* "Operator 13"

HOLLYWOOD PARTY

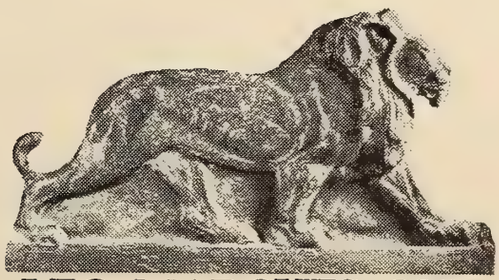
THE THIN MAN

And the $2 HIT!

**"VIVA VILLA!"** *starring* **WALLACE BEERY**

AT POP. PRICES!

Above: *Showmanship in newspaper ads!*



LEO MARCHES ON!

# Ralph A. Kohn Resigns Post At Paramount

(Continued from page 1)

company or the trustees in bankruptcy.

Kohn's major activities for the past six months have been in association with his post as president of Paramount Theatres Service Corp., the subsidiary charged with home office direction of Paramount theatres. No successor to Kohn in this post will be named for the present, it was learned yesterday. Sam Dembow, Jr., is vice-president of the theatres service company and is expected to take over a part or all of Kohn's work in that department. Y. Frank Freeman, president of Famous Theatres Corp., the company which took over the Publix Enterprises holdings under the bankruptcy reorganization plan for the latter company, may assist.

Reports that S. A. Lynch, chairman of the Paramount trustees' advisory committee, would succeed Kohn were authoritatively learned to be without foundation. Such a succession is not unlikely for the somewhat distant future, it was disclosed, but for the present, at least, Lynch is too vitally involved in reorganization work on a number of large Paramount theatre subsidiaries, and in his advisory capacity to the Paramount trustees, to relinquish that work at this time, it was stated.

Events leading up to Kohn's resignation are said to have been climaxed on Monday during a conference with the Paramount trustees.

### Named in Trustees' Suit

Kohn was named a defendant, with other members of the Paramount board of directors of 1931-32, in the action filed by the trustees in bankruptcy last week to recover up to $12,237,071, the amount said to have been expended for repurchase of Paramount stock which had been issued for the acquisition of theatres during 1930-31. Kohn was treasurer of Paramount at the time the stock repurchases were authorized. He had occupied that post since 1927.

Kohn joined Famous Players Film Co. in 1913 from the law offices of Elek J. Ludvigh, who later became a director and general counsel of Paramount and served in those capacities up to the time of his resignation in Jan., 1932. Kohn was made assistant counsel and assistant secretary and later, on the organization of Paramount Famous-Lasky Corp., was made assistant secretary and assistant treasurer. He was elected a director in 1923, and became treasurer four years later. Following the Paramount Publix bankruptcy and decentralization of the company's theatres, Kohn was placed in charge of all home office supervision over theatres.

In commenting on his resignation, Kohn stated: "I cannot leave Paramount without thanking those many men and women of the organization who during the bankruptcy particularly have so wholeheartedly supported the trustees, Mr. Zukor and other executives. I am sure that this spirit will continue so that Paramount can soon be reorganized and again take its place as one of the great companies in the business."

# Zirn Takes Para. Case to Top Court

(Continued from page 1)

will have 20 days in which to file a reply to his brief, Zirn said, and a decision on allowing his appeal is expected from the Supreme Court about June 4, shortly before the summer recess of the high court. The trustees' counsel said yesterday that they had not been served with papers yet in Zirn's latest move.

Zirn goes to Albany today to file an appeal with the Court of Appeals from an order handed down recently by the Appellate Division denying his petition to bring suit in connection with certain transactions prior to the Paramount bankruptcy.

## *Chase Wins Review On Interest Denial*

(Continued from page 1)

has not been filed by Chase with Henry K. Davis, referee in bankruptcy for Paramount Publix.

Referee Davis ruled some time ago that the bank was entitled to dividends only on the bonds actually filed, and this ruling was upheld by U. S. District Court Judge John Woolsey after a review. Approximately $1,900,000 of the $20,000,000 issue have not been filed with the referee. Attorneys for the Paramount Publix trustees did not oppose the Chase petition for a review by the higher court.

## *Paramount to Have New Color Cartoons*

Paramount is planning a series of one-reel color cartoons to supplement the "Betty Boop" black and white cartoons next season. Max Fleischer is producing the "Boop" series, but no producer, number of shorts nor trade name has been designated for the new series.

Announcement of the cartoons in color will be made at the annual sales convention in Los Angeles May 18-20.

## *Paramount Men Told Plan for 60 Stands*

Despite reports to the contrary, Paramount will release 60 features for the current season. Division and district managers attending the two-day conference were advised to this effect. The 1933-34 season will end sometime in July, and August will see the first of the new season's releases.

## *Paramount Holds Bernie*

HOLLYWOOD, May 1.—Enthusiastic over his acting in "Thank Your Stars," Paramount is retaining Ben Bernie for a second picture which will give him top billing. The title is "One Night Stand."

## *Para. Picture Retitled*

HOLLYWOOD, May 1.—"Thank Your Stars" has been changed by Paramount to "Shoot the Works." The film is in production with Wesley Ruggles directing.

## *Start Para. Additions*

HOLLYWOOD, May 1.—Paramount has started construction on two new buildings, a title printing laboratory and an addition to the process stage.

# Para. B'way Corp. Finance Plan Set

(Continued from page 1)

the Paramount Building, upon which the bonds will be a first mortgage lien.

This is regarded as preliminary to the early reorganization of Paramount Publix. Bonds of Paramount Broadway advanced three points yesterday, and both Paramount Publix 5's and Paramount Famous Lasky 6's also had small gains.

Bonds of the present Paramount Broadway Corp. are to be exchanged for bonds of a new company on the basis of a $1,000 bond of the new company for each $1,000 bond of the present company.

### To Cut Length of Lease

The present Paramount Publix lease on the building, running for 25 years from Jan. 1, 1926, is to be changed to a 10-year lease, or until the payment of one-half of the bonds of the subsidiary (whichever occurs sooner) with provisions for renewal thereafter. The Paramount theatre lease will continue on a graduated percentage basis until half the bonds are paid.

Under the terms of the agreement arrears of taxes and penalties on the Paramount building amounting to $540,331 have been paid. The funded debt of the Broadway unit, all of the capital stock of which is owned by Paramount Publix, is $8,875,000 first mortgage 5½ per cent 25-year sinking fund gold certificates. Of this $2,681,500 is on deposit with the Chemical Bank and Trust Co.

Paramount Publix, when reorganized, will guarantee the three per cent interest charges on the bonds and will cancel certain claims against Paramount Broadway. Bondholders of the latter will be represented on the board of the reorganized Paramount Publix.

A formal agreement is now being drawn up, according to Grimm. Other members of the protective committee are: Robert Goelet, Harold V. Smith, George McAneny, J. Russell Forgan and Robert E. Dowling.

## *Portland Paramount Committee Is Named*

PORTLAND, May 1.—Financial problems of the Portland Paramount Corp. have resulted in the appointment of a bondholders' protective committee and holders are being asked to deposit their securities with the Title & Trust Co.

The committee includes Amedee M. Smith, Robert H. Strong and Earl C. Bronaugh, Sr.

The Paramount subsidiary controls the block bounded by Broadway, Salmon, Park and Main Streets through a lease from Jensen, VonHerberg. The bonds are a first mortgage on the leasehold. Taxes and ground rentals have been paid, it is said, but interest on the bonds is said to be in arrears.

## *Lewis Here for Talks*

Mike Lewis, western division manager for Paramount, is here for conferences with Neil Agnew, sales manager. Lewis attended the Chicago confab over the week-end, but decided to come east with the home office crowd.

# "Stand Up" Is $78,000 Tonic At Music Hall

"Stand Up and Cheer" removed some of the quiet that has prevailed around the RKO Music Hall since "Wild Cargo" departed a month ago. The take, $78,000, was not sensational, but it was an improvement.

"Tarzan and His Mate" also stirred a pickup in box-office activity at the Capitol with $50,000. This is up in a class with "Riptide" and was almost as good as "The Show Off," when Jimmy Durante appeared for a week.

"Wharf Angel" on the Paramount screen and Gloria Swanson on the stage didn't cause a ripple. Only $25,000 was chalked up. "I'll Tell the World" gave the Roxy a good week at $23,000.

"House of Rothschild" ended its sixth week at the Astor still going strong at $19,500.

Estimated takings:

***Week Ending April 23:***

**"LOOKING FOR TROUBLE" (U. A.)**
RIVOLI—(2,200), 35c-99c, 2nd week, 7 days. **Gross:** $15,300.

***Week Ending April 24:***

**"HOUSE OF ROTHSCHILD" (U. A.)**
ASTOR—(1,012), 55c-$2.20, 6th week, 7 days. **Gross:** $19,500.

***Week Ending April 25:***

**"STAND UP AND CHEER" (Fox)**
RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $78,000.

***Week Ending April 26:***

**"TARZAN AND HIS MATE" (M-G-M)**
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: James Melton, Sisters of the Skillet, Pickens Sisters, Humbiner orchestra and others. **Gross:** $50,000.

**"THIS MAN IS MINE" (Radio)**
PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $10,000.

**"WHARF ANGEL" (Para.)**
PARAMOUNT—(3,700), 35c-99c, 7 days. Stage: Gloria Swanson and others. **Gross:** $25,000.

**"I'LL TELL THE WORLD" (Univ.)**
ROXY—(6,200), 25c-65c, 7 days. Vaudeville. **Gross:** $23,000.

**"A MODERN HERO" (Warners)**
STRAND—(2,000), 25c-$1.10, 7 days. **Gross:** $12,808.

***Week Ending April 27:***

**"LOST PATROL" (Radio)**
RIALTO—(2,300), 25c-65c, 4th week, 5 days. **Gross:** $7,000.

**"WILD CARGO" (Radio)—4 days**
**"GOOD DAME" (Para.)—3 days**
RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $7,900.

***Week Ending April 29:***

**"BEGGARS IN ERMINE" (Monogram)**
MAYFAIR—(2,300), 35c-85c, 6 days. **Gross:** $4,500.

## *Percy Phillipson Here*

Percy Phillipson, president of General Register Corp., returned from England yesterday after a three-weeks' trip in which he completed the reorganization of the company started when he arrived here in February.

## *Reduce P. E. Rent Claim*

An order reducing to $7,500 a claim of $156,784 filed against Publix Enterprises by Sunrise Realty Co. for past and future rent on theatre leases was signed yesterday by Referee Henry K. Davis.

## *Zanuck Sets "Barnum"*

HOLLYWOOD, May 1.—Darryl F. Zanuck has set "The Mighty Barnum" as the final title for the picture on the life of the showman.

# Air Mail Letter to Ralph Branton

FOX FILM CORPORATION
HEAD OFFICE 444 WEST 56TH STREET, NEW YORK
TELEPHONE COLUMBUS 5-3320 CABLE ADDRESS, FOXFILM-NEW YORK

Mr. Ralph Branton
Tri-State Theatre Corp.
Des Moines, Iowa

May 1, 1934

Dear Ralph:

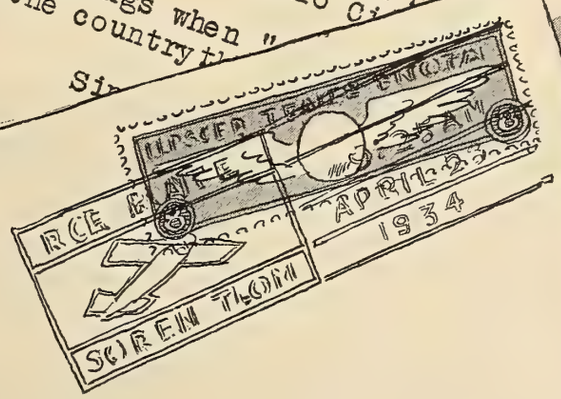
At least 217,500 people will have seen "Stand Up and Cheer" by the end of its two-week run at Radio City Music Hall, according to a business check-up.

Since this is more than 150 per cent of the total population of Des Moines, you have some idea of the tremendous drawing power of the picture.

Incidentally, the hold-over week h
proven the biggest of the year at Radio Ci

Watch for big doings when "
starts playing around the country t

Si




Mr. Ralph Branton
Tri-State Theatre Corp.
Capitol Theatre Building
Des Moines, Iowa

# "STAND UP AND CHEER!"

A FOX PICTURE

REPENT! THE TIME IS AT HAND!
REPENT! THE TIME IS AT HAND!
"A delicious comedy balanced against really exquisite love scenes!" —Movie Mirror
"The smartest comedy in many years." —International News Service
"We were rolling in the aisles. I can hardly say enough for it." —Philadelphia Ledger Syndicate
JOHN BARRYMORE in "20th C
"Should cop the Academy award for 1934." —Picture Play
"A very amusing picture. Barrymore in a type of role he should play more often." —N.E.A.
"Superbly hilarious—a top-notch performance." —New Movie
WALTER CONNOLLY—ROSCOE KARNS
From the Notable New York Stage Success by Ben Hecht—Charles MacArthur—Charles B. Milholland
A HOWARD HAWKS Production

rector's
—an ac-
oliday
ation
re for
ence."
Picture
ations
"One of the gayest and most intelligent comedies of the season."
—N. Y. Times
"A worthy successor to 'It Happened One Night'."
—Motion Picture Classic
"It's sure a grand comedy—ought to be a smash hit."
—Associated Press
REPENT! THE TIME IS AT HAND
ENTURY" with Carole LOMBARD
REPENT! THE TIME IS AT HAND!
more
him-
plen-
ir."
Service
miner
"Exceptional entertainment! Lombard does her best job to date."
Modern Screen
"A laughing, brilliant comedy, brilliantly acted. Lombard and Barrymore are the BEST!"
—Silver Screen
"The comedy hit of the year. Barrymore and Lombard were never better."
—Fawcetts
mbia
COLUMBIA PICTURES
World Premiere
RADIO CITY-MUSIC HALL
Thursday, May 3rd

# Coast Meet Votes to End Double Bills

(Continued from page 1)

asserting they tended to reduce quality of product.

"During the M. P. T. O. A. convention," he said, "we discussed with exhibitors the double bill evil and our attitude toward them was made clear. The picture business is suffering from cheaply made films fostered by independents chiefly to satisfy the demand for pictures. Doubles have been the vogue too long. They are driving the public from the theatres. The public is becoming satiated. It can't stand three and four hour shows. Producers want a single standard throughout the country. It will enable them to make fewer and better pictures. The sooner we get back to single bills the sooner will we get back to a sounder foundation for all branches of the industry."

Louis B. Mayer echoed Kahane's opinion. He said too many cheap pictures were ruining the industry.

Chadwick attacked block booking.

The meeting was unanimous in favor of the stand taken by Kahane and Mayer and took a standing vote to do away with duals.

# Kuykendall Certain Of Code Reopening

(Continued from page 1)

adoption. He declared that, as constituted, the code offers loopholes for evasion and subterfuge not apparent at the time of its formulation, adding it must be tightened in some of the provisions and restrictions incorporated to insure compliance. He pointed out, for example, that producers can very plausibly make poor product with 10 per cent cancellations in mind and the exhibitor will cancel out this inferior product, then be left holding the bag.

According to him, the code will need revision probably constantly because it was the first thing of its kind the industry ever had. He asserted the fact the code will need altering is demonstrated at Code Authority meetings, "where we change rules and procedure as necessity arises."

This afternoon, at the request of leading exhibitors here, Kuykendall attended a meeting of the clearance and zoning board. He discussed Kansas City's price and protection troubles with the board. He upheld the suburbans' contention that where the subsequents' price equals that of the downtown first runs the former should be allowed more advantageous protection.

Tonight. Kuykendall left for his home.

## G. T. E. Petition Argued

WILMINGTON, May 1.—Argument on the petition of U. S. Senator Daniel O. Hastings, receiver of General Theatres Equipment, for authority to enter into a compromise agreement with Chase National Bank was heard today in Chancery Court before Chief Justice Daniel J. Layton. Decision was reserved.

# Spring Hits Grosses in 14 Principal Key Spots

(Continued from page 1)

with the exception of Denver, Detroit, Oklahoma City, Omaha, Pittsburgh, Philadelphia, San Francisco and Washington.

Comparative figures for the last two weeks:

| | Week Ending April 20-21 | | Week Ending April 13-14 | |
|---|---|---|---|---|
| | No. Theatres | Gross | No. Theatres | Gross |
| Boston | 6 | $114,000 | 6 | $115,000 |
| Buffalo | 6 | 53,500 | 6 | 54,900 |
| Chicago | 7 | 117,500 | 7 | 134,500 |
| Cleveland | 6 | 50,200 | 7 | 54,300 |
| Denver | 5 | 40,000 | 5 | 31,000 |
| Detroit | 6 | 79,900 | 5 | 74,800 |
| Indianapolis | 5 | 19,000 | 5 | 20,500 |
| Kansas City | 6 | 33,500 | 5 | 34,900 |
| Los Angeles | 8 | 81,481 | 8 | 105,746 |
| Minneapolis | 5 | 25,500 | 5 | 25,500 |
| Montreal | 4 | 34,500 | 4 | 36,000 |
| New York | 11 | 234,120 | 11 | 261,965 |
| Oklahoma City | 4 | 15,200 | 4 | 12,050 |
| Omaha | 4 | 25,500 | 4 | 23,750 |
| Philadelphia | 8 | 81,700 | 8 | 68,100 |
| Pittsburgh | 6 | 56,750 | 6 | 44,300 |
| Portland | 7 | 22,800 | 5 | 27,400 |
| Providence | 6 | 42,500 | 6 | 43,100 |
| San Francisco | 7 | 82,700 | 7 | 71,500 |
| St. Paul | 5 | 18,500 | 5 | 19,500 |
| Seattle | 6 | 27,500 | 6 | 36,250 |
| Washington | 7 | 85,800 | 7 | 65,000 |
| | 135 | $1,342,151 | 132 | $1,360,061 |

Comparative grosses compiled from day to day reports for 30 weeks show this:

| Week Ending | Theatres | Grosses |
|---|---|---|
| September 29-30, 1933 | 135 | $1,342,710 |
| October 6-7 | 141 | 1,417,886 |
| October 13-14 | 143 | 1,544,838 |
| October 20-21 | 141 | 1,581,308 |
| October 27-28 | 143 | 1,509,422 |
| November 3-4 | 142 | 1,500,740 |
| November 10-11 | 141 | 1,379,560 |
| November 17-18 | 144 | 1,375,132 |
| November 24-25 | 141 | 1,431,209 |
| December 1-2 | 141 | 1,418,753 |
| December 8-9 | 142 | 1,558,832 |
| December 15-16 | 139 | 1,221,032 |
| December 22-23 | 133 | 1,071,457 |
| December 29-30 | 138 | 1,433,289 |
| January 5-6, 1934 | 136 | 1,714,824 |
| January 12-13 | 138 | 1,435,649 |
| January 19-20 | 136 | 1,305,267 |
| January 26-27 | 135 | 1,348,517 |
| February 2-3 | 135 | 1,338,371 |
| February 9-10 | 135 | 1,270,345 |
| February 16-17 | 136 | 1,317,011 |
| February 23-24 | 136 | 1,316,421 |
| March 2-3 | 135 | 1,350,548 |
| March 9-10 | 134 | 1,378,865 |
| March 16-17 | 133 | 1,302,020 |
| March 23-24 | 128 | 1,291,695 |
| March 30-31 | 134 | 1,247,322 |
| April 6-7 | 135 | 1,571,695 |
| April 13-14 | 132 | 1,360,061 |
| April 20-21 | 135 | 1,342,151 |

(Copyright, 1934, Quigley Publications)

## Begin Drive on Agents

A drive on Broadway theatrical agents operating without licenses was launched yesterday on orders of License Commissioner Paul Moss. It was explained that the purpose of the drive was primarily to put out of business dishonest agents who hire entertainers and then refuse to pay them. The city acted after it had received complaints from victims. The new license year began yesterday.

## Chicago Planning to Start Variety Club

CHICAGO, May 1.—Fifty-six industry representatives at a dinner of the Medinah Club last night voted to organize a local Variety Club. John Harris of Pittsburgh, introduced by Clyde Eckhardt, explained the purposes of the organization. Eckhardt, acting as chairman, will appoint committees and handle details to make the local unit dovetail with similar clubs elsewhere.

## Franklin's Bergner Films Going to Fox

(Continued from page 1)

Franklin said yesterday on his return from abroad.

Miss Bergner will come here in the fall, Franklin said, for a Broadway engagement of her current London hit, "Escape Me Never," and will start her picture work on the west coast immediately following the run of the play.

Franklin, in conjunction with Arch Selwyn and Gifford Cochrane, will also sponsor and produce on Broadway Noel Coward's "Conversation Piece," with Elaine Printemps, and "Old Folks at Home," with Marie Tempest, English actress. The three plays are set for fall and winter openings, Franklin said.

## Grievance Meeting Is Again Postponed

Members of the New York grievance board have postponed today's session until next Tuesday. This is the second time the meeting has been put off. First, Milt Kusell asked for a day's delay because he could not return from the Chicago Paramount district managers' meet in time. The latest delay is due to the fact that grievances sent back to exhibitors because they were not filed in conformity with code provisions have not been returned as yet.

The May session will be held in Bond building quarters.

## New Jersey Allied For Producer Plan

(Continued from page 1)

the plan which will be made public following the two-day convention in Chicago on May 12 and May 13 of directors and regional vice-presidents. Between 12 and 26 pictures are planned, but several units have to approve the idea before it can become effective.

Significant clauses of the code were discussed at the meeting yesterday and it was decided to hold meetings every other Monday instead of every Tuesday at the Lincoln, new headquarters.

## Protest on "Narcotic"

KANSAS CITY, May 1.—Protest by the Merchants' Association, the Women's City Club and others resulted in considerable "toning down" of the front of the Publix Royal, small first run house, where "Narcotic" is in its second week. Exploited as a frank exposition of the drug traffic, "for adults only," the independently made picture was granted a certificate by Guy Holmes, city censor, after an extensive "cleaning" and over the protest of Mrs. Eleanore C. Walton, assistant censor and club woman.

## Kinematrade Moves

Kinematrade, Inc., offices have been moved to 723 Seventh Ave. by Roman Rebush. It's part of an expansion program.

Frank W. Kraemer is on his way to Europe in search of new releases for the company.

## Fox Re-Signs Butler

HOLLYWOOD, May 1.—Fox has resigned David Butler on a directorial contract. His last was "Handy Andy."

# WARNER BAXTER IN HIS MOST ROMANTIC ROLE

9,000,000 women adored his novels . . . and clamored for his autograph. Three women loved him dearly...but nearly wrote his epitaph

She believed!

She deceived!

She grieved!

# WARNER BAXTER

*starring in*

# SUCH WOMEN ARE *Dangerous*

*with*

**ROSEMARY AMES**
**ROCHELLE HUDSON**
**MONA BARRIE**
**HERBERT MUNDIN**
**HENRIETTA CROSMAN**

Produced by Al Rockett
*From the story "Odd Thursday" by Vera Caspary*
Directed by James Flood

A FOX PICTURE

# Coast's Publicity Gang Turns Out to Greet Red Kann

*Photo—Courtesy Radio Studios*

Hollywood's publicity gang turned out to greet Red Kann at Al Levy's Tavern. Here they are with Vic Shapiro, Red and John Flinn standing in the center just before the waiters began spilling soup:

In case you don't know the others, they are:

Front row—(left to right, of course)—Perry Lieber, Radio; Frank Perrett, Fox; Al Rackin, Radio; Jack Lewis, Ass'n of M. P. Producers; Al Levy; Leroy Johnston, Universal; Joseph I. Breen, Ass'n of M. P. Producers; Tom Bailey, Paramount, and Troy Orr, Loew's State.

First row standing—Lew Greenspan, Universal; Pete Smith, M-G-M; Shapiro, Kann and Flinn; Lon Young, Mascot; Ham Beall, Grauman's Chinese; Bill Pine, Paramount; Gwenn Kirkpatrick, Loew's State; Joe Reddy, Harold Lloyd Prod.

In the back—Dick Pittinger, Radio; Ray Hoadley, Columbia; Frank Whitbeck, M-G-M; Mike Simmons, Russ Phelps, Edward Small Prod.; Paul Snell, M-G-M; Phil Gersdorf, Samuel Goldwyn Prod.; Barrett Kiesling, M-G-M; Doug Churchill; Bob Smith, Loew's State; Mark Larkin, King Vidor Prod., and Ken Whitmore, Paramount.

Gabe Yorke, Joe Shea and Al Parmenter of Fox, Ed Selzer and Carlisle Jones of Warners, Teete Carle of Paramount, Nate Dyches of 20th Century, Don MacElwain of M-G-M, Dick Creedon of Disney Studios and Dick Hunt of Landy and Hunt also were present, but it wasn't a panoramic camera and Levy's reception rooms were not designed by Cecil B. DeMille.

## Berkeley to Appear In Goldwyn's Suit

HOLLYWOOD, May 1.—Samuel Goldwyn scored a victory yesterday in the opening shot in his court battle for an injunction to restrain Busby Berkeley from working for Warners when Judge Emmett Wilson refused to dismiss the case. Milton Cohen, attorney for Berkeley, was ordered to produce his client and Goldwyn was told to arrange for the dance director's appearance in court by Thursday morning.

The charge is that Warners violated its contract for lending Berkeley to Goldwyn for two pictures a year when it refused to carry through the deal upon the 45 days' notice stipulated. Warners' action, according to Goldwyn, delayed the production of Eddie Cantor's next picture.

## Bebe Daniels Has Mumps

The scheduled personal appearance of Bebe Daniels and Ben Lyons at the Paramount next week has been cancelled, due to the illness of Miss Daniels, who is confined to her suite at the Lombardy Hotel with an attack of the mumps. No plans for a future appearance at the same house have been made as yet.

## Mack New U.A. Manager

Al Lichtman has appointed William A. V. Mack branch manager of the United Artists exchange in Cincinnati. He succeeds Sam B. Kramer, who resigned. For the past eight years Mack has been connected with Pathe as a sales executive in Philadelphia, Chicago and New York.

## Clark to Educational

William J. Clark, former managing director of Paramount in Australia, has been appointed assistant sales manager of Educational, and will take up his new duties after a short tour of Fox exchanges.

## George Moran Loses Suit

LOS ANGELES, May 1.—George Moran's suit for $34,500 against Mrs. Myrtle Mack, widow of Moran's former partner, for damages sustained in the automobile accident which caused Mack's death several weeks ago ended in an acquittal for Mrs. Mack. The jury decided no negligence on Mrs. Mack's part had been proved.

## "Rothschild" Sets Record

CHICAGO, May 1.—"The House of Rothschild" ends its first week here tonight at the United Artists with the year's record in its possession with a gross of $30,000.

## Eckman in from England

Sam Eckman arrived yesterday from England to spend several weeks here conferring with M-G-M home office executives on new product.

## Rogers a Dramatic Hit

SAN FRANCISCO, May 1.—Will Rogers opened here last night in Eugene O'Neill's "Ah, Wilderness" and was acclaimed a success by local dramatic critics. This was Rogers' first appearance as a full-part actor on the legitimate stage.

## H. J. Cohen Joins G. B.

Harry J. Cohen, recently with P. A. Powers, has joined Gaumont British in charge of non-theatricals. Cohen for many years was head of the M-G-M foreign department and later joined Columbia in the same capacity.

## SMPE at Hotel Penn

S.M.P.E.'s New York headquarters are now located at the Pennsylvania, according to Sylvan Harris, editor-manager. The fall convention will also be held there.

## Scales in Portland Continue Downward

PORTLAND, May 1.—Admission prices continue downward, especially in the downtown area. At the Paramount for some months a bargain was offered in 1,000 of their 3,008 seats at 25c any time. Recently this was raised to 1,500 seats, or one-half the capacity for 25c anytime.

Some 30 days ago the Circle reduced from 25c to 15c, but as adjacent houses put on two features for 10c, the price was again reduced to 10c for one feature and plenty of shorts and a newsreel.

## Dickinson in Tieup

KANSAS CITY, May 1.—Glen W. Dickinson, head of the circuit of that name, today became affiliated with Consolidated Film Distributors, Inc., state rights exchange, establishing his 20 houses in Kansas and Missouri as outlets for the organization, according to R. C. Borg, Consolidated manager. Dickinson has purchased an interest in the exchange. and will serve in an advisory capacity, probably as vice-president, it is revealed by Borg.

## Grainger in Tomorrow

James R. Grainger, general sales manager for Universal, returns from the coast tomorrow. Before leaving Hollywood, Grainger stated the company will complete its entire lineup as scheduled this year.

## Loew Returns from Trip

David Loew has returned from a three and a half day automobile tour of Loew theatres in Baltimore, Washington, Virginia and Norfolk.

## Fleischman Takes Second

Morris Fleischman, owner of the Garden, Richmond Hill, L. I., has taken over the Our Civic, same community, and will reopen it May 14.

QUIGLEY PUBLICATIONS OF NEW YORK ANNOUNCE THE ESTABLISHMENT OF A LONDON BUREAU AT REMO HOUSE, 310 REGENT STREET, UNDER THE DIRECTION OF MR. BRUCE ALLAN.

MOTION PICTURE HERALD

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Hollywood, California

QUIGLEY PUBLICATIONS

MARTIN QUIGLEY
Editor-in-Chief and Publisher

# Cut Rates Hit By Cleveland Code Decision

(Continued from page 1)

Theatres, Inc., operating the Liberty vs. Sam Fine, operating the Manhattan; A. E. Ptak, Lyceum vs. Simon Kaplan Amusement Co., operating the Arion, and Gus Danovic, the Corlett Theatre Co. vs. the Slavia Theatre Co., operating the Mount Pleasant. A fourth case, involving A. E. Ptak and the Simon Kaplan Amusement Co.'s Southern Theatre, was dismissed.

Nat Wolf, Warner zone manager, was chairman at the hearing. Frank Drew, M-G-M, substituted for J. E. Fontaine, who was out of town.

These were the first cases heard by the local grievance board.

The Hilmad Theatre Co., through Henry Greenberger, has presented to the clearance board for hearing Friday a petition signed by 20 Cleveland exhibitors asking reduction in present first run protection and alleging that since adoption of the current protection plan first runs have reduced admissions and introduced duals at some of their houses.

CHICAGO, May 1.—The local grievance board got its first case today. The complainant is Ben Bartlestein, Annette Theatre, Cicero, and the defendants are the Schoenstadt brothers. The charge is overbuying.

NEW HAVEN, May 1.—No complaints were received at the grievance board meeting here yesterday. The session was devoted to a discussion of code ambiguities and conflicts. The clearance and zoning board met today with no complaints up.

## First Grievance Case Decided on the Coast

LOS ANGELES, May 1.—The local grievance board handed down its first decision after a conference late last night with John C. Flinn, executive secretary of Code Authority. The complainant was Pacific Theatres, Inc., which charged the National, National City, was indulging in two-for-ones. The board ordered that the practice be ended by the theatre within 48 hours, threatening to cut off its film supply or force it to shut down if it persisted.

Two other cases were aired before the board. One was a leasing case, while the other was a complaint brought by the Garfield Theatre, Alhambra, against Fox West Coast charging the latter with holding out on product. The former case was forwarded to New York for decision, while the other will be subjected to further investigation.

## *Rosenblatt Quickly Halts Loew Strike*

(Continued from page 1)

Levey, when Charles C. Moskowitz of Loew's declined to reinstate three ushers, members of the union, who were discharged Monday for being absent from work for two days. Levey stated that the ushers, who had taken an automobile trip to Baltimore over the week-end, were delayed by motor trouble and had wired the theatre to that effect. He charges that the ushers were discharged because they were known to be members of the union. Rosenblatt is expected to set a date for arbitration of the dispute within the next few days.

George Jordan, a picket for Local 118, assigned to the Tivoli, Brooklyn, where the service employes have been on strike for several weeks, was arrested yesterday, charged with disorderly conduct. The picket is alleged to have become embroiled in a fight with attaches of the theatre. The case will be heard in Brooklyn city court today.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Loudspeaker"*

*(Monogram)*

HOLLYWOOD, May 1.—"The Loudspeaker" is a back stage radio story that centers around Ray Walker. Starting as a worker in a small town railroad office, losing his girl and his job, Walker hits Broadway to realize his ambition and become a radio star. Posing as a radio repair man in the office of an advertising agency, Walker records his own voice over a microphone and is hired. He becomes radio's number one personality boy. He falls for Jacquelin Wells, an ex-musical comedy star and arranges an audition for her. Miss Wells refuses his marriage proposal because of his superior conceit, so Walker tries to mix the ether waves and highballs and finds himself on the curb.

Miss Wells, now radio's number one star, uses her influence to reinstate him and Walker buys the marriage license.

Members of the cast all do well, including Walker, Miss Wells, Charles Grapewin, Noel Francis, Wilbur Mack, Spencer Charters and Mary Carr. Music by Roy Turk and Harry Akst is good. Joseph Santley directed.

A fair program picture that should do well in neighborhoods and in small towns.

# *Looking 'Em Over*

## *"Monte Carlo Nights"*

*(Monogram)*

Story value is light, but the yarn keeps moving and has a couple of attractive youngsters, Mary Brian and John Darrow, to keep the love interest alive.

Mary catches Darrow's eye at a racetrack and the romance is on in spite of her aunt's warning that Darrow is an irresponsible playboy with a dozen women in his life. When Darrow falls off his horse in a steeplechase Mary takes him to a hospital. On the eve of their marriage he takes a final fling at the roulette wheel and happens to be in the gambling house proprietor's office when the gambler is shot from behind.

He is convicted of manslaughter. While he is handcuffed to another prisoner on a train the other prisoner attacks the guard and the two men leap into a river. Darrow is supposed to have been drowned, but he turns up at Monte Carlo about the time a police inspector, Carl Stockdale, arrives looking for the murderer, who turns out to be Robert Frazer.

Stockdale is wounded and Darrow takes over his job of capturing the murderer.

Production values are good, with some nice exterior as well as interior shots. It is better-than-average program entertainment.

## *Buffalo Boards Start*

BUFFALO, May 1.—Buffalo code boards, after considerable delay, at last are established on the fifth floor of the Byers building, in which most of the Buffalo exchanges are located. The zoning and clearance board held its organization session today.

## *Flinn Gets Agency Committee Started*

HOLLYWOOD, May 1.—John C. Flinn, executive secretary of Code Authority, met yesterday with the agency code committee, outlining its method of operation. Those attending included B. B. Kahane, Winfield Sheehan, Jack L. Warner, Trem Carr and J. J. Gain, representing producers; Berton Churchill, actors; Frank Lloyd, directors; Wells Root and Ernest Pascal, writers; George Frank, agents; J. M. Nickolaus, technicians.

Root acted as temporary chairman. The committee will meet later in the week to elect a permanent chairman.

Flinn held a second meeting today on the extra situation. He flies to Kansas City tonight.

## *Para. Changes Title*

HOLLYWOOD, May 1.—Paramount has changed the title of "I Loved an Actress" to "The Great Flirtation."

# First Session On Rentals to Be Held Here

(Continued from page 1)

dent exhibitors from all eastern cities to discuss next season's policies.

While the Philadelphia unit is against high rentals, the I. T. O. A. stand hits only percentages and designated week-end playing time. Brandt states the exchange, or distributor, is entitled to as much as he can get for his pictures, but what he objects to is the designation of preferred dates and demands for percentages.

Other protest meetings are planned for Chicago and the coast. No dates have been set on these. George P. Aarons, secretary of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware, was scheduled to attend the meeting at the M. P. Club yesterday, but failed to show up when he received word his mother was seriously ill.

Next Tuesday's session is slated for the M. P. Club with about 25 exhibitor leaders expected.

## Deny White House Film Report Confab

(Continued from page 1)

panding the membership of the planning and coordination committee of the oil code, analagous to code authorities in other industries, so as to give more representation to independent interests, reports were current in Washington today that changes will be made in other code authorities.

The question of independent representation is one of the important matters which have come before the review board during its hearings on a numbers of codes, and members of the board are said to hold the belief that in but few industries are the independent interests adequately represented.

The makeup of the film Code Authority was discussed at length during the motion picture investigation, and it is understood that in its forthcoming report the board may recommend changes in personnel.

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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 103 | NEW YORK, THURSDAY, MAY 3, 1934 | TEN CENTS

## M-G-M May Do Few Films in London Plant

### *Arthur Loew to Confer With Eckman Here*

LONDON, May 2.—Reports are current here M-G-M will start its own production unit in London next season, supplementing the company's distribution activities under Sam Eckman. The idea is said to have been under consideration for some time.

Arthur Loew, head of all M-G-M activities, has been here looking over the advisability of English production.

(*Continued on page 6*)

## English Seek Curb Upon New Theatres

Because of the necessity for curbing over-seating in England, initial moves have been made to halt theatre construction, Sam Eckman, in charge of activities in Great Britain for M-G-M, stated yesterday. The Cinematograph Exhibitors' Ass'n. has approached the

(*Continued on page 6*)

## *Two-for-Ones Banned By Grievance in K. C.*

KANSAS CITY, May 2.—Two-for-ones were banned by the grievance board in its first decision handed down here today. The case was that of L. P. Larsen, Civic Theatre, Webb City, vs. J. D. Wineland, Mystic Theatre, same city. Larsen charged price evasion, citing six unfair practices, including two children admissions for five cents on Saturdays. The board issued a cease and desist order effective immediately.

### *Premiere for Mickey*

**Hollywood, May 2.—Mickey Mouse had one of those big premieres tonight at the Cathay Circle, with red carpets from the sidewalk to the entrance, bright lights 'n' everything. Jean Harlow, Norma Shearer, Jack Holt, Kay Francis, Mae West and Claudette Colbert helped sell tickets in advance. It was all for the benefit of the California Commission for the Protection of Children and Animals at $5 per.**

**"Gulliver's Mickey" was the film.**

## *FWC Help Is Assured in Ending Doubles on Coast*

LOS ANGELES, May 2.—Cooperation of Fox West Coast with independents in the complete elimination of dual bills by the end of the month is certain, it is believed, as a result of Louis B. Mayer's telephone conversation yesterday with Charles Skouras in New York. He made his announcement to this effect at an exhibitors' mass meeting and a resulting vote to ban duals was largly influenced by this. Skouras is expected back in a fortnight. A committee will be named to confer with him.

This is regarded here as the first definite result of Mayer's decision to tour the country in a fight on duals under the theory that their abolition and price stabilization will benefit the industry at large.

His talk dominated the exhibitors'

(*Continued on page 6*)

## "U" Sets 36; Sales Session Here June 5-7

CHICAGO, May 2.—Universal is definitely set to make 36 features, 26 two-reelers, 52 one-reelers and to raise production budgets for the coming season, declared James R. Grainger, general sales manager, passing through here today on his way to New York.

Among the features, he said, will be six Buck Jones westerns. The two-reel part of the program is a reduction from the current season which scheduled 39. There will also be four serials, one with Buck Jones called "The Red Rider" and another titled "Tailspin Tommy."

The convention date has been set

(*Continued on page 3*)

## Darrow Board Row Before President

WASHINGTON, May 2.—Chairman Clarence Darrow's visit to the White House yesterday was for the purpose of laying before the President the controversy among members of the National Recovery Review Board which is holding up completion of the film report, it was revealed today.

The fight among the board mem-

(*Continued on page 3*)

## *Lightman Protests New Memphis Zones*

MEMPHIS, May 2.—The zoning board here made public its new setup Monday and immediately drew a protest and charge of unfairness from M. A. Lightman, member of the grievance board. The new zoning arrangements compel suburban exhibit-

(*Continued on page 3*)

## Circuit Court Upholds RKO Note Pledges

An agreement with holders of $13,000,000 of RKO first and second liens which extends the maturities on the secured gold notes of the company, thereby avoiding a foreclosure and sale of virtually all RKO assets, was approved yesterday by the U. S. Circuit Court of Appeals here.

An attack on the agreement was made by Walter Reade's Broadway & 47th St. Corp., in the U. S. District Court here last year. The lower court denied Reade's action to have the agreement set aside and Reade, an unsecured RKO creditor, carried his attack to the circuit court in March, alleging that the agreement was in-

(*Continued on page 3*)

## St. Louis Theatre Proposal Modified

ST. LOUIS, May 2.—Federal Judge Davis yesterday set aside his recent opinion criticizing reorganization plans submitted by Alan Snyder for the Ambassador, Grand Central and Missouri theatres after a representative of the bondholders' protective committee had agreed to eliminate expense items totaling $183,125 and to insert a provi-

(*Continued on page 3*)

## *Chicago Board Gets Challenge on Power*

CHICAGO, May 2.—The power of the the local board to act on a complaint of overbuying, specified as committed prior to December 7, has been questioned by Schoenstadt Bros. in the first case brought by Ben Bartlestein, Annette Theatre, Cicero, and has re-

(*Continued on page 3*)

## Fox Film Net For 13 Weeks Is $805,376

### *Total Income Reported As $9,325,566.61*

Net profit of $805,376.78 after all charges was reported by Fox Film yesterday for the first quarter of the current year, ended March 31. On the basis of 2,439,409 shares of Class "A" and "B" stock outstanding this is equivalent to 33 cents per share. In the quarter ended Dec. 31, 1933, a profit of $1,080,015 was realized from operations before Federal taxes.

Consolidated earned surplus at March 31, 1934, stood at $2,509,625, all of which, according to the com-

(*Continued on page 6*)

## Para.'s Advisory Group to Continue

Organization of Paramount's national theatre advisory committee, which was begun by Ralph A. Kohn several months ago, will be continued despite Kohn's resignation, it was stated at Paramount yesterday.

The national advisory committee is

(*Continued on page 6*)

## *Expect Early Ruling For GTE-Chase Deal*

WILMINGTON, May 2.—An early decision is looked for from Chief Justice Daniel J. Layton of Chancery Court on the compromise agreement between U. S. Senator Daniel O. Hastings, receiver for General Thea-

(*Continued on page 6*)

## *Canadians Demand Score Charges Ban*

TORONTO, May 2.—Allied Exhibitors of Ontario at a meeting here today made a demand for the removal of

(*Continued on page 3*)

### *Try 10-Minute Shows*

**Des Moines, May 2.—An innovation is being tried at the Strand. It is a 10-minute showing during the noon hour of "The Big Bad Wolf" for 10 cents. The series of 10-minute shows runs from 11:30 to 2 o'clock, with good crowds attending, called in by a barker on the street.**

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
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JAMES A. CRON
*Advertising Manager*

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## Ampa's Past Heads Called to Preside

In line with William R. Ferguson's plan to have industry leaders, past presidents and honorary members as guest chairmen, Howard Dietz today starts the ball rolling at the Ampa meeting at the M. P. Club. Paul Gulick of Universal will be the chairman at the following meeting.

Dietz will take over the chair after a short introduction by Ferguson. Milton Berle and Joe Penner are slated as headliners.

## Roach to Do Color Series

HOLLYWOOD, May 2.—Hal Roach is planning a new series of shorts in color to be included in his new line-up for M-G-M next season. One of the present series will be dropped.

Henry Ginsberg returns from New York Saturday after conferring with M-G-M home office executives.

## Plan FitzPatrick Party

Prior to his departure for the coast and Mexico in two weeks, James A. FitzPatrick, producer of Traveltalks for M-G-M, will be tendered a cocktail party by the distributing company. While in Mexico, FitzPatrick will make a Technicolor short for next season's release.


**BEN BLUE**
*Under Contract*
WARNER BROS.
VITAPHONE STUDIO
*Direction of*
JOE RIVKIN — Leo Morrison Agency


# Insiders' Outlook

*Hollywood, May 2*

FROM the current bulletin on "Leading Motion Pictures" compiled and broadcast by Mrs. Thomas G. Winter, head of the public relations department of the Hays organization:

### Worldly Wise

Pictures of fine direction. Some of them have themes and incidents of questionable character. With their virtuosity of production, they are strictly for adults, not within the understanding or interest of children. To many adults they will hold the same interest as books. There will be others who are equally offended by the presentation in pictures or in the printed page. But they have a popularity that cannot be ignored. None is appropriate for young people or children —only for sophisticated adults.

▼

Listed immediately following appears "Finishing School," about which the description reads: "Though delicately treated, the all too familiar use of pregnancy to give dramatic climax gives an unethical flavor quite unnecessary." Yet the picture is recommended because it is a "scorching indictment of selfish, pleasure-loving mothers and snobbish private schools . . . where training in accepted etiquette far outweighs values." Then on "Riptide": . . . "is of a fast type of life, pleasure-seeking and unrestrained." "This Man Is Mine" and "Uncertain Lady" conclude the foursome. Of the first, the bulletin says: ". . . sophisticated society and the professional home breaker . . . really delightful picture." . . . On the latter: "High comedy of the sophisticated type (fooling) . . . home-breaking vamp". . .

Thus, for the first time this tie-in with women's clubs publicly recognizes that there exists an audience for pictures which ordinarily are considered beyond the pale of family entertainment. The development is interesting, entirely proper and recalls the argument advanced at the M. P. T. O. A. convention when exhibitors aligned themselves not against sex pictures but against any producer-distributor subterfuge which cloaked the facts and so prevented showmen from telling their audiences what they actually were about to see. . . .

▼

Why kid themselves about it? Often cited is the fact, or the claim anyway, that not a single cancellation has been made to date on either of the two Mae West pictures. Louis B. Mayer asserts the same went for "Red-Headed Woman." This column has no hesitancy in predicting ditto for "Riptide," for instance. The practical method of handling the attraction viewed as being on the line or reclining over it is to tell the public what that attraction has to say. The buyer has a habit of deciding whether or not he'll buy. . . .

▼

Blobs of gobs are on the way. The sailor boy is coming into his own again. The fleet's in the roads. In production at Warners: "Hey, Sailor." At Paramount: "Sailor, Beware." At Fox: "She Learned About Sailors." At Universal: "She Loved a Sailor." Having told the recent exhibitor pow-wow he was opposed to double features, now goes Jack Warner doubling on sailor yarns, Warners also having on hand "Miss Pacific Fleet." Oh, for the life of a sailor, but while you are on that, think of the life of an exhibitor. . . .

KANN

## Loew's Pfd. Off 1 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 28⅝ | 28 | 28 | + ⅛ | 500 |
| Consolidated Film Industries | 4 | 4 | 4 | ..... | 100 |
| Consolidated Film Industries, pfd | 16⅜ | 16⅛ | 16¼ | + ¼ | 300 |
| Eastman Kodak | 93 | 91 | 91¾ | — ¼ | 900 |
| Fox Film "A" | 16⅜ | 15⅜ | 15½ | — ½ | 2,900 |
| Loew's, Inc. | 32⅞ | 31⅝ | 31⅞ | — ½ | 4,700 |
| Loew's, Inc., pfd | 94½ | 94 | 94 | —1 | 300 |
| M-G-M, pfd. | 26 | 25¾ | 25¾ | — ¼ | 200 |
| Paramount, cts. | 4½ | 4¼ | 4½ | + ¼ | 4,600 |
| Pathe Exchange | 3 | 2⅞ | 2⅞ | ..... | 500 |
| Pathe Exchange "A" | 23¼ | 21¾ | 22 | — ¼ | 3,800 |
| RKO | 3⅜ | 3 | 3¼ | + ¼ | 6,100 |
| Warner Bros. | 7 | 6½ | 6⅝ | ..... | 3,800 |

## Columbia Slumps 3 on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 27 | 27 | 27 | —3 | 100 |
| Technicolor | 9¾ | 9⅜ | 9⅜ | + ⅛ | 200 |
| Trans Lux | 2⅛ | 2⅛ | 2⅛ | — ⅛ | 100 |

## Para. Broadway Bonds Rise 2

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10¾ | 10¾ | 10¾ | ..... | 1 |
| General Theatre Equipment 6s '40, ctf | 9⅞ | 9⅝ | 9⅝ | ..... | 5 |
| Keith B. F. 6s '46 | 71 | 70 | 71 | + ½ | 11 |
| Loew's 6s '41, ww deb rights | 101 | 101 | 101 | ..... | 3 |
| Paramount Broadway 5½s '51 | 42½ | 40½ | 42 | +2 | 36 |
| Paramount F. L. 6s '47 | 49½ | 49½ | 49¼ | — ⅝ | 8 |
| Paramount Publix 5½s '50 | 51½ | 51½ | 51½ | ..... | 1 |
| Pathe 7s '37, ww | 96½ | 96½ | 96½ | ..... | 1 |
| RKO 6s '41, pp | 37 | 37 | 37 | —2½ | 1 |
| Warner Bros. 6s '39, wd | 62¾ | 62 | 62 | + ⅜ | 26 |

# Purely Personal

BARRY BUXBAUM, PHIL REISMAN, EDWARD SCHNITZER, NAT COHN, JOE BRANDT, SAM ECKMAN, DAVID LOEW, MORT SPRING, DAVE BLUM, LEE and MILLARD OCHS, EMIL JENSEN, ARTHUR FISCHER, BUDD ROGERS and EARLE KRAMER were among M. P. Club diners yesterday.

CAB CALLOWAY and his band have returned from a long European tour. They will broadcast tonight on the Fleischman hour and will start a road tour tomorrow at Loew's Paradise in the Bronx.

GURU D. LAL, formerly of Krishina & Lyall, Delhi, and now with the Gramophone Co., is making an extended tour of America to learn American methods in production and sound.

POLLY WALTERS has just been signed by Universal to do two pictures with options for more. The deal was handled by AL MELNICK of LOUIS SHURR's office.

AL FINEMAN has returned to his desk at M-G-M following an operation in his left eye which kept him away four weeks.

GENE LOCKHART, now playing in "Ah, Wilderness," has just completed two original pantomime shorts for Pathe.

CHARLIE CURRAN, formerly of United Detroit Theatres Corp., has joined Warner's home office publicity department.

LLOYD DOUGLAS' best seller "The Magnificent Obsession" has been purchased by Universal.

MEL HEYMANN is doing a swell job as office manager of the M-G-M publicity department.

LEON LEE is having trouble with his feet these days and is using a cane to get about.

DEWEY BLOOM has become a benedict.


MOTION PICTURE ALMANAC
1934-35
NOW IN PREPARATION
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00

# "U" Sets 36; Sales Session Here June 5-7

(Continued from page 1)

for June 5-7 in New York. Home office officials, district managers and exchange managers will attend, with regional meetings to follow in Kansas City, Chicago, San Francisco, Atlanta and New York for salesmen.

Carl Laemmle will attend the New York convention and will then go to Europe.

Twelve of the features will be on a more elaborate scale than the others and three—"Show Boat," "The Magnificent Obsession" and "The Great Ziegfeld"—will be outstanding, Grainger said. This will necessitate an increase in the production budget, but the exact figures still await the approval of Laemmle, he declared. Whether rentals will be hiked is a matter of conjecture at this time, he said, as, in the final analysis, rentals "will depend upon quality."

Conditions generally are on the upgrade, Grainger stated, and small towns are showing an increased demand for westerns. European business is very good and conditions in England are excellent, he declared.

Grainger cut his coast visit short to attend a meeting of Universal directors in New York on Thursday morning.

## *Canadians Demand Score Charges Ban*

(Continued from page 1)

score charges from current film contracts as of July 1, and elimination of the charge from new season's contracts.

Oscar Hanson, general manager of Allied, urged all Canadian exhibitor organizations to support the Ontario group in its fight against the levy. He estimated that the score charge of $1 per seat represents a cost to exhibitors of $400,000 annually, and, in addition, pointed out that Canadian exhibitors are paying 10 cents per seat to the Canadian Performing Rights Society. These assessments are regarded by the exhibitors as a duplication.

A request to bring about an end of the charges was prepared by the meeting for presentation to Colonel John A. Cooper, president of the M. P. Distributors of Canada. If no results are obtained, it was said, the matter may be turned over to the Canadian government for investigation.

## *K. C. Board Rushes Protection Schedule*

Kansas City, May 2.—The local zoning board is rushing the new zoning protection schedule for Kansas City at a day-and-night session. Nate Platt, B. & K. division manager, of Chicago, supervising the Publix Newman, downtown first run, informed the board he had been instructed by Publix to pledge the Newman would raise its price from 25 to 40 cents and eliminate duals, provided other first runs do likewise and suburbans ban objectionable practices.

# Darrow Board Row Before President

(Continued from page 1)

bers has been practically continuous since the board was created and centers around Darrow's methods of conducting the investigation of various codes.

The opposition has been led chiefly by John F. Sinclair of New York. He accompanied Darrow on the visit.

## *Lightman Protests New Memphis Zones*

(Continued from page 1)

ors charging 40 cents to wait 67 days after first run, with a sliding protection scale to 180 days for lesser admissions, thus introducing a general price factor here for the first time. It also requires houses in the territory to charge 40 cents to play on the release date, with a sliding scale of from 14 to 180 days' protection for lower admissions.

"It is obvious that certain members of the board are unduly influenced by others," Lightman said, and though he didn't mention any names, it is understood he referred to Howard Waugh, Warner zone manager, and J. F. Willingham, M-G-M exchange head.

"I will take this up with the zoning board at the meeting next Monday," Lightman also said, and indicated that if not satisfied there he will protest to Code Authority, where he felt that such a situation would not be tolerated since he claims it is objectionable to every theatre in the territory. Lightman went on to say that "it is ridiculous to expect such protection for theatres in which balcony prices bring the average down to less than 35 cents for first run engagements."

## *Secretaries to Meet Tomorrow in Chicago*

Chicago, May 2.—John Flinn is due here Friday for a meeting at the Drake Hotel at which he will instruct 14 code secretaries on their duties.

Among those attending will be: Alice Juergens, Cincinnati; Mrs. Georgia Moffett, Cleveland; Don Douglas, Dallas; E. S. Kinney, Detroit; Grace Gannon, Kansas City; Mrs. Alma Walton, Memphis; Ben Koenig, Milwaukee; Mrs. Mabel Dietz, Minneapolis; Charles Zears, Oklahoma City; Regina Molseed, Omaha; Lila B. Schofield, St. Louis; Dallas E. Day, Des Moines, and Emma Abplanalp of this city.

Hollywood, May 2.—John Flinn's last act here was to hold an informal meeting with the extras' code committee. He looked over the records and urged Mrs. Mabel Kinney to continue to clean up complaints as rapidly as possible. He insisted each complaint should carry the complainant's signature. He said drastic action would be taken against any studio attempting to intimidate those with grievances.

Kansas City, May 2.—The meeting which John C. Flinn was to have held with the code secretaries in this city has been canceled due to his having been delayed in getting away from the coast by bad weather.

Executive Secretary John C. Flinn returns Saturday.

# St. Louis Theatre Proposal Modified

(Continued from page 1)

sion that the court should fix such expenses.

Judge Davis directed the committee to mail notices to bondholders of the adoption of the plan and the time for depositing bonds was extended to May 20. The court expressly reserved the right to determine the fairness and reasonableness of any reorganization plans, and also made it clear that his orders were not to be construed as approving or disapproving the proposals now before him.

The plan now pending was submitted by Snyder and Harry Koplar. It provides for the organization of a new company, issuance of new securities, transfer of the Skouras brothers' bond guarantee and operation of the houses by F. & M.

## *Kansas City, Kan., Ends 10-Cent Rates*

Kansas City, May 2.—There will be only one theatre charging 10 cents admission in Kansas City, Kan., after the exhibitor agreement goes into effect there May 19 to ban price reductions, double bills and premiums. Under the agreement, that price will be permitted only where it is a long established policy, and all of the city's 13 houses will be affected with the exception of the Kansas, where a dime is the regular price.

Distributors here are lauding the theatre men across the state line for taking the step. R. R. Biechele, spokesman for the Kansas group, says the action should be an incentive to exhibitors in the larger city to follow suit.

Kansas City, Kan., theatres are included in the existing zoning and protection schedule for Greater Kansas City, but are asking the clearance and zoning board to consider their situation separately from Kansas City, Mo. They want the existing protection of 28 days cut in half for first runs charging 25 cents, of which there are two, the Fox Granada and the Electric. They also feel that first runs in Kansas City, Mo., showing double bills should be allowed no protection, merely the right to prior run.

## *Chicago Board Gets Challenge on Power*

(Continued from page 1)

sulted in deferring action pending a ruling by Campi. Bartlestein's complaint alleged the act was committed last September.

Another case, Bartlestein vs. Paramount, charging failure to deliver a contract, was held over for further evidence.

## *Boards Here Move Today*

The New York clearance and zoning and grievance boards move into their own quarters on the 10th floor of the Bond Building today. Up to now, Lillian Silver and Florence Abramson, secretaries, have been at Campi headquarters.

## *K. C. Offices Opened*

Kansas City, May 2.—Code board offices have been opened here in the Davidson Building with Grace Gannon, the new secretary, in charge.

# Circuit Court Upholds RKO Note Pledges

(Continued from page 1)

jurious to the receivership estate in some particulars. In the opinion handed down yesterday by the higher court, the district court's order sustaining the agreement was affirmed.

The agreement attacked by Reade was made Jan. 26, 1933, the day before RKO went into receivership. Donovan, Leisure, Newton & Lumbard, attorneys for the RKO receiver, told the circuit court last March that if the Jan. 26 agreement were set aside the noteholders could foreclose and RKO would be put out of existence as a going concern. Virtually all of RKO's assets, including its investments in subsidiaries, are pledged to secure the notes and would be sold under a foreclosure, it was pointed out.

### Terms of Jan. 26 Agreement

The Jan. 26 agreement provided for the payment of $2,500,000 by RCA to RKO, to be applied by the latter to maturing gold notes held by the Chemical Bank and Commercial Investment Trust. In consideration for the payment, Chemical and C. I. T. agreed to extend the maturities on the balance of the notes, which aggregated $1,825,000, so that the first of the remaining notes would not mature until July 1 of this year. Maturities thereafter are $30,000 each on the first of each succeeding six months, under the agreement.

RKO gave RCA its note, secured by a completed negative, in return for the $2,500,000 advance. As the pledged negative depreciates in value a new note, secured by a newly completed negative, is delivered to RCA by RKO. Approximately six negatives have been pledged in this manner to date. It was this phase of the agreement that was attacked by Reade as damaging to the interests of general creditors of RKO in his appeal to the higher court.

Attorneys for the RKO receivers pointed out that RKO creditors were benefited and not injured thereby, as the negatives, in the first place, are not properties of RKO but of its subsidiaries.

## *English Players to Sail*

London, May 2.—Elizabeth Allan sails tomorrow on the *Champlain* en route to M-G-M's Culver City studio where she will appear in "The Green Hat."

Sailing on the *Berengaria* May 5 will be Charles Laughton. He also is bound for the M-G-M studios to appear opposite Norma Shearer in "The Barretts of Wimpole Street" and "Marie Antoinette."

## *Censors O.K. 'Blue Angel'*

Philadelphia, May 2.—Paramount's "Blue Angel," starring Marlene Dietrich and Emil Jannings, which has been barred by the state censors for many years, has been finally passed by the board and will be released throughout Pennsylvania in the near future.

"swell picture . . ."

"surefire audience . . ."

"well-tailored for the talents of Joan Crawford . . ."

"the stuff the fans cry for . . ."

"direction of Clarence Brown is something to rave about . . ."

"John Meehan's dialogue expert and amusing . . ."

"a humdinger for the femme patrons . . ."

***—that's what Hollywood Reporter says about your next big HIT!***

***as*** **LEO MARCHES ON!**

Your "Dancing Lady" does it again!

# Joan CRAWFORD

# SADIE McKEE

A CLARENCE BROWN *production*
*with* FRANCHOT TONE · GENE RAYMOND · EDWARD ARNOLD
ESTHER RALSTON · Based on the daring Liberty Magazine story by VINA DELMAR
Produced by Lawrence Weingarten

# Fox Film Net For 13 Weeks Is $805,376

(Continued from page 1)

pany's statement, "has accumulated since the effective date of reorganization of the company, April 1, 1933." The surplus at the close of the final quarter of last year was $1,674,354.

In the first quarter of 1933 the company reported a loss of $557,122. This figure does not offer a good basis of comparison with earnings for the same period of this year because the company was still to be reorganized when last year's statement was issued.

Total income for the first 13 weeks of this year amounted to $9,325,566.61, while expenses were $8,232,881.41. The company's income tax for the period was $125,000.

## *No New Fox Theatre Setup in Sight Yet*

No plans for reorganization of Fox Theatres Corp. are in sight and it will probably be some time before the circuit is brought out of receivership, William E. Atkinson, president and receiver, stated yesterday. He is expected to be continued as receiver at the expiration of the present six-month term on July 22.

While the circuit does not operate any theatres, gross annual rentals for its five units average around $350,000. In addition, rentals are coming in from commercial properties owned in New England and a parcel on Park and Tremont Aves., Bronx. Theatres owned and leased are:

The Academy of Music, leased to Skouras; Audubon in New York and the Fox, Elizabeth, N. J., to Fox Metropolitan Playhouses; Isis, Denver, to Rick Ricketson of Fox Rocky Mountain; Nelson, Springfield, Mass., to Harry C. Arthur.

Atkinson has postponed his trip to Denver until next week because Ricketson is making a tour of his theatres and will not return until then. Atkinson will inspect the Isis and pass on a $10,000 remodeling plan.

Chiefly responsible for the remoteness of a reorganization of Fox are the many claims now pending.

## *Fox Midwest Heads Have Talk at K. C.*

Kansas City, May 2.—A Fox Midwest district managers' meeting brought to Kansas City Lon Cox of St. Louis, Harry A. McClure, Topeka, and Howard E. Jameyson, Wichita. With Elmer C. Rhoden, division manager, and L. J. McCarthy, Kansas City district manager. They discussed summer policies and managers' vacations.

A 13-week drive for business has been completed in which a substantial increase in grosses was shown over a previous period. Managers finishing high in each district were given a 10 per cent increase in salary.

## *W. Morris Loses Mother*

Baltimore, May 2.—Walter Morris, manager of Warners' Stanley here, has been called to Knoxville, Tenn., by the death of his mother there after an operation.

# *FWC Help Is Assured in Ending Doubles on Coast*

(Continued from page 1)

meeting yesterday in spite of the fact that I. E. Chadwick swung into a strong defense of independents and an attack on block booking. Mayer answered this by saying he had 10 producers on the M-G-M lot and would sign more if they could show they had the necessary qualifications.

"I would give a greater welcome to a good two-reeler than a bad seven-reeler," he declared. "Single features with a properly balanced program of shorts will force theatre managers to do more work and apply showmanship ingenuity, but it must be done.

"I am not against independent producers, but if they can't deliver something constructive, let them stay out of the business.

"Exhibitors must feel producers can be told their troubles," he continued. "I am speaking for all major producers and I assure you we will listen to any plaint. We are willing to sit with exhibitors and distributors and see if we can solidify our aims and improve our product."

## *Expect Early Ruling For GTE-Chase Deal*

(Continued from page 1)

tres Equipment, Inc., and the Chase National Bank providing for mutual cancellation of claims.

The agreement among other things provides that the bank is to reduce its claim against G.T.E. from in excess of $20,000,000 by $5,000,000 and that this claim is to be allowed by the receiver. The bank is to aid in reorganization of G.T.E., supply money for expenses, and give the reorganized unit an option on 325,000 shares of Fox A stock at $15 per share.

Opposition to the deal was headed by minority debenture holders and the All Continent Corp. headed by William Fox, which is a general creditor for about $2,000,000.

## *Warners to Finish Schedule on July 1*

Hollywood, May 2.—Warners will complete production of the entire schedule of 60 features for the current season by July 1, it was indicated today by a checkup. Fifty-three pictures on the current schedule have been completed.

The check showed 24 features completed recently are now in the cutting room and 29 have been shipped from the studio this season.

## *Vitaphone Program Gets Final Touches*

Final conferences on Warners' 1934-35 short subject lineup were begun yesterday following the return of Norman Moray, Vitaphone sales manager, from an 11-week tour of the company's exchanges, during which field sales forces were sounded out on shorts requirements.

Production will be resumed May 14 at the Brooklyn Vitaphone studio.

## *Fritz Blocke Married*

Chicago, May 2.—Fritz Blocke, handling publicity for the State-Lake, is a benedict.

# Para.'s Advisory Group to Continue

(Continued from page 1)

designed to serve as the intermediary between the home office and Paramount's theatre operating partners in the field, and will be comprised of six operating partners, elected by the partners in the six principal territories of the company's theatre operations. Already elected to the committee are E. V. Richards, who becomes an operating partner on the reorganization of Saenger Theatres, and who represents the southern territory; Karl Hoblitzelle of Interstate Circuit, representing southwestern operations; A. H. Blank, Des Moines, representing central western operations, and N. L. Nathanson, Canada. The final two members remain to be elected, one for the midwest and one for New England.

Sam Dembow, Jr., vice-president of Paramount Theatres Service Corp., of which Kohn was president as well as being vice-president and a director of Paramount Publix and subsidiaries, is taking over, for the time being, at least, that part of Kohn's duties which pertained to theatre operations. Y. Frank Freeman, president of Famous Theatres Corp., new Paramount subsidiary, will handle the real estate phases formerly handled by Kohn.

Kohn's future plans are undecided.

## *Settle P-P Lease Claim*

Anderson Theatrical Enterprises agreed yesterday to settlement of its $85,249 claim against Paramount Publix for $3,000. The claim was based on leases for two theatres at Anderson, Ind. A petition asking authorization for the settlement was filed by Paramount with Referee Henry K. Davis yesterday and will be heard May 14.

## *Give Farewell to Zanuck*

Hollywood, May 2.—Following a brilliant studio farewell and a preview of "Bulldog Drummond Strikes Back," Darryl Zanuck, William Getz and Harry Wardell are eastbound tonight. They will sail on the *Conte di Savoia* on May 12.

## *Cantor Sees Big Turnout*

Hollywood, May 2.—Eddie Cantor has promised that more than 500 stars and featured players will take part in the first annual frolic, which will be open to the public at the Gilmore Stadium May 18 to 20.

## *McLeod Arriving by Air*

Norman McLeod, Paramount director, arrives from the coast tonight by plane. He sails Saturday on the *Ile de France* to join Mrs. McLeod on the Riviera where he'll remain for a month.

## *Price, Taube in Town*

Canadian visitors in town for a few days are Harry Price of Federal Films, Toronto, and Sid Taube, representing a number of independent distributors. Both plan to leave tomorrow or Saturday.

# M-G-M May Do Few Films in London Plant

(Continued from page 1)

and sails from Villefranche tomorrow on the *Conte di Savoia*. When he reaches New York he will confer with Eckman, now there, on distribution matters and possibly production. The company does not make its own quota pictures, but "dubs" American product in Italy, France and Spain.

Warners has a subsidiary company making quota pictures and U.A. have a close association with British & Dominion and London Films.

Exhibition activity of M-G-M is confined to the Empire here.

# English Seek Curb Upon New Theatres

(Continued from page 1)

Kinematograph Renters' Society, with a plan to stop unnecessary building by setting up a combined committee to pass on the advisability of theatres contemplated.

While nothing has yet been decided, the decision of the committee would be final with the major companies. Something in one form or other will be done about over-building and the necessity for a stop measure is now recognized, Eckman says. The companies are willing to cooperate, he states.

For the past few years approximately 100 new theatres have gone up every 12 months. Currently, 50 houses are in process of construction. The reason for the heavy construction is that money is cheap and theatres are being built whether they are required or not, Eckman says. This smacks of the boom theatre construction period in the United States several years ago.

Just before Eckman retired as president of the K.R.S., the M-G-M officials prevailed upon all distributors to put clauses in contracts limiting shows to three hours, regardless of the policy. M-G-M was the first to adopt the plan, he says, and all other companies have followed suit.

Shows used to run anywhere from four to five hours before the practice was stopped. Eckman plans to stay for three weeks and is now awaiting arrival of Arthur Loew from Europe on May 10. He has not yet decided whether he will go to the coast before returning to England.

London, May 2.—The C.E.A. today cabled Sam Eckman a request to talk at the annual convention of the organization at Blackpool on June 13. Eckman has been asked to talk on overseating in the United States.

## *Stella Mayhew Passes*

Stella Mayhew, veteran vaudeville and musical comedy star, died yesterday in the N. V. A. ward at the French Hospital. Death was caused by blood poisoning. Miss Mayhew was born in Pittsburgh and made her stage debut 50 years ago. Her last appearance here was in "Hit the Deck." She was 55 years old.

Funeral arrangements are being made by the N. V. A.

## RCA Interested in British Television

London, May 2.—RCA, through its $12,750,000 interest in Electrical and Musical Industries, Ltd., at current market value, and the Gaumont British Film Corp., is closely concerned in the British post office department's current plans for testing the Electrical and Musical Industries' television system and the J. L. Baird system. The object of the test is to make the better system available to the public through the transmission facilities of the British Broadcasting Corp.

## Writers' Guild Will Use Advisory Group

Hollywood, May 2.—To provide for a better understanding of Writers' Guild activities, an advisory council has been formed. It will include not more than 25 members who will meet each week to study writer problems. The council already includes three representatives from major studios, seven from independents and two free lancers. Any resolution passed by this council will receive definite action from the executive committee.

## Stop Mexico City Films

Mexico City, May 2.—All film houses were closed here May 1, Mexico's Labor Day, a holiday rigidly observed. Exhibitors are losing in their fight to bring about the opening of their houses on this day, even though legitimate theatres, circuses, etc., are permitted. The legitimate houses all grossed new records Monday because of their monopoly.

# Looking 'Em Over

## "One Is Guilty"

(*Columbia*)

This film follows the formula for entertainment of its type quite religiously. It is so much like the average mystery picture that to relate its plot seems unnecessary. The characters may bear different names but the game is the same. They are paraded before the camera and scrambled to the end that the audience may be fooled, something which the film does with but moderate success. By the time the half-way mark is reached, it becomes apparent that Willard Robertson is the guilty one. The picture has no big asset to outweigh this liability.

A prizefighter is found murdered in an apartment in a building that has been vacated after foreclosure. Everyone in sight is under suspicion. Robertson manages to escape suspicion (the suspicion of the police, that is, not that of the audience) until the film is almost ended. His motive had been jealousy. He knew his wife had been having an affair with the fighter, so he had shot him.

Ralph Bellamy is a police inspector. Other players include Shirley Grey, with whom Bellamy forms a romantic attachment; Rita La Roy, Wheeler Oakman, Warren Hymer and J. Carrol Naish. Lambert Hillyer directed.

*"Orders Is Orders," this morning's opener at the Westminster Cinema, was reviewed on April 11.*

*"No Greater Glory," tonight's preview at the Roxy, was reviewed on Feb. 27 by wire from Hollywood.*

*"Manhattan Melodrama," tomorrow's opener at the Capitol, was reviewed on April 20 by wire from Hollywood.*

*"Double Door," tomorrow morning's opener at the Paramount, was reviewed on April 19 by wire from Hollywood.*

## Kent on His Way Back

Hollywood, May 2.—Sidney R. Kent left for New York tonight. He arrives there Monday.

## Mayer Books "I'll Tell"

Arthur Mayer has booked Fox's "Now I'll Tell" for the Rialto starting May 18.

## Catholic Boycott on Sex Films Is Urged

Hollywood, May 2.—Boycotting of pictures glorifying crime or attacking the sanctity of marriage and the home, or condoning sex sins, was recommended to Catholics everywhere through a resolution unanimously passed by more than 1,000 women attending the Catholic Action Week Conferences here. The resolution, as presented by Mrs. Thomas Hearn, reads as follows: "This regional conference of the Catholic Women's Council purposes to oppose by every means in its power the attendance of Catholics to motion pictures which flaunt indecency, glorify crime and criminals, condone sex sins and scoff at the sanctity of marriage and the home.

"Because the most effective way is the withdrawal of patronage, we urge that Catholics remain away from theatres showing such films.

"Parents, in particular, should make certain that films give no offense to morality or the accepted standards of decency and good taste."

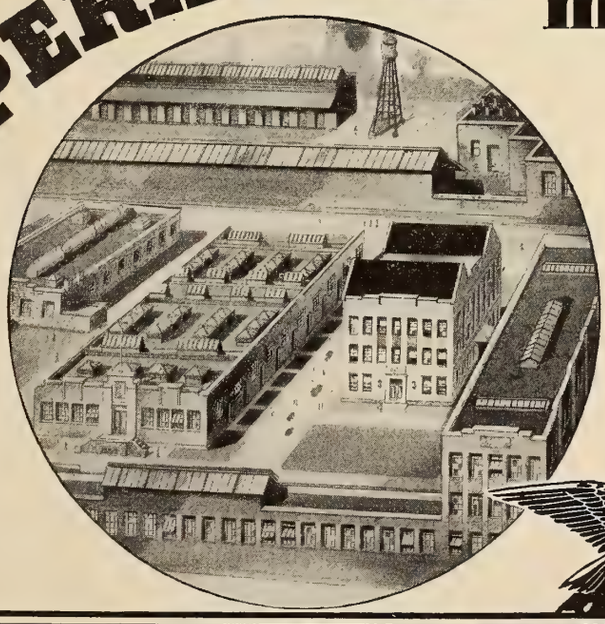
## Columbia Branches Being Coordinated

Activities of the Columbia home office and the eight English branches are being closely coordinated, Henri Brunet, in charge of the company's exchange system, stated yesterday following his return from a four-month tour of England.

He also said that the outlook abroad is promising and conditions are improving.

"AN INSTITUTION AS GREAT AS THE INDUSTRY IT SERVES"

OPERATING morning... noon... and night...



THE motion picture industry requires speedy service — sometimes overnight deliveries. And Consolidated is organized to give it. When the occasion demands, our plants operate the entire 24 hours—continuously.

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

## "Rothschild" Tops Portland at $9.800

PORTLAND, May 2.—"The House of Rothschild" in its first week at United Artists had a take of $9,800 or almost double the average, and is expected to stay for the next three weeks.

Personal appearances of "Stars of Yesterday," including Ben Turpin and Eva Courtney, helped "Beggars in Ermine" to gross $500 more than average at the Pantages.

Total first run grosses were $27,700. Average is $23,000.

Estimated takings for the week ending April 26:

**"CAT AND FIDDLE" (M-G-M)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,700. (Average, $6,000.)

**"BOLERO" (Para.)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,000.)

**"CROSBY CASE"**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,700. (Average, $2,000.)

**"NO GREATER GLORY" (Col.)**
**"COMING OUT PARTY" (Fox)**
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000.)

**"BEGGARS IN ERMINE" (Monogram)**
PANTAGES—(1,700), 15c-25c, 7 days. Stage: Turpin and Courtney. **Gross:** $2,500. (Average, $2,000.)

**"HOUSE OF ROTHSCHILD" (U. A.)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $9,800. (Average, $5,000.)

## Senate Starts Work On Bankruptcy Bill

WASHINGTON, May 2.—The Senate today took up for passage legislation setting up machinery for the reorganization of embarrassed corporations. The bill has already been passed by the House of Representatives.

The bill is intended to provide an alternative to bankruptcy proceedings by the development of plans for reorganization under which the interests of both creditors and stockholders may be pared down to a point where the corporation can continue in business with a good chance of paying off its reduced indebtedness.

Enactment of the proposed amendment to the Federal bankruptcy laws would make the reorganization of Paramount Publix "10 times easier," a company executive stated recently in discussing the measure.

Under the provisions of the bill, bankrupt estates may scale down creditors' claims and stockholders' interests to a point where reorganization is possible, providing the reductions have the approval of two-thirds of the creditors and a majority of the stockholders.

## Color Pictures to Be Dissolved Soon

Color Pictures, Inc., acquired recently by Technicolor on a cash payment and stock transfer basis, will be dissolved by May 16, after which time holders of Color Pictures stock will be permitted to exchange their shares at the rate of five shares for each two shares of Technicolor. In addition, $134,980 in cash will be distributed among Color Pictures stockholders at the rate of 60 cents for each share of stock, as a dividend in partial liquidation.

Lorillard Spencer, president of Color Pictures, said that any cash or other assets ultimately remaining will be distributed as a final dividend in liquidation "as soon as practicable."

# Variety Club Chatter

## Albany

ALBANY, May 2.—Sixty barkers and their guests played a part in a very enjoyable luncheon arranged by kings for a day, BILL HASKELL and JACK FITZPATRICK, held in Jack's Cafe.

Entertainment was furnished by the floor show now holding forth in the Kenmore Hotel, through the cooperation of BOB MURPHY, manager. HAPPY STEVENS played his usual role as master of ceremonies and JERRY BLANCKARD did a great taffeoff on Mae West.

Captain BILL DUTTON of the New York State Police was guest of Chief Barker BUCKLEY.

LEO DOODY's name was added to the list of associate members, and he expressed a keen desire to become actively engaged in Variety Club functions. The Albany commissioner of charities is from the old school of press agents and theatre managers, having been associated with Barkers SAYLES and PERRIN 20 years ago during Proctor's hey-day up state.

## Buffalo

BUFFALO, May 2.—To give the next kings for the day a chance to catch their breath in an effort to stage a more "colossal" show than the last two, Variety Club will have a closed business session at its next luncheon Monday. There will be no kings for the day, Chief Barker DAVE MILLER announced.

More than 100 barkers and their friends attended the meeting May 1. GEORGE H. MOESER, manager of the Hollywood Pictures exchange, and VINCENT R. MCFAUL, general manager of the Shea Theatres Corp., were among those whose duties had prevented them from attending previous luncheons.

They were surprised by the quantity and quality of entertainment provided by the kings for the day, HARRY ALTMAN and MURRAY WHITEMAN. There were two bands and complete floor shows from the Vendome, Alhambra and K. E. P. night clubs.

## Cincinnati

CINCINNATI, May 2.—JOHN H. HARRIS, national president, and "daddy" of the Variety Club idea, accompanied by ROSEY ROSEWELL, also of the mother club at Pittsburgh, stopped off here to look over the local tent while en route to Indianapolis.

The Variety Club dinner-dance has been set for May 19 at the Pavilion Caprice of the Netherland-Plaza. Minimum attendance has been placed at 1,000. Proceeds will be turned over to the NVA. This is the first time an affair of this kind has been held by a Variety Club for the benefit of another organization, as far as is known.

Mayor RUSSELL WILSON now appears on the local roster as an associate member. "RUSS" was reviewer on the *Times-Star* before becoming Hizzoner.

## Kansas City

KANSAS CITY, May 2.—The following quartet has been welcomed into membership of Tent No. 8: WARD E. SCOTT, Fox; BOB CARNIE, Paramount; LES DURLAND, Midwest Film Distributors; and BARNEY L. ALLIS, head of the company operating the Muehlebach Hotel.

The Kansans will have it all to themselves on May 6, designated as "Kansas City, Kansas, Day." In charge are FRED MEYN, chairman, with PECK BAKER and DICK BIECHELE.

BILL WARNER and GUS DIAMOND of Warners wear the crowns on May 13. TOMMY THOMPSON and the RKO lads have been set back as program sponsors to some time in June.

## Indianapolis

INDIANAPOLIS, May 2.—The local Variety Club received its charter officially at the weekly luncheon in the Claypool Hotel. JOHNNY HARRIS, national president, DUKE CLARK, chief barker of the Columbus tent, and GEORGE TYSON, former Indianapolis man and chief barker of the St. Louis tent, were the installing officers.

## Mainstreet Scales Cut in Kansas City

KANSAS CITY, May 2.—Apparently because of the presence of hitherto non-existent competition, the RKO Mainstreet cuts its price scale for its last stage show of the season, headlined by Sally Rand, fan dancer, beginning Friday. Prices will be 25 cents until 1 P. M., 35 cents from 1 to 6, and 35 cents for balcony seats and 50 cents lower floor at night. Previous long-established scale for combination shows has been 25c-40c-60c.

## Foy Film Opening Is Set

HOLLYWOOD, May 2.—Bryan Foy's "Sterilization" will have its world premiere at the Pantages here on May 12. On the same day Jack Proctor will start on a cross-country tour of advance exploitation.

## Shows at St. Louis Hanging in Balance

ST. LOUIS, May 2.—Whether the Ambassador will drop stage shows for the summer and go to duals will depend upon the box-office results of Ed Lowry's engagement as master of ceremonies which starts Friday.

If the Ambassador goes to duals, Loew's State and the Shubert would be the only first run single feature spots in town.

## New Color Process Ready for Market

A new color process that will require no change in existing production or projection equipment will soon be put on the American market by the Dufay Co., a newly created American branch of the English Dufay Color Co., Ltd. The branch will be headed by Walter H. Carson, former vice-president of Agfa-Ansco Corp.

## Rent Suit Settled On Kansas Theatre

KANSAS CITY, May 2.—Suit of William Wagner against Universal for rent due on the Beldorf, Independence, Kan., has been settled out of court by agreement of Glen W. Dickinson Theatres, Inc., the sub-lessee, to pay $17,000 to Wagner and Mrs. Katherine T. Wagner, his mother, co-plaintiff. The theatre reverts to Wagner, at present manager of the Fox Plaza, Kansas City.

Wagner had obtained a judgment for $18,500 against Universal in the Federal district court, which was appealed to the U. S. Circuit Court of Appeals at Wichita. The litigation will be dismissed. The amount of the settlement covers rentals to next October, according to Leland Hazard, Wagner's attorney.

Universal leased the house in 1926 when it was building a circuit in this area and two years later sub-leased it to Dickinson.

## Court Grants Stay On Tivoli Pickets

A temporary order restraining Local 118, Service Employes' Union, from picketing the Tivoli, Brooklyn, was issued yesterday in Supreme Court, Brooklyn. A hearing on an application for a permanent injunction against the union has been set for Monday.

George Jordan, union picket at the Tivoli, who was arrested Tuesday, was found guilty of disorderly conduct in magistrate's court, Brooklyn, yesterday, and received a suspended sentence. Counter charges brought by the local against Harry Lewis, manager of the Tivoli, and an assistant, J. R. Robinson, were dismissed.

## Loew's State Is Bombed

Sale of tickets at Loew's State was halted for a short while Tuesday night by the breaking of a stench bomb in the rear of the house. The management could give no reason for the act, claiming that the house is having no labor, or any other trouble at the present time.

Bernard Becker, Albert Murtha and Alexander Zimmerman were arraigned before Magistrate Francis J. Erwin in the West Side Court yesterday and charged with malicious mischief after they had been arrested by detectives. Murtha and Zimmerman are being held on the complaint of Herman Reisner, owner of the Manhattan Avenue, while it is alleged Becker bombed the Freeman on Southern Blvd., the Bronx.

## Jolson to Tour England

HOLLYWOOD, May 2.—Al Jolson and Ruby Keeler leave the early part of July on a six-week personal appearances tour of England.

## "U" Signs Sally Eilers

HOLLYWOOD, May 2.—Sally Eilers, whose husband, Harry Joe Brown, was signed by Warners yesterday, was given a long termer by Universal today.

## Heads Makeup Men Anew

HOLLYWOOD, May 2.—Percy Westmore has been re-elected president of the M. P. Makeup Artists Ass'n. for the third time.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 104 NEW YORK, FRIDAY, MAY 4, 1934 TEN CENTS

# MAJORS SETTLING DUAL POLICY NOW

## Fox Midwest Seeks a New Setup June 1

### *Deal on Woolf-Shanberg Claim Is Discussed*

KANSAS CITY, May 3.—Settlement of the Woolf-Shanberg court actions which are holding up reorganization of Fox Midland and Fox Rocky Mountain Theatre Cos., is now expected by or around June 1. It will take an estimated two or three months after that to declare a creditors' dividend and dispose of various other matters, and those that have reorganization in hand are working toward a windup by Sept. 1.

Even though the Pacific Coast division of Fox West Coast completes reorganization soon, as reported, the

(*Continued on page* 10)

## Says President to Get Report Soon

WASHINGTON, May 3.—Presentation to the President of the National Recovery Review Board report on the code investigation within the next few days was today promised by Chairman Clarence Darrow, who vigorously denied rumors that the document had already been presented. His discourse was confusing to newspaper men who sought to interview

(*Continued on page* 10)

### *Dubinsky Ordered to Reinstate IATSE Men*

KANSAS CITY, May 3.—The St. Louis Regional Labor Board today handed down a decision ordering Dubinsky to reinstate I.A.T.S.E. operators and stage-hands at salaries in force at the time of the employes' asserted lockout at the two Dubinsky houses in St. Joseph last November. The board gave a similar decision some time ago, but Dubinsky appealed to the National Labor Board, which

(*Continued on page* 11)

### *Crawford-Durante Contracts Extended*

HOLLYWOOD, May 3.—M-G-M has exercised options on Joan Crawford's and Jimmy Durante's contracts for another year. Bernard Schubert, Lawrence Eyre and Ethel Borden, writers; Louise Henry and William Henry, players, have been given short-term contracts. Mrs. Patrick Campbell's option for a second picture has not been taken up.

### *Opera with Film*

**Opera will make its bow at the Music Hall, May 10, when "Madame Butterfly" in full opens with Fox's "Change of Heart." The opera in which Anna Roselle, formerly of the Metropolitan Opera Co., will appear may stay for more than one week. It is considered the greatest stage show for the house since its opening.**

## Schaefer Appoints Agnew to New Post

Neil F. Agnew yesterday was appointed Paramount general sales manager by George J. Schaefer, general manager of Paramount and subsidiaries. Agnew formerly was assistant sales manager and western division manager. A successor to the latter post will be named within the next few days.

Agnew's promotion was necessitated by the increasing scope of Schaefer's activities, it was stated at Paramount.

## Para. Eliminates All Its 2-Reelers

Paramount has eliminated all two-reel subjects from its shorts schedule for next season and has reduced the total schedule by 25 subjects, the 24 two-reelers and one single, Lou Diamond, in charge of the company's shorts, said yesterday.

The total schedule includes 100 one-reelers and 104 issues of the Paramount newsreel. The current season's

(*Continued on page* 10)

### *"Vanities" to Rivoli; Ends U.A.-Para. Deal*

Paramount winds up a three-picture deal with the Rivoli with the booking of "Murder in the Vanities" at the house following "Sorrell and Son." The original booking deal was made at the time Paramount turned the house over to U. A.

Previous Paramount pictures playing the Rivoli have been "Duck Soup" and "We're Not Dressing." The latter is currently showing there.

### *Educational-Fox And Amity in Deal*

Educational and Fox release one World Wide feature and seven westerns to Amity Pictures for distribution under the terms of a settlement of an action instituted by Amity some time ago. The pictures involved are

(*Continued on page* 8)

## Overbuying Is First Protest To N.Y. Board

First complaint to be heard by the New York grievance board at the May 8 session will be that of Sam Rogowsky, operator of the Embassy, Port Chester, against the Skouras Theatres Corp. and all major distributors, except Paramount. Skouras opates the Capitol in Port Chester.

Rogowsky, in his complaint, asks that 50 per cent of the product of the companies involved be turned over to him. He claims that Skouras has overbought by signing for all the product

(*Continued on page* 10)

## Maryland Protests Code Cost Ratios

BALTIMORE, May 3. — Protests against the method of applying code assessments are being made by the M.P.T.O. of Maryland, Inc., on the ground that small houses are hit harder than larger ones.

Requests for reconsideration of the matter by Code Authority have been

(*Continued on page* 10)

### *Streimer Quits Code Advisory Committee*

First New York member of the code boards to resign is Moe Streimer, branch manager for United Artists. He was the distributor with theatre affiliation on the Manhattan, Bronx, Staten Island and Westchester advisory committee of the clearance and zoning.

Streimer has not been well for the last few months and recently returned from a three-week vacation, having recovered from a breakdown.

Operation expenses for the two New York boards are figured at approximately $600 a month, of which $100 would go for rent and $400 for salaries of the secretaries.

### *Buffalo Objects to Plan of Assessment*

BUFFALO, May 3.—A protest against classification of theatres in the Buffalo area for Campi assessment purposes has been filed with

(*Continued on page* 10)

### *Discuss Contract Bans Before Going into Sales Sessions*

The fate of double featuring is being decided in pre-convention discussions of new season policies, with indications already pointing to contractual restrictions by at least four large companies on the double featuring of their 1934-35 product.

Paramount, Warners, RKO and M-G-M are on record through expressions of ranking executives as opposed to duals. Production executives of Fox and 20th Century are also known to be opposed to the policy. As a result, the impression is definitely registered in distribution circles here that the sales policies of all or most of these companies next season may

(*Continued on page* 8)

## K.C. Argument May Return Exclusives

KANSAS CITY, May 3.—Loew's may return exclusive runs to the 4,000-seat Midland here next fall as its answer to the suburban's demand for curtailed first run protection. Informed observers see in that policy a way to continue its present 25-cent price.

The circuit has taken the position that the prices it charges are its own

(*Continued on page* 8)

### *Des Moines Starts Re-Zoning Confabs*

DES MOINES, May 3.—Preliminary plans for the zoning of the Des Moines exchange territory were made this week at a meeting of the zoning board in the new code headquarters, 224 Iowa Building. A. H. Blank presided.

There is little objection to the rezoning plan, it is believed, as the smaller theatres appear to be quite willing to take advantage of the newspaper publicity given pictures on their first showing, without the attendant charges. The next meeting of the zoning board is set for May 16, when definite action is expected.

### *"Now I'll Tell" Is Shifted to the Roxy*

Although previously dated in the Music Hall and the Rialto, Fox's "Now I'll Tell" definitely goes into

(*Continued on page* 8)

# MOTION PICTURE DAILY

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MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Cullman Term Ends Soon

Howard S. Cullman is up for reappointment as receiver for the Roxy when the present six-month term expires, June 15. Judge Francis G. Caffey in the U. S. District court continued Cullman as receiver Jan. 15.

## Warners Get "Adeline"

HOLLYWOOD, May 3.—Warners have acquired the rights to "Sweet Adeline" and will co-feature Helen Morgan and Phil Regan. Universal and Columbia have been dickering for the title.

# Purely Personal

O. P. HEGGIE and SIDNEY BLACKMER have been engaged for roles in the Reliance production, "The Count of Monte Cristo," which goes into production Monday. HEGGIE leaves for the coast by plane today.

ETIENNE PALLOS, sales manager for London Films, will arrive in New York on the *Conte di Savoia* on May 10 for conferences with United Artists' executives on next season's lineup.

ANYA TARANDA returns from Hollywood tomorrow to join HAROLD ARLEN, song writer, and future husband. While on the coast she appeared in "Murder in the Vanities."

H. G. WELLS arrived in town yesterday from London, where he completed the screen adaptation of "The Shape of Things to Come" for U. A.

IRENE DUNNE, who has been here for the last month on a vacation, returned to the coast yesterday to resume work.

IRVING LESSER is trying to book two games a week for the Roxy ushers' baseball team.

JULES LEVY is visiting Canadian Radio branches.

## Showing French Films

John S. Tapernoux will hold a showing of "L'Agonie des Aigles," a feature, and "Ilha," a short, on board the *Ile de France* tonight at 8 P. M. This will be the first showing of these French productions in America.

## "Bengal" Goes to Gaiety

Harry Schenck's "Beyond Bengal," which is being distributed by Showmen's Pictures, goes into the Gaiety May 16. Schenck will make personal appearances.

## Margolies Takes House

Irwin Margolies, who operates the Columbia, Guttenberg, N. J., has added the Rivoli, West New York.

## Universal Pfd. Off 1 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc. | 28 | 27⅝ | 27⅝ | — ⅜ | 200 |
| Consolidated Film Industries | 4¼ | 4 | 4¼ | + ¼ | 400 |
| Consolidated Film Industries, pfd. | 16⅝ | 16⅜ | 16⅝ | + ⅜ | 700 |
| Eastman Kodak | 91 | 90½ | 90½ | — ½ | 200 |
| Fox Film "A" | 16 | 15¼ | 15⅜ | — ⅛ | 1,600 |
| Loew's, Inc. | 32⅝ | 31⅝ | 32 | + ⅛ | 8,000 |
| Paramount Publix | 4⅝ | 4¼ | 4⅜ | — ⅛ | 2,200 |
| Pathe Exchange | 2⅞ | 2¾ | 2¾ | — ⅛ | 500 |
| Pathe Exchange "A" | 22¼ | 22 | 22 | ..... | 3,300 |
| RKO | 3⅜ | 3⅛ | 3⅛ | — ⅛ | 2,700 |
| Universal Pictures, pfd. | 43 | 43 | 43 | —1 | 30 |
| Warner Bros. | 6⅞ | 6⅝ | 6¾ | + ⅛ | 2,600 |

## Trading Light on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9⅜ | 9¼ | 9⅜ | ..... | 100 |
| Trans Lux | 2¼ | 2⅛ | 2⅛ | ..... | 400 |

## Pathe Bonds Off One-Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅝ | 10¼ | 10½ | + ½ | 11 |
| General Theatre Equipment 6s '40, ctf. | 9⅛ | 8⅞ | 9 | — ⅛ | 1 |
| Keith B. F. 6s '46 | 70¼ | 70 | 70¼ | — ¾ | 6 |
| Loew's 6s '41, ww deb rights | 101¼ | 101 | 101¼ | — ¼ | 2 |
| Paramount Broadway 5½s '51 | 41½ | 41¼ | 41½ | ..... | 3 |
| Paramount F. L. 6s '47 | 50 | 49¾ | 50 | ..... | 2 |
| Paramount Publix 5½s '50 | 48⅞ | 48⅞ | 48⅞ | + ⅜ | 1 |
| Pathe 7s '37, ww | 9 | 96 | 96 | — ½ | 1 |
| Warner Bros. 6s '39, wd | 61¾ | 61 | 61¼ | — ⅝ | 27 |


TWO-COLUMN AD—304 LINES
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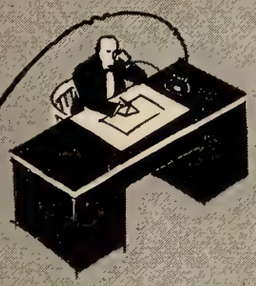

# *Long Distance Call for* M. E. COMERFORD!

Hello!... Comerford Theatres?... Mr. Comerford?... FOX salesmen report that most exhibitors are planning *extended time* on "Stand Up and Cheer" after hearing about its smash two weeks at Radio City Music Hall... Certainly, we'd be glad to arrange it for Scranton and Wilkes-Barre!

# "STAND UP AND CHEER!"

A FOX PICTURE

## Open Richmond House

RICHMOND, May 3.—This city's newest house, the Carillon, was given a formal opening last night with a large group of prominent citizens among those attending. "Dancing Lady" was the feature. The house seats 500 and is equipped with "Wide Range" sound and a cooling plant.

## Moe Rosenberg Expands

Moe Rosenberg, operator of the Broadway, Woodcliffe, N. J., has purchased an interest in the West End, Newark, from Stanley Sobelson.

# Insiders' Outlook

*Hollywood, May 3*

FANTASTIC story of Fantasticland, known to the post-office as Hollywood and to some in the production colony as Grabland, deals with the modus operandi of one studio which computes five out of every 10 pictures it places before camera and microphone are foreordained to flop. Studio executives point the finger of blame on the release date system and the insistence of the sales department, reflecting exhibitor clamor, that they be met, plus the annual commitment of turning out too many pictures. . . .

▼

The whole system of release dates and its alleged effect on quality production constitute one of the angles to the many-sided, complex Hollywood situation which practically all major producers deplore, but about which they maintain they can do nothing. Regardless, for the moment at least, of where the onus ends, it is an undisputed fact that many films which fall shy of plans made for them on paper could have been built into real attractions if the release date, a general ogre to production minds, had not hung over studios like the well known sword of Damocles. . . .

▼

California fruits have no bounce, say the expatriates. If you want good cuts of meat, look for a meat shoppe or a restaurant that has them shipped in from Kansas City or Chicago, continue the expatriates. "But the most trouble of all is with the hams," chimes in a patriot. . . . New York agent, here on a radio hook-up, runs into a friend, once a Gothamite, but now resident here. 'How long are you in for?" asks the latter. "With good behavior, I'll be out in two weeks," rejoins the visitor. . . .

▼

Joe Cunningham, erstwhile combination cartoonist and news gatherer for Jay Emanuel, admits to a thrill when he learned his maison had collected Mae West's former maid. . . A Hollywoodian, remembering his classical lore, to Dave Selznick on "Viva Villa:" "It is the Iliad and the Odyssey of Mexico." Selznick, asking another what he thought of the picture: "It's Homeric." . . . Diligent research and frantic repertorial effort around Paramount fail to disclose who plays the asp in "Cleopatra. . . .

▼

Gabe Yorke and Joe Shea, boss and assistant, also pals, are turning to riding as part of an organized plan to dodge picture talk where possible when off the lot. So cantering they went over the week-end. "Say, when are they going to make some more westerners at Fox?" asked Gabe's horse. "After all, I'm only hacking for you and waiting for a call from your lot." . . . One of Shea's best, by the way, concerns a Hollywood actor who holds a contract to make two pictures at a major studio and 34 personal appearances at the Brown Derby.

KANN

## More Sunday Arrests

RICHMOND, May 3.—Two more arrests in connection with Sunday benefits have been made here. John P. Leary, Loew operator, and Brock Whitlock, head usher, are being held for a hearing next Tuesday as a result of a show last Sunday for the benefit of the Richmond Tuberculosis Ass'n. Similar arrests some months ago were followed by acquittals.


THREE-COLUMN AD—315 LINES—MAT. NO. 21—30¢

Order from WARNER BROS.

# THERE'S NEVER BEEN ANYONE LIKE HER!

• There's only one **MARY MORRIS!** Her talents are so unique, so individual, she stands in a class by herself . . . .

Without ghoulish make-up or other prop devices, she'll freeze the blood of every motion picture fan, just as she did blase playgoers with her characterization of the vicious, venomous New York aristocrat called

*The Female Frankenstein of Fifth Avenue*

• **MARY MORRIS** in **"DOUBLE DOOR"** with Evelyn Venable

Kent Taylor • Sir Guy Standing • A Paramount Picture • Directed by Charles Vidor

Paramount Pictures

# He Loved His Country...But He *ADORED* ITS WOMEN!

**YOUNG VILLA SEES HIS FATHER WHIPPED!**

Hidden in the shadows . . . young Villa saw the aristocrats flog his father. He never forgave . . . vowing vengeance!

**VILLA'S BANDIT HORDE SWEARS ALLEGIANCE TO THE GENTLE MADERO!**

"Yesterday we were bandits! Today, we fight for the poor and oppressed."

**"YOU ARE IN TROUBLE, MY FRIEND? THEN I BURN THIS TOWN FOR YOU AT DAWN!"**

Santa Rosalia was soon in ashes! Villa attacked . . . because his pal, a war correspondent, had already reported that the town had fallen!

World's largest electric sign blazes over Broadway as crowds jam Criterion Theater, paying $2 for seats!

## *with* WALLACE BEERY

And a cast of 10,000 including Fay Wray, Leo Carrillo, Stuart Erwin, Katherine De Mille, George Stone and Joseph Schildkraut

Magnificent warrior!... Adventurer! . . . Rough but lovable! The most colorful role in Wallace Beery's screen career!

**SHE LIKED THIS ROUGH BOLD MAN!**

She was an aristocrat... beautiful siren of a tropic land... she laughed at the lash of his whip . . . the proudest of all the beauties he ever met in all the 1001 mad nights of revelry and adventure!

**CRITICS HAIL THE YEAR'S BIG HIT!**

"Wildly exciting, rousing thriller!" —*N. Y. Mirror*

"Mexico's 'Birth of a Nation'." —*N. Y. Journal*

"Epic in its surge and power!" —*N. Y. News*

"Thrilling, vivid, vital!" —*N. Y. American*

**FACTS ABOUT VIVA VILLA!**

1. Started two years ago!
2. Director and company travelled 10,000 miles to get authentic scenes in remote parts of Mexico!
3. Entire cast was on "location" for 180 days!
4. 800 of Mexico's finest horsemen . . . charros . . . were recruited to act as Villa's Doradoes, "The Golden Ones!"
5. 9,000 Mexican natives . . . many of them actual Villa warriors . . . were used in battle scenes!

Directed by...JACK CONWAY

**"SURE! I GET MARRIED OFTEN!"**

When Villa saw an angel . . . he wanted to make love. He married often . . . and forgot easily!

**Imagine BROADWAY'S $2 SENSATION HERE AT POPULAR PRICES!**

**A KING . . . WITH ONLY ONE SHIRT!**

Villa . . . as the man who didn't want to be President of Mexico!

VIVA THE SHOWMEN

OF AMERICA WHO ARE

PUTTING ON GLORIOUS

SHOWMANSHIP CAMPAIGNS

FOR M-G-M's $2 ROADSHOW

HIT, A JOY AT POP PRICES!

## K. C. Argument May Return Exclusives

(Continued from page 1)

affair and is unwilling to let that factor enter into discussions on clearance revision. Further, it is held to be a long-established fundamental, restated in the code, that the length of protection is in direct ratio to the rental.

For almost two years the center of strife because of either policy or price, the Midland now faces a showdown pressed by the suburbans in the clearance and zoning board. Other downtown first runs' policies are also attacked, but the Midland, the largest de luxer in this area and with the pick of M-G-M and United Artists product, is regarded as the key to the whole of policy, price and protection.

Three indicated paths are open to Loew's Midland in the face of the zoning board's expected action: Raise scales to at least 40 cents top; consent to a cut in protection, or go exclusive next season.

Competitive first runs and suburbans favor a higher scale, claiming it would furnish an incentive for other price increases.


TWO-COLUMN AD—208 LINES
MAT. NO. 18—PRICE 20¢

Order from WARNER BROS.


## Dietz Makes Debut As an M. C. at Ampa

Howard Dietz made his debut as master of ceremonies at the Ampa yesterday as first of the guest chairmen under William R. Ferguson's new policy. Supporting him on the same bill were Milton Berle and Joe Penner.

After a flattering introduction by Ferguson, Dietz took the chair and the first crack was:

"Ferguson's salary stands the same."

More than 150 attended the session at the M. P. Club. Among them were Felix F. Feist, William Rodgers, Sam Eckman, Robert Coleman and numerous radio artists.

Paul Gulick takes over the gavel next Thursday when Max Baer, Armand Denis and Jack Lait are slated for appearances. In three weeks the association suspends for the summer.

## "Now I'll Tell" Is Shifted to the Roxy

(Continued from page 1)

the Roxy starting May 25. Originally, the film was slated for a run at the Music Hall, beginning May 10. Fox later made a deal with Arthur Mayer for the Rialto, dating the picture for May 18.

According to provisions of the deal with Fox, the Roxy has first call on all pictures not playing the Music Hall and yesterday exercised this right. Other films slated for the Roxy are "Such Women Are Dangerous," Fox; "Glamour" and "The Black Cat," Universal.

## Educational-Fox And Amity in Deal

(Continued from page 1)

"The Man Called Back," with Conrad Nagel, six Bob Steele westerns and one Ken Maynard.

In acquiring the product Amity's total of westerns for current release is boosted to 27.

## "Hitler" Case Is Heard

The contention that "Hitler's Reign of Terror" comes under the classification of a newsreel and so is outside the jurisdiction of the film division of the State Department of Education, through which licenses must be obtained for all pictures other than reels shown in the State, was argued by counsel for Jewel Productions, the distributors, before Supreme Court Justice Aaron J. Levy yesterday. An injunction is being sought by the plaintiff to keep the film from being ordered off Broadway for failure to obtain a license. Decision was reserved.

## Brendel to Do Musicals

HOLLYWOOD, May 3.—El Brendel has been signed to star in two two-reel Vitaphone Technicolor musical comedies. Ralph Staub will direct.

## To Show Spanish Film

Columbia will hold a private screening of "Juarez and Maximilian," a Spanish picture, at the Chanin Auditorium tonight at 9 o'clock.

# Majors Are Settling Dual Policy Now

(Continued from page 1)

carry the executive viewpoints into practice through contractual clauses restricting in one way or another the exhibition of those companies' pictures on the same program with another feature.

What form the restrictions will take is a matter of conjecture. A clause flatly prohibiting the exhibition of a picture on the same program with another feature has been employed by several companies in the past on outstanding releases. A contract arrangement for a rental rebate on pictures shown singly has also been employed effectively by distributors.

### Deciding Factor Seen

With the M.P.T.O.A. on record at its last convention as opposed to duals and the executive committee of the organization scheduled to take action soon on methods of curbing the practice among exhibitors, any further restrictions imposed by a majority of the large distributors is regarded by many as the deciding factor in the fate of duals next season, at least, in those centers where it is most widespread at the present time.

A brochure setting forth the case of double features from the independent producers' and distributors' viewpoint is being sent to exhibitors throughout the country by the Federation of the M. P. Industry.

A highlight of the 12-page booklet is a nine-page section given over to photographs of theatre marquees in all sections of the country, heralding double feature programs and reproductions of newspaper advertisements of dual bills.

### Golden Warns Exhibitors

A warning to exhibitors who would eliminate double features is sounded by Edward Golden, Monogram sales manager, who views the policy as the only recourse of the exhibitor in a competitive situation.

"If you do not want to play double features," Golden writes, "due to the fact that you are in a non-competitive situation, do you want to place the exhibitor who is not in the same position that you are, in a position where he cannot play his pictures as he desires? You cannot tell when you will be in the same relative position as the exhibitor who must play double features, so why close your door to what might be your salvation?

"Independent producers do not ask you to play double features," Golden points out, "they merely ask you not to close the doors to the possibility of playing them if you so desire."

## Trans-Lux to Radio City

Trans-Lux Daylight Screen Corp. has leased space on the 21st floor of the RKO Building in Radio City and will move there from its present headquarters at 247 Park Ave. within the next few weeks.

## Tuttle Back on Para. Lot

Hollywood, May 3.—Frank Tuttle is back on the Paramount lot having been signed to direct "Ladies Should Listen."

## "Beloved," Revue $11,000, Montreal

MONTREAL, May 3.—With the six-day bike race over, with its 92,000 patronage, and baseball not yet begun, Montreal theatres had the field all to themselves last week. "Beloved" and a stage show gave $11,000 to Loew's to lead the town.

The Palace climbed to $10,000 with "Gambling Lady" and "Easy to Love," while the Capitol was around $10,500 because of "Mystery of Mr. X" and "Meet the Baron." The Princess was also higher at $7,000, with "The Lost Patrol" and "This Man is Mine."

Total business was $38,500. Average is $36,500.

Estimated takings for the week ending April 28:

**"MYSTERY OF MR. X" (M-G-M)**
**"MEET THE BARON" (M-G-M)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,500. (Average, $9,000.)
IMPERIAL—French musical shows continued.

**"BELOVED" (Univ.)**
LOEW'S—(3,115), 25c-35c-50c-65c-75c, 7 days. Stage: "Greenwich Village Follies"; Yorke & ing; Worth & Drake; Ayres & Rene; Ernest Charles; True Yorke; Ruby Norton. **Gross:** $11,000. (Average, $10,500.)

**"THE LOST PATROL" (Radio)**
**"THIS MAN IS MINE" (Radio)**
PRINCESS—(2,272), 25c-35c-50c-65c, 7 days. **Gross:** $7,000. (Average, $6,000.)

**"GAMBLING LADY" (Warners)**
**"EASY TO LOVE" (Warners)**
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $10,000. (Average, $11,000.)

## Roxy Pulls a Big $19,800, Buffalo

BUFFALO, May 3.—Roxy in person sent the Buffalo $4,800 above normal to $19,800 and would have pulled in important money if not hampered by a film that was unanimously panned by local critics. It was "Good Dame."

Closing of the Great Lakes failed to boost other grosses as expected. The weather was cool and some snow fell.

Total first run business was $41,200. Normal is $36,300.

Estimated takings for the week ending April 27:

**"GOOD DAME" (Para.)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Roxy and Gang. **Gross:** $19,800. (Average, $15,000)

**"THE SHOWOFF" (M-G-M)**
**"BEDSIDE" (F. N.)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,000. (Average, $6,000)

**"GEORGE WHITE'S SCANDALS" (Fox)**
HIPPODROME—(2,100), 25c40c, 7 days. **Gross:** $8,400. Average, $8,000)

**"THE ROAD TO RUIN" (First Division)**
HOLLYWOOD—(300), 25c-40c, 7 days, 3d week. **Gross:** $800. (Average, $800)

**"SHANGHAI MADNESS" (Fox)**
**"MARRIAGE ON APPROVAL" (Freuler)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,200. (Average, $6,500)

## *Warners Curtail on Current Production*

HOLLYWOOD, May 3.—Warners are cutting down their production schedule to two pictures a week until the current season's program is finished, necessitating the laying off of 600 day workers. The new program will start the latter part of June. This is in accordance with the request from Washington to keep studios operating throughout the year.

## *To Film Porter Tales*

HOLLYWOOD, May 3.—Monogram has purchased talking picture rights to Gene Stratton Porter's "Keeper of the Bees" and "Girl of the Limberlost." Mrs. James Leo Meehan, daughter of the author, has been engaged as technical advisor. Both were made as silents.

## *Postpone Agency Meeting*

HOLLYWOOD, May 3.—The agency code committee meeting scheduled for today has been postponed to next Tuesday because of the inability of several members to attend.

## *Weingarten Is Coming*

HOLLYWOOD, May 3.—Lawrence Weingarten was on his way east tonight to buy stories and plays for his own M-G-M unit.

## *Won't Pass Liquor Ads*

HOLLYWOOD, May 3.—At a meeting of publicity directors today the M. P. Producers' Ass'n went on record as opposed to endorsement of liquor or beer advertisements of any kind after pressure brought to bear by fan magazines.

## *M-G-M Holds Novarro*

HOLLYWOOD, May 3.—M-G-M today closed a deal with Ramon Novarro via cable from Buenos Aires for a new five-year contract, thus ending rumors the actor would sign with some other company. He returns here October 1.

## *Hays Off for N. Y. Today*

HOLLYWOOD, May 3.—Will Hays leaves for New York tomorrow night.

## "U" Reel Reward For John Dillinger

Because, it is stated, only $25 has been offered up to the present as a reward for the capture of John Dillinger, Universal Newsreel has posted a reward of $5,000.

The following statement was sent out yesterday and will be carried on the prints of the reel to be shown tomorrow:

"The Universal Newsreel will pay $5,000 in cash to the person who sends to the Universal Newsreel, Rockefeller Center, New York City, the information which directly leads to the capture and arrest of John Dillinger. This reward is open to everybody, everywhere. The editor of the Universal Newsreel shall be the sole judge as to who is entitled to the reward and his decision shall be final."


THREE-COLUMN AD—285 LINES—MAT. NO. 17—30¢

Order from WARNER BROS.

# Overbuying Is First Protest To N.Y. Board

(Continued from page 1)
of the companies involved for the Capitol, leaving the Embassy with only half of Paramount's current program. Defendants have been notified to appear next Tuesday. Robert R. Rosan, Port Chester attorney, will represent Rogowsky.

Another case slated to come up at this session is one filed by Howard S. Cullman, receiver for the Roxy, against Walter Reade and the Mayfair. Cullman's grievance has to do with cut rate tickets and unfair advertising. The complainant states the Mayfair has been distributing two-for-one tickets and advertising seats at all times at 25 cents. He says in some instances patrons have had to wait three hours for seats, which is unethical advertising.

Another case of Cullman's, that against the Casino for misrepresentation in advertising, is slated for the calendar of May 15. Cullman will appear in person on his grievances.

## Maryland Protests Code Cost Ratios

(Continued from page 1)
sent to John C. Flinn, executive secretary.

In an accompanying letter Hornig wrote: "This resolution was prompted by an investigation which shows that houses with 3,000 seats running first run pictures and doing business of from $20,000 to $25,000 a week have been allocated under the same expense rate as houses under 300 seats doing $600 a week and are called on to pay the same rate of $36.

"Furthermore, we feel that the men on the committee did not have small houses in mind and we are quite sure that if exhibitors throughout the country were given the opportunity to appear before the committee, that they would have no trouble in convincing them of the unfairness of this allocation."

## *Buffalo Objects to Plan of Assessment*

(Continued from page 1)
Campi by Jules H. Michael, chairman of the Western New York zone, M. P. T. O. Michael points out that in this area only two classifications are made, first runs paying $48 a year and all subsequent runs $36 a year. In New York, there are three classifications, first run, second run and subsequents. Many small theatres in the Buffalo section cannot afford to pay what the larger repeat houses can and ought to pay, he declares, requesting upstate classifications on the same basis as in New York.

## *"Sweethearts" on the Air*

Warners' "20 Million Sweethearts" has been chosen as the "Picture of the Week" for the inaugural broadcast of the Schlitz Beer radio program, which begins today over the Columbia network at 10 P. M. The program will be heard weekly.

# *Looking 'Em Over*

## *"Twentieth Century"*

*(Columbia)*

John Barrymore, expert comedian, with Carole Lombard revealing unsuspected talents, are personality elements added to the strong mass appeal of this Columbia production. Taken from the popular stage play, it preserves all the possible comedy and embellishes it for a big laugh screen show. The comedy runs from slapstick to smart farce and contrasts with dramatic touches in a way that builds explosive suspense.

The story has Miss Lombard, a Broadway headliner, en route from Hollywood to Manhattan and more fame. Entraining at Chicago comes Producer Barrymore, his manager and press agent, with spirits low after their flop.

Aboard the 20th Century Limited exciting laugh sequences develop, as the egomaniacal producer endeavors to sign Miss Lombard to a stage contract. The major action is confined to the train and presents variegated types in intimate yet volcanic entertainment.

The supporting cast is splendid. The leads, Roscoe Karns, Walter Connolly and Etienne Girardot, are outstanding. Howard Hawks' direction takes every advantage of the Hecht-MacArthur screen play.

In big or small towns this looks like a natural big money attraction, and as an all-laugh picture produced with zest and ingenuity it should bring in big returns.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Bulldog Drummond Strikes Back"*

*(20th Century-U. A.)*

HOLLYWOOD, May 3.—Ronald Colman, in a top hat and with a long swagger, returns to the screen after two years of absence in his favorite character, Bulldog Drummond.

Adventurer, traveler, amateur detective, Drummond comes back from hunting in Africa wishing peace and quiet, but encounters terrific adventure. In a gorgeous burlesque of melodrama he romps through scenes of mystery dripping with laughter, suspense and packed with hilarity and romance cut to fit the Colman pattern.

On the night of the marriage of his aide, Charles Butterworth, to Una Merkel, Colman interrupts their honeymoon by a telephone call that adventure stirs. Having met Loretta Young in a London fog and stumbled into a mystery house where Warner Oland and his henchmen hold forth, he rouses C. Aubrey Smith, Scotland Yard inspector, and during the entire film keeps the groom from his bride and the inspector from his sleep, and solves the blooming, baffling mystery with a romantic flourish. The production, direction, cast and script are all top notch.

Colman's return will be welcomed. Miss Young's charm, with the laugh-provoking antics of Butterworth and Smith, together with the mystery melodrama flavor, and the title should attract all.

## *"Change of Heart"*

*(Sheehan-Fox)*

HOLLYWOOD, May 3.—After nearly two years' soloing, Janet Gaynor and Charles Farrell reunite for the benefit of youth and romance.

Always rated as one of the biggest box-office combinations, their latest opus should draw mobs for real money.

The story traces four youngsters, Miss Gaynor, Farrell, Jimmy Dunn and Ginger Rogers, after graduating from college, to New York via airplane. Each wills to win Manhattan's favor, Farrell as a lawyer, Miss Gaynor as a writer, Miss Rogers as an actress, and Dunn as a crooner. Their love lives intertwine, with Farrell falling for Miss Rogers, Dunn wanting her, knowing that Miss Gaynor aches for Farrell. The love scene, with Miss Gaynor shaving Farrell, is a distinctive highlight of the picture.

Miss Gaynor and Farrell romance with refreshing charm. Dunn nearly steals the show with his breezy, lighthearted comedy. Miss Rogers is alluring. Beryl Mercer and Gustav von Seyffertitz perform their small parts well.

John Blystone directed with a confident pace for sound entertainment values minus any sirupy sweetness. The photography by Hall Mohr rates bouquets. The story was adapted from Kathleen Norris' yarn by Sonya Levien and Jimmy Gleason, with additional dialogue by Samuel Hoffenstein.

# Fox Midwest Seeks a New Setup June 1

(Continued from page 1)
companies tied up in bankruptcy here could still remain in their present status, it is pointed out. It had been anticipated that the west coast group would be out of bankruptcy first since they have met no opposition such as offered by M. B. Shanberg and Herbert M. Woolf here.

Those close to the situation say the delay in working out a settlement with the former Midland owners has been occasioned by Chase National Bank's opposition to paying their claim of almost $500,000 out of its resources. Chase National favors a settlement, but is unwilling to do any more financing for Fox West Coast, it is said, and insists on having the Woolf-Shanberg claim paid out of the theatres' current profits. Since the circuit has not been showing a profit, this has not been possible, but a settlement is being worked out.

Chase National is dealing with Woolf-Shanberg because they hold a secured claim. Non-secured creditors will have to bide their time until the sale of the properties for their share of the proceeds.

## Says President to Get Report Soon

(Continued from page 1)
him and left them in doubt whether the report was still being drafted or, as he said at one point, already completed and signed by five members.

Completion of the report is believed to be Darrow's answer to the opposition of other members of the board, and if it actually has been signed by five of the six members all must have been won over to the chairman's point of view, except John F. Sinclair, who has practically severed his relations with the board and is spending practically all of his time in New York.

Confidence was expressed today in interested circles that the report will be made public within a week or 10 days of its submission, if not by the White House then by some member of Congress, probably Senator Nye of North Dakota, who was largely responsible for the creation of the board. It is rumored Senator Nye has been in close touch with the board during the writing of the report, in which he may personally have taken a hand, and that he is preparing to use it at the first opportunity as the basis for an attack on the NRA.

## *Para. Eliminates All Its 2-Reelers*

(Continued from page 1)
schedule was made up of 24 two-reelers, 101 single reel subjects and the same number of newsreel issues.

Six "Color Classics" cartoons comprise the only new series added to the schedule. In addition, there will be 26 "Paramount Varieties," 18 "Headliners," 13 "Pictorials," 13 "Grantland Rice Sportlights," 12 issues of "Popeye, the Sailor," and 12 "Betty Boops," The "Screen Songs" and "Screen Souvenirs" have been dropped.

# Who? What? When?

*Who are the secretaries picked to serve code boards throughout the country?*

*More thumbnail sketches, gathered by* MOTION PICTURE DAILY *correspondents, furnish the answer:*

## Cincinnati

MRS. ALICE M. JUERGENS, secretary of the Cincinnati boards, was born in Duluth, Minn., and received her education at the Central High School, Minneapolis. Later she attended business college.

She was for four years assistant to Evelyn McNamee, secretary of the Cincinnati Film Board until that office was abolished. She has been secretary of the Cincinnati Film Board of Trade for the past two and one-half years.

Prior to these connections, she was employed at the Columbia branch in Cincinnati as secretary to the manager.

Mrs. Juergens resides at Stony Brook Place, Woodlawn, Cincinnati. She has no children.

## Minneapolis

MRS. MABEL DIETZ, secretary of the Minneapolis boards, has been secretary of the Film Board of Trade since 1927.

She was born in Indianapolis and educated there in the common schools and high school. She studied at the American Academy of Dramatic Arts in New York. She first appeared in pictures in 1916 in Hollywood. She worked with Metro and Universal, making several pictures with King Baggot.

Having married before entering pictures, she left pictures to look after her young daughter. She traveled for the Hays organization in public relations work for some time and was for a time in the non-theatrical department of Fox Film under Courtland Smith.

It was from this work that she finally went to Minneapolis to take up work of board secretary. She lives at 1931 Fremont avenue, Minneapolis.

## San Francisco

MISS ROWENA FOLEY, secretary of the San Francisco code boards, was born in Omaha, where she was educated, attending the University of Nebraska. Entering commercial life, she became secretary to Edward Pettis, vice-president of the Omaha Trust Co., Omaha. In 1928 she went to San Francisco as assistant secretary on the Film Board of Trade. In the fall of that year she was appointed secretary of the Portland Film Board of Trade and acquired through these two positions a thorough knowledge of the industry.

In February, 1929, she was summoned back to San Francisco to take over the post of secretary of the San Francisco Film Board. Less than two years later when the industry combined in a vigorous battle against a proposed daylight saving's initiative bill Miss Foley played an important part in the campaign, furnishing much data upon which arguments against the proposed law were based.

She is a member of the Gamma Phi Beta sorority and several local organizations.

## Pittsburgh

EMMALINE FINEBERG, secretary for the Pittsburgh boards, is a native Pittsburgher and has been in the film business since embarking upon a career. She was born in 1906 and was educated at the Brushton Public School and Schenley High School. When she graduated from the latter, Miss Fineberg joined the Pittsburgh Film Board of Trade as assistant secretary. That was in 1923. In July, 1928, she went to Albany as Film Board secretary, but stayed there only a short time, going to Winnipeg in a similar capacity. She remained in Winnipeg for 18 months, returning to Pittsburgh in 1930 as sercetary to the Film Board of Trade. When that organization disbanded in August, 1931, Miss Fineberg went to the M-G-M exchange as secretary to Herb Jenner, office manager. She has held that post ever since.

## Seattle

MRS. ROBERTA B. LYNCH, secretary of the Seattle boards, has been secretary of the Seattle Film Board of Trade since January, 1925, the only affiliation that she has ever had with trade or industry.

When asked for her biography Mrs. Lynch stated that her Film Board of Trade work has constituted her only claim to fame—unless credit might be given for raising three children.

## Dubinsky Ordered to Reinstate IATSE Men

(*Continued from page* 1)

returned the matter to the regional body for review. The board cited alleged violations by Dubinsky of the labor provisions in the NRA blanket and industry codes.

The I.A.T.S.E. operators' union had rejected Ed Dubinsky's terms for arbitration on the ground his plan was not according to the code.

Arbitration under the code calls for each side to choose a representative, and these two to name an impartial third party in event of a deadlock. Dubinsky, according to the unions, insisted on a Federal district judge for the third man. One of the Federal judges recently granted Dubinsky an injunction against union crafts in St. Joseph.

Also, Dubinsky demanded that the fight be submitted to the Kansas City Regional Labor Board, while the union favored the St. Louis board.

## Charge Against Midwest

KANSAS CITY, May 3.—H. L. Dunnuck, Madrid Theatre, Atchison, Kan., today filed a complaint with the local grievance board against Fox Midwest charging the circuit entered into an agreement with seven major companies to deprive him of product. He alleges the companies will not sell him second runs after the pictures play the two Fox houses there.


TWO-COLUMN AD—398 LINES
MAT. NO. 11—PRICE 20¢

THEY'RE ALL NUTS—OUT ON A LIMB OF THEIR FAMILY TREE!

Meet America's First Family of Filberts in the wildest laugh show of the year!

"THE MERRY FRINKS"

Order from WARNER BROS.

S. S. KRELLBERG

*Takes pleasure in Announcing*

**The Mightiest Feature Serial of Them All**

# THE LOST CITY

## A CARGO OF THRILLS

*The Sensational Fascinating Tale of a Lost Civilization and a Forgotten City Deep in the Heart of the Perilous Jungle*

THE MILLION DOLLAR BOX-OFFICE CERTAINTY

REGAL DISTRIBUTING CORPORATION
729 Seventh Avenue, New York, N. Y.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 105 NEW YORK, SATURDAY, MAY 5, 1934 TEN CENTS

## Neighborhoods Fight Memphis Rezoning Plan

### *Oppose Price as a Factor In Fixing Clearance*

MEMPHIS, May 4.—Neighborhood theatre owners, meeting today in M. A. Lightman's office, registered a vigorous protest against the new zoning schedule drafted by the clearance zoning board and announced exclusively in MOTION PICTURE DAILY earlier in the week.

It was declared that for the first time admission price is made the determining factor in zoning. Those present declared they would appeal to Code Authority unless a satisfactory adjustment is made here. It was agreed that a formal objection would

(*Continued on page 3*)

## Clearance Changes In 3 Kansas Cities

KANSAS CITY, Mo., May 4.—The zoning board late today voted a new clearance schedule for Kansas City, Kan.; North Kansas City, Mo., and this city. Although official announcement will not be made until early next week, it is understood on reliable information that the board voted drastic clearance and reduced protection for first runs charging 25 cents

(*Continued on page 3*)

## *Frisco Board Gets Batch of 15 Cases*

SAN FRANCISCO, May 4.—Fifteen complaints have been filed with the grievance board. What order they will be heard in has not been decided as yet.

The boards have moved into new offices in the Golden Gate Building and have outlined a course of procedure. Zoning and clearance meetings will be held Monday and Wednesday and the grievance board will meet Tuesdays and Thursdays. Each board will meet at 1:30 P.M. and adjourn at 5 P. M.

### *Needs a Month*

**Asked whether he has filed any complaints with the New York grievance board, Harry C. Arthur states the board will have to set aside the month of June to hear all his grievances.**

## *Sale of Trio in St. Louis May Be Set for Mid-June*

ST. LOUIS, May 4.—With Federal Judge Davis approving the reorganization plan of the bondholders for the Missouri, Ambassador and Grand Central, the likelihood appeared today that public sale of the houses may be scheduled for the middle of June, although there was given no definite assurance of this. Knowledge of a possible disposal of the theatres at that time came with the denial of a report that the sale was definitely set for May 25. It was said it would be impossible to hold the sale that early, since four weeks' publication is required by law and no ad has appeared.

The reorganization plan includes Harry C. Arthur's and Harry Koplar's plan of operation under the Fanchon and Marco banner. Arthur would take over the houses the end of July if his bid were successful. F. & M. already operates the Fox and St. Louis. Policy of the new acquisitions may be changed. Allan Snyder is financing F. & M. locally. With acquisition of the trio Skouras would step out of local operation.

## *Zanuck in Tomorrow On His Way Abroad*

Darryl F. Zanuck, vice-president in charge of production for 20th Century, with the company's first-year production schedule completed gets into town from the coast tomorrow morning. He will remain here six days before sailing on a three-month tour of Europe and Africa. While abroad Zanuck will visit United Artists branches in London, Paris, Vienna, Cairo, Capetown and other centers.

Zanuck will be accompanied by Mrs. Zanuck and William Goetz, associate producer for 20th Century.

## *"Rothschild" Breaks Philadelphia Record*

PHILADELPHIA, May 4.—Its first week ending last night, "The House of Rothschild" decisively broke all records for the 1,300-seat Aldine. There were over 43,000 admissions with a gross of slightly under $23,000. Size of this figure is indicated by the fact that the previous record holder, "Roman Scandals," did $16,000 its first week, with a midnight

(*Continued on page 3*)

## *Paramount to Start 23 in Three Months*

HOLLYWOOD, May 4.—Paramount will put 23 new pictures into work within the next three months, according to Emanuel Cohen, who arrived here today from New York.

### *Ads Time Shows*

**Tampa, May 4.—An innovation that is making a hit is the publishing of the starting hours of the features in the advertising of the five Sparks theatres here.**

**Vernon Hunter, district manager, is the daddy of this innovation, which is in accordance with a suggestion made by Martin Quigley in an editorial in *Motion Picture Herald* of April 21.**

## "U" Dillinger Reward Holds, But Off Reel

Universal Newsreel's offer of $5,000 for the arrest of John Dillinger stands, but no announcement regarding it is to appear on theatre screens. Exhibitors object.

When Charles E. Ford, newsreel editor, made the first announcement he intended to include the offer as a clip in the reel and expected generally favorable reactions from exhibitors, but objections came in quickly.

Like most citizens, exhibitors would like to see the fugitive captured, Ford

(*Continued on page 3*)

## *Cleveland Theatre Given Up by Loew*

CLEVELAND, May 4.—Loew's has given up the Alhambra, neighborhood house, and one of the first theatres in the Loew circuit. It has reverted to the building owners. This reduces the Loew group to four houses in Cleveland. They are the State, Stillman, Park and Granada. At one time Loew operated 11 local theatres, the State, Allen, Stillman, Cameo and Mall downtown, and the Park, Alhambra, Granada, Doan and Liberty, and Heights in suburban sections.

## *Senate Bill Would End Fight Film Ban*

WASHINGTON, May 4.—Legislation to free fight films from interstate and foreign commerce regulations was introduced in the Senate today by Senator Barbour of New Jersey.

## Score Charge Fight Spreads Across Canada

### *Hanson Leads Move for Government Probe*

TORONTO, May 4.—A meeting of the M. P. Distributors' Ass'n. has been called for Tuesday to consider the demands of independents for removal of score charges July 1 in new contracts.

In the meantime Oscar Hanson, general manager of Ontario Allied, is sending letters to all theatre organizations and individual exhibitors from coast to coast asking them to press for united action, with the suggestion that the case may be taken before a Federal investigating committee under H. M. Stevens, minister of trade and commerce at Ottawa. William Brady, proprietor of the Madison here, has written the Federal government explaining the position of independents.

The only Canadian exchange not making score charges is Universal.

Independents are also complaining that circuits get first choice on film and they are insisting that something be done about it before new contracts are signed.

## Darrow Report Put Before President

WASHINGTON, May 4.—The Clarence Darrow report is now before the President but as yet has not been given any consideration, it was made known today at the White House. Busy with other and more important matters, the President has had no opportunity to read the report, which covers the National Recovery Review

(*Continued on page 3*)

## *Cleveland Ass'n. to Take Stand on Duals*

CLEVELAND, May 4.—Double features must either be eliminated entirely or they must be left to the discretion of each theatre operator. There

(*Continued on page 3*)

### *Reaction*

**"How are you?" asked a friend.**

**"Fine," replied James R. Grainger, "and glad to be back in America."**

**He has just rounded out four weeks in Hollywood.**

MOTION PICTURE
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*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Herman Kramer Dead

DETROIT, May 4.—Herman Kramer, Sr., builder of the Kramer and its operator for several years, is dead. He was injured in an auto accident two years ago and has been in ill health since then. He is survived by his son, Walter, who operated the theatre until recently, when it was leased to the Krim brothers, and another son, Herman, Jr.

## W. C. Bernower Passes

AKRON, May 4.—William C. Bernower, 62, for many years identified with theatres here, is dead. He was for many years leader of the pit orchestra at the Colonial and also the leader of the band at the Meyers Lake Park Theatre, Canton. He came here 19 years ago from Canton. A daughter, one sister and a brother survive. Burial was in Akron.

## Stevens Funeral Today

Funeral services for Harry M. Stevens, caterer to the sports world and intimate of many film men, will be held today at 11 A.M. in the Campbell Funeral Church, with burial at Niles, Ohio. Stevens died Thursday night after a long illness. He was 78 years old.

## Friedlander Ends Trip

Having returned yesterday from a three-week tour of First Division exchanges, Al Friedlander plans to leave on a similar trip early next week. In Pittsburgh, First Division has taken over the Majestic franchise and Joseph Skirball has been placed in charge of the office. Skirball replaces Abe Schnitzer in that post. Boston is Friedlander's first stop on his scheduled trip.

# Insiders' Outlook

*Hollywood, May 4*

THE creative workers are far better business folks than tradition, or outside opinion, credits them. It may be the majesty of the Federal law makes them so, but it is a fact the rising curve in income taxes is rapidly fashioning a trend in production, the manifestations of which may assert themselves more concretely as this year gets older and the next creeps in. It's being talked about, and not behind barricaded doors, either. . . .

▼

What's happening has to do with the attitude of representative stars and directors and, as they see it, the futility of making three or four pictures a year, rolling up a terrific income to give half of it to the Government in tax assessments. They reason, as a consequence, that two annually will be plenty; that they will be able to keep the wolf from the gilded door without difficulty and increase available time for travel and divertissement. . . .

▼

This may be construed as NRA and much flag-waving. If the stars and directors stick to what appears their decision favoring a brace only per annum and if the industry runs along at its present production gait, more key jobs must become available. Somebody has to turn out those pictures, regardless of what the celluloid captures. It's the tax impost that's made some important Hollywoodites patriotic, not the theory of the NRA. . . .

▼

The vertical trust idea, sponsored principally by Hugo Stinnes, German industrialist, has intrigued the Warners, word around town has it. The Stinnes plan called for business, self-contained and complete in itself—raw material, manufacture and consumption. What has this to do with the Warners? Merely this, according to report: The company is figuring on 90 pictures next season, thereby making it unnecessary for Warner theatres to turn to outside producers for film. So several important Hollywood segments figure. Officially, Warners deny any such ambitions for their program. Factually, Warner theatres some weeks ago renewed their deal to play Radio product. . . .

▼

Hal Roach gave a party for visiting Irvin Cobb the other night. As guests arrived, they were handed prisoners' garb provided from remaining costuming used by Metro in "The Big House." They were also photographed and fingerprinted, profile and full face. "Doc" Giannini registered mild and jocose protest. "It's all jolly for you motion picture guys," said he, "but consider the poor banker—me." . . . Out in the sun before Levy's on Vine Street in a wheel-chair sits an oldtimer, dark glasses for specs and presumably blind. Topsail to the breeze passes a Hollywood cutie. Did he turn his head or was his head turned? . . .

▼

In "Half a Sinner," which is heading for generally pleasing business because it is that kind of an attraction, Eddie Grainger, scion of James R., has turned out one of the lowest cost pictures produced on the Universal lot in some time. Proving it can be done, as some others, aside from Grainger, are demonstrating constantly. . . . "Relatively speaking" is a pat local expression. It has nothing to do with the Einstein theory. . . . KANN

## Eastman Pfd. Up 5 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 28⅜ | 28 | 28¼ | + ⅝ | 300 |
| Consolidated Film Industries | 4⅜ | 4⅜ | 4⅜ | + ⅛ | 100 |
| Consolidated Film Industries, pfd | 16¾ | 16½ | 16½ | — ⅛ | 600 |
| Eastman Kodak | 91⅝ | 90¾ | 91⅝ | +1⅛ | 300 |
| Eastman Kodak, pfd | 140 | 140 | 140 | +5 | 20 |
| Fox Film "A" | 16⅛ | 15½ | 15½ | + ⅛ | 1,400 |
| Loew's, Inc. | 33 | 32⅛ | 32¼ | + ¼ | 4,100 |
| Paramount, cts. | 4½ | 4⅜ | 4½ | + ⅛ | 1,000 |
| Pathe Exchange | 3 | 3 | 3 | + ¼ | 100 |
| Pathe Exchange "A" | 23 | 22 | 22⅛ | + ⅛ | 800 |
| RKO | 3¼ | 3⅛ | 3¼ | + ⅛ | 600 |
| Warner Bros. | 7 | 6⅝ | 6¾ | ..... | 1,200 |

## Columbia Loses Quarter on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 26¾ | 26¾ | 26¾ | — ¼ | 100 |
| Sentry Safety Control | ¼ | ¼ | ¼ | ..... | 100 |
| Technicolor | 9⅜ | 9¼ | 9¼ | — ⅛ | 400 |
| Trans-Lux | 2⅛ | 2⅛ | 2⅛ | ..... | 100 |

## Some Bonds Take Big Profit

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10½ | 10¼ | 10½ | ..... | 10 |
| General Theatre Equipment 6s '40, ctf | 9¼ | 9¼ | 9¼ | ..... | 1 |
| Loew's 6s '41, ww deb rights | 101¼ | 101¼ | 101¼ | ..... | 5 |
| Paramount Broadway 5½s '51 | 44 | 42⅜ | 44 | +1½ | 30 |
| Paramount F. L. 6s '47 | 49½ | 49 | 49½ | +1 | 11 |
| Paramount Publix 5½s '50 | 49 | 49 | 49 | + ⅛ | 6 |
| Warner Bros. 6s '39, wd | 62 | 61½ | 62 | +1¼ | 24 |

# Purely Personal

HARRY C. ARTHUR, HARRY H. THOMAS, AL FRIEDLANDER, HAL HORNE, PHIL REISMAN, JOE VOGEL, DAVID LOEW, MORT SPRING, DAVID BERNSTEIN, COL. E. A. SCHILLER, JOE VERGESSLICH, EMIL JENSEN, ARTHUR ABELES, LAURENCE BOLOGNINO, FRANK DRISCOLL, AL SUCHMAN, EDWARD SCHNITZER, LOUIS NIZER, LEOPOLD FRIEDMAN, HERMAN ROBBINS, TOBY GRUEN, JOE BRANDT, MILTON C. WEISMAN, LEO BRECHER, OSCAR DOOB, MORTON VAN PRAAG, BUDD ROGERS, LOUIS GELLER, LEE OCHS, HARRY and WILLIAM BRANDT, CLINTON WHITE, NATHAN SALAND, WILLIAM BARRETT, CHARLES G. SNOWHILL, JOE BERNAT, JACK KOPFSTEIN, EDWARD SCHWENGELER, WILLIAM BRENON and HARRY SHERMAN gathered at the M. P. Club yesterday for lunch.

HAL WALLIS, associate executive in charge of production for Warners, will be on his way to New York from the coast tonight accompanied by his wife, LOUISE FAZENDA, with whom he sails on May 12 on the *Conte di Savoia* for Europe on a combined business and pleasure trip. While abroad WALLIS will search for talent and story material. LLOYD BACON is accompanying the couple to New York, where he plans to spend a short vacation.

DAVID SELZNICK, HOWARD ESTABROOK, GEORGE CUKOR, GEORGE RAFT, WILLIAM KOENIG, Warner studio manager, and his bride; NORMAN MCLEOD, director; MONTE BANKS, English comedian, and G. N. CHARINGTON and A. A. ZANCHINO, scenario writers, will be among the outgoing passengers on the *Ile de France* today.

JOHN POWERS COPLEY'S "Fruits of Divorce," an unproduced play, has been acquired by Famous Authors Pictures Corp. The script is now being prepared on the coast and will go before the cameras in August.

LOUIS HYMAN, executive vice-president of Principal, is in town for a few days. He leaves for the coast next week, but will make a number of key city stopovers enroute.

MYKE LEWIS, Paramount western district manager, returned to the coast yesterday after conferences with NEIL AGNEW, general sales manager.

HOWARD S. CULLMAN is in favor of a five-month receivership term for the Roxy, provided he can take a vacation for the extra month.

KRELLBERG and LIVINGSTONE, lawyers with many film clients, are now ensconced in new offices at 535 5th Ave.

LOU IRWIN left town yesterday on the Hotel Owners' Special to attend the Kentucky Derby. He'll be back Monday.

MORT BLUMENSTOCK, advertising director for Warner theatres, left last night for Cleveland on a week's trip.

EDWIN BURKE, writer for Fox, arrives in town today for a month's vacation.

CHARLES L. O'REILLY underwent a minor operation yesterday.

MORRIS KINZLER is mourning the loss of his grandmother.

JACK SHEA is going to Atlantic City for the week-end.

# Neighborhoods Fight Memphis Rezoning Plan

(Continued from page 1)

be made to the clearance and zoning board as soon as the proper forms can be secured.

Mrs. Alma Walton, secretary, was in Chicago today for a conference called by John C. Flinn, executive secretary of Code Authority. This was the reason the protest forms were not available.

A meeting of the clearance and zoning board is set for Monday, but there is some question as to whether a complaint can be made ready by that time.

M. A. Lightman charged yesterday that certain members of the board had been "unduly influenced" by others, and this was taken to mean that his remarks were directed at Howard Waugh, Warner zone manager, and J. F. Willingham, M-G-M- exchange head. It became known today that neither Warners or M-G-M are keen about the new plan.

## Clearance Changes In 3 Kansas Cities

(Continued from page 1)

from 28 to 49 days down to 14 days, with no restrictions on duals.

The board is understood to have allowed first runs charging 40 cents 42 days' protection. The periods voted are over the first subsequent runs now charging 25 cents. It is understood the board decided that where an exhibitor plays four changes weekly, more than one of which is a dual, all pictures for that week be set back twice.

## *Boards in Detroit Delay Their Start*

Detroit, May 4.—Opening of the local code board offices, scheduled for last Thursday, has been postponed due to failure of Code Authority to okay purchase of furniture and equipment. Elliott S. Kinney, secretary, went to Chicago today to attend a meeting of secretaries of the boards with John C. Flinn.

Only six cases have been filed, most of them by state exhibitors. This is in contrast to expectations that the boards would be flooded with business during the first few months.

Philadelphia, May 4.—The local grievance board did not meet yesterday and plans to convene next Thursday to listen to the first batch of complaints under the code. Grievances previously filed with the board have been returned for re-submission with code forms.

## *O'Hara Suit Up May 21*

Chicago, May 4.—Suit for $10,000 against Ralph O'Hara, organizer for the operators' union, filed by Mrs. Gladys Oser, widow of Fred Oser, rebel operator who was shot to death last year at union headquarters, will be heard May 21. O'Hara was freed on a directed verdict on grounds of self-defense.

# Darrow Report Put Before President

(Continued from page 1)

Board's investigation of the film and several other codes.

A supplemental report, covering codes studied following the group covered in the original statement, will be filed toward the end of the month, when the members are expected to return to their homes and the board goes out of existence.

Coincidentally with the submission of the report, it was learned, John F. Sinclair, a member of the board, sent to the White House an envelope in which is believed to be a minority report differing radically from Chairman Darrow's findings. It was also intimated that the envelope contained Sinclair's resignation, which has been rumored for several weeks to be imminent.

It was said at the White House that President Roosevelt will attempt to read the board's report over the week-end and will make it public early next week if of not too violent a nature.

## *Cleveland Ass'n. to Take Stand on Duals*

(Continued from page 1)

can be no compromise by gradual reduction of the practice. This was the opinion expressed today at a special meeting of the Cleveland M.P. Exhibitors Association. The meeting was called to discuss the future poplicy of Cleveland exhibitors in regard to duals.

President Ernest Schwartz appointed M. B. Horwitz, John Kalafat and Henry Greenberger as a committee to canvass all Cleveland exhibitors, both first and subsequent runs, to ascertain their attitude in the matter.

## *Para. Men to Hold District Meetings*

Shortly following the annual sales convention in Los Angeles May 18-20, Paramount district managers will hold conferences with salesmen in their territories to acquaint them with new product and policies.

District men to hold meetings are: Milt Kusell, New York; Charles Regan, Chicago; Oscar Morgan, Atlanta; William Erbb, Boston; Myke H. Lewis, Los Angeles; Hugh Braley, Denver; Ralph LiBeau, Kansas City; Jack Dugger, Dallas; J. E. Fontaine, Cleveland; and Ben Blotcky, Minneapolis.

## *President Approves Publicity on Income*

Washington, May 4.—President Roosevelt today expressed himself as satisfied with the publicity provisions of the new tax bill, which require that every taxpayer shall file with his return a separate statement showing his name and address, total gross income, total deductions, net income, total credits against net income and the tax payable, to be made available for public examination under regulations to be prescribed by the Treasury Department.

## *Miss Carroll to Sail*

Hollywood, May 4.—Madeliene Carroll left tonight on her way to an English vacation.

# Patterson Retains His Detroit Aides

Detroit, May 4.—So far Willard C. Patterson has made no changes in personnel or organizational setup since assuming his duties as general manager of United Detroit (Publix) Theatres.

Howard O. Pierce has been told that he will continue in charge of advertising and publicity. Jack Frost remains as assistant to Patterson.

The State has been closed "pending development of a new policy." Reports are current that Publix will not renew its lease and that Warners will take over the house as a first run outlet.

Charles Curran is rejoining the Warner advertising and publicity department here after four months' service with the United Detroit Theatres.

## *Big Films Gaining; Others Falling Off*

Lawrence, Kan., May 4.—A study of box-office performances over a period of weeks at a key house in his circuit showed big pictures are doing one-third more business than last year and inferior product one-third less, according to Glen W. Dickinson, who operates 20 theatres in Kansas and Missouri.

"Only outstanding attractions are drawing extensively in the small cities and towns today, and there is an undersupply of this type of product," he said.

"At this time, when the studios are preparing their new season schedules, they should realize it is to their interest, as well as the exhibitor's, to turn out pictures of improved quality, because only on that basis can we stay in business. Small town audiences are surprisingly discriminating. They buy only when they get their money's worth."

## *Lightman Building One; Seeks 2 More*

Memphis, May 4.—In accordance with his present expansion plans, M. A. Lightman will soon start work on a new theatre at Newport, Ark. The lease he holds on the Newport Theatre, there, expires in December, and he hopes to have the new house ready by then.

Lightman is also negotiating for two houses at Jackson, Tenn.; the Hauber, owned by O. C. Hauber, and the Paramount, which he is now operating with Publix.

On his return from a recent tour of his Arkansas houses, Lightman reported that business was fair, but very good for this time of the year. He also expressed the opinion that the present general improvement would continue and that he was taking advantage of this by spending some $25,000 on remodeling his Strand here. The house will be closed during June for that purpose. Lightman also plans to move his offices from Film Row to the Strand when the renovation is completed.

## *"Doctor Monica" Stands*

Hollywood, May 4.—Warners' "When Tomorrow Comes" has gone back to its original title, "Doctor Monica."

# "U" Dillinger Reward Holds, But Off Reel

(Continued from page 1)

explained, but many of their theatres are in territories where Dillinger is supposed to have disarmed policemen and held up banks and they are not anxious to stir up unnecessary trouble.

As a result, the reel is going out without the announcement, but the offer is still good, Ford says.

## *Urges Formation of "League of Defense"*

Detroit, May 4.—In a strong attack on films, Bishop Michael J. Gallagher of Detroit is urging formation of a national "League of Defense," composed of local Catholics "whose members are to pledge themselves to avoid scrupulously all moving pictures that offend against decency and Christian morality."

His letter will be read in all churches in the diocese on Sunday. In his letter, the bishop instructs his clergy "to elaborate on this vital subject."

Buffalo, May 4.—Sodalities from 11 Catholic high schools have joined in a campaign launched by the Rev. William J. Smith, S.J., of Canisius High School, to "make the movies fit to see," as Father Smith expressed it. Members of the League for the Defense of Decency have promised to back the movement launched by *The Queen's Work*, Catholic publication, Father Smith said.

"Using the picture 'Tarzan and His Mate' as a target, a letter of protest, stating that the Catholics of Buffalo have had enough of such trash is being sent to the producer," he said.

Members of the League for the Defense of Decency have agreed to stay away from any show that is not on the approved list of pictures published in *Our Sunday Visitor* at regular intervals. Box-office pressure, the group believes, is the only kind that will have any effect on producers.

## *"Rothschild" Breaks Philadelphia Record*

(Continued from page 1)

Christmas Eve show and a heavy Christmas Day business.

The final day was bigger than the opening day. Last Saturday was the biggest single day in the theatre's history.

Detroit, May 4.—"House of Rothschild" set a record at the United Artists here yesterday when it opened its popular price run by taking $3,100 for the day, beating the previous record held by "The Bowery."

## *Picket Loew's in Akron*

Akron, May 4.—Local 127 of the Building Service Employes' Union is picketing Loew's theatre. Seven ushers who were discharged last January and ordered reinstated by the Regional Labor Board have not yet been returned to their jobs.

# "Wild Cargo," "Tarzan" Vie For K.C. Lead

KANSAS CITY, May 4.—"Tarzan and His Mate," at the Midland, pitted against "Wild Cargo" at the Mainstreet, finished in the money at $9,900, although below par. The Frank Buck film got off to a heavy opening, but slumped later in the week for a take of $6,000, below average by $1,000. Both attractions were billed like a circus, with extra advertising.

"Narcotic," an expose film of the drug traffic, showed surprising strength at the 810-seat Royal. Despite considerable adverse criticism from newspapers and the women's clubs, the picture proved a sensation at $5,000 and was held.

Combination shows at 25 cents at the reopened Tower continued in favor a second week, credited with drawing business away from other box-offices. "Advice to the Lovelorn" plus a stage show garnered $5,000, and the management is optimistic about the future. "As the Earth Turns" on a double bill, with "No More Women" at the Newman was so-so, while "Bottoms Up" gave the Uptown an average take.

Total for the week was $35,000. Average is $33,500.

Estimated takings:

***Week Ending April 25:***

**"NARCOTIC" (State Rights)**

ROYAL—(810), 25c, 7 days. **Gross:** $5,000. (Average, $3,000.)

***Week Ending April 26:***

**"WILD CARGO" (Radio)**

MAINSTREET—(3,049), 25c-40c, 7 days, plus Saturday late show. **Gross:** $6,000. (Average, straight films, $7,000.)

**"AS THE EARTH TURNS" (Warners)**
**"NO MORE WOMEN" (Para.)**

NEWMAN—(1,800), 25c, 7 days, plus Saturday late show. **Gross:** $5,500. (Average, $6,000.)

**"ADVICE TO THE LOVELORN" (U. A.)**

TOWER—(2,200), 25c, 7 days, plus Saturday midnight show. Stage: "Springtime Frolics" revue, with Bob Stickney & Co., Buddy Lake and His Girls, Novak and Fay, Clarence Rand, Al Belasco, m. c. **Gross:** $5,000. (Average, $4,000.)

***Week Ending April 27:***

**"TARZAN AND HIS MATE" (M-G-M)**

MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $9,900. (Average, $10,000.)

**"BOTTOMS UP" (Fox)**

UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,600. (Average, $3,500.)

## *Dowling Will Enter Senate Race in R. I.*

PROVIDENCE, May 4.—That Eddie Dowling will try his luck at politics was revealed yesterday by his brother, William F. Goucher, who said the musical comedy star would make the race this year for the Democratic nomination for U. S. Senator from Rhode Island. Dowling, a friend of President Roosevelt and Postmaster General Farley, is not expected to have the backing of the State organization.

## *Fox Musical Holds Up*

"Stand Up and Cheer" held up to good business for its second week at the Music Hall, garnering $61,800 for the last seven days. For the first week, the take was $78,000. The Paramount, with "The Witching Hour," finished with a gross of $22,000, while the Roxy, with "Journal of a Crime," took in $19,100. "The House of Rothschild," in its seventh week at the Astor, chalked up $19,600.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Murder at the Vanities"*

(*Paramount*)

HOLLYWOOD, May 4.—Combining a girly-girly show with comedy, songs and murder mystery drama, Earl Carroll's recent Broadway show translated to film should do big business in most spots, and healthy grosses in nearly all.

The production is drenched with luxurious beauty and introduces Carl Brisson, a Danish import, who will stir discussion, and Kitty Carlisle, a stage beauty and a screen bet.

For the first time, a back-stage drama is given a novelty twist, pacing the "show must go on" formula with killings, unravellings and laughter interspersed with music plus fascinating femininity in flimsy fluff.

The story concerns murders committed backstage at a Broadway opening of the "Vanities." Jack Oakie, the manager, and Victor McLaglen, a dumb cop, link the plot with musical divertissements. Their friendly antagonisms supply the major laughs. Gertrude Michaels is the feminine heavy. The finger of guilt points to Brisson and the wardrobe mistress, Jessie Ralph. The denouement affords Dorothy Stickney an opportunity for rare emotional trouping. Toby Wing is an eyeful.

Duke Ellington's band, with a black and white chorus, render hot tunes and steps. Earl Carroll's draw, dovetailed with the other names, and the satisfying show produced make "Murder at the Vanities" look like a hit in the high bracket class.

# *Looking 'Em Over*

## *"Success at Any Price"*

(*Radio*)

John Howard Lawson's "Success Story," a Broadway stage tenant last season, has been turned into a talker that pins its hope primarily on acting and production values. In point of entertainment value, it leaves something to be desired.

Douglas Fairbanks, Jr., does what he can with the lead, but the difficulty in the screen treatment is that the role leans so far to the spurious it has trouble in ringing true.

The title gives the plot away. Fairbanks, thrown into a job with possibilities after the murder of his brother, a gangster, takes a vow to make Mammon his god. Determined to sacrifice everything for the sake of financial success, he steps over everybody in his way. With rapidity, Fairbanks soon finds himself sitting pretty with a firm which makes beauty preparations. He forgets the sweetheart of his less affluent days (Colleen Moore) and ties himself up with the mistress (Genevieve Tobin) of his former boss (Frank Morgan). Happiness misses him in his rise to wealth. When his old sweetheart turns him down in a final stab at happiness, he shoots himself. The girl summons medical aid, and the film closes upon their reunion.

Other players are Edward Everett Horton, Allen Vincent, Nydia Westman and Henry Kolker. J. Walter Ruben directed.

## *"Blue Steel"*

(*Monogram*)

A lively western for juveniles with John Wayne freely using his fists and always ready with his gun. He is supported by Eleanor Hunt, George Hayes, Ed Peil, Yakima Canutt, Lafe McKee, George Cleveland and George Nash.

The story deals with Peil heading a group of outlaws trying to starve out homesteaders in a small western village. Wayne is called in and incognito investigates the setup.. With Hayes, he curbs the activities of the outlaws and as a reward signs up Miss Hunt for life.

*"Whirlpool," current at the Casino, was reviewed by wire from Hollywood April 4.*

## *Hecht, MacArthur Signed*

Paramount has closed a deal with Ben Hecht and Charles MacArthur to produce four pictures for next season at the Astoria Studio.

## *Powell in Hospital*

HOLLYWOOD, May 4.—Dick Powell is in the Cedars of Lebanon Hospital under observation for sinus trouble.

## *Film Confab Opening On Coast on Monday*

HOLLYWOOD, May 4.—The first annual Western Motion Picture Conference opens here Monday at the Biltmore with educators, church workers, club women and members of the industry in attendance. The gathering was called by Mrs. Mark Jones, State film chairman of the General Federation of Women's Clubs and is sponsored by various women's organizations. Mary Clint Irion, president of the visual aids section of the California Teachers' Ass'n will preside. Objectionable films will be among the topics of discussion.

## *Lesser Gets O'Brien With Fox Releasing*

HOLLYWOOD, May 4.—Sol Lesser has signed George O'Brien for a series of non-western features, for Fox release. The first will be "When a Man's a Man," starting within the next month.

## *Operators File Pay Suit*

DENVER, May 4.—What is looked upon as a test case by many theatre men has been filed by two operators against the State. They seek $550, alleged to be due under the President's reemployment agreement, which, they claim, provided for a maximum of 35 hours weekly to be worked by men of their class. According to papers filed in the case, the operators worked 91 hours each, which is the number of hours the booth operates.

## *Erpi Men Meet in K. C.*

KANSAS CITY, May 4.—H. M. Wilcox of New York, Erpi vice-president in charge of operations, held a two-day session here with company representatives. Attending were Stanley Hand, Chicago, central division sales manager; Hugh Owen, Dallas district manager, and the following Kansas City men: G. L. Carrington, division operating manager; T. A. Cameron, district superintendent, and M. M. Buchanan, divisional sales representative.

## *Mexico Divorces a Worry*

HOLLYWOOD, May 4.—Considerable concern was caused in the film colony today by a ruling of Superior Judge Frank M. Smith's decision holding illegal a divorce decree obtained by Attorney Carl S. Kegley from Mrs. Hazel Kegley. Mexican divorces have been frequent among film folk in recent months.

## *Farewell for Schiller*

Col. E. A. Schiller, vice-president in charge of theatre operations for Loew's, will be honored at a dinner Monday night at the Warwick being arranged by executives of the circuit to wish him godspeed on the eve of his departure for Hawaii.

## *Harvey Day Returns*

Harvey Day, special "TerryToon" representative with Educational, returned yesterday from the coast. He went west to attend the M.P.T.O.A. convention and later visited the Fox exchanges in San Francisco and Seattle.

## *Fox Production Retitled*

HOLLYWOOD, May 4.—Fox's "Always Honest" is now "Baby Take a Bow."

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 106 NEW YORK, MONDAY, MAY 7, 1934 TEN CENTS

## Fight Brewing On Proposed Rezoning Plan

### *First Runs, Suburbans Are Both Agitated*

KANSAS CITY, May 6.—Nothing that has happened in recent years has stirred up so much excitement here as the forthcoming announcement of the new clearance and zoning schedule this week. Protests are expected from suburbans as well as first runs.

The proposed reduction of clearance on 25-cent first runs from 28 to 49 down to 14 days with no restrictions on duals directly hits Loew's Midland, the Publix Newman, Publix Royal and the Tower, independent house. The only two undisturbed are

(*Continued on page 3*)

## Warner Anti-Trust Suit May Be Ended

The suit of the Department of Justice against Warners, charging that the Clayton anti-trust law was violated in connection with the acquisition of a controlling interest in First National, is expected to be reached in the U. S. District Court here within the next week or 10 days and will probably be dismissed at that time.

The government's action, which was slated to have been marked off

(*Continued on page 2*)

## *Lou Metzger Named American BIP Head*

By BRUCE ALLAN

LONDON, May 6.—Lou Metzger, San Diego exhibitor and former general sales manager for Universal and Columbia, has been named American agent for British International Pictures. He will sail Thursday on the *Manhattan* and will open an office in the RKO Building.

Arthur Dent says Metzger will sell to national distributing companies and will first offer "Blossom Time," "Red Wagon" and "The Return of Bulldog Drummond."

## *Checkup Upon Union Nearing Completion*

Checkup of service employes in Loew's and RKO theatres is being continued today with prospects that a final tabulation of the percentage of such employes who are members of Local 118, service union, may be made tonight or tomorrow. If the checkup reveals a majority of such employes within the union's membership, the

(*Continued on page 3*)

### *All in Family*

**Denver, May 6.—Mr. and Mrs. Fred Lind will both be busy this summer. Each will manage a theatre. They own two houses, one the Chief at Steamboat Springs, and the Grand at Littleton, and Mrs. Lind will spend her time at Steamboat Springs, while her husband will manage the house at Littleton. It's close to Denver, so Fred will handle the bookings for both houses.**

## Score Charge Loss Claimed in Canada

TORONTO, May 6.—Canadian distributors, replying to a demand by independent exhibitors for removal of score charges, say that every reel released in the Dominion is assessed $75 by producers and the total cost to distributors is $450,000 a year as against $400,000 aggregate cost to exhibitors, according to claims of Allied of Ontario. Therefore, exchanges

(*Continued on page 3*)

## Monogram Finishes New Season Lineup

With the closing of deals for seven story properties during the past few days Monogram's 1934-35 production schedule of 20 features has been completed, W. Ray Johnston, president, said Saturday.

The seven story properties completing the schedule are: "Girl of the Limber Lost" and "Keeper of the

(*Continued on page 2*)

## *Paterson Theatres Get Big News Break*

PATERSON, May 6.—Theatres are getting the first break in several years from the *Paterson Evening News*. The paper last Thursday inaugurated a full page of theatre news, containing a column by "Warren Bogue," nom de plume for J. Ellis Kirkland, *News* oldtimer. The *Morning Call* is also giving more space to theatres.

## Early Passage Of Bankruptcy Bill Awaited

### *Will Speed Revamping of Paramount Affairs*

Passage by the U. S. Senate late last week of the Corporation Bankruptcy Bill, permitting readjustment of the debts of bankrupt corporations by consent of creditors in order to facilitate reorganization and refinancing programs, will speed the reorganization of Paramount Publix and may result in the company's ultimate discharge from baukruptcy months sooner than has been anticipated, it was learned over the week-end.

Although Senate amendments to the bankruptcy measure will make it necessary to return the bill for conference with the House, which has already passed it, its approval by the Senate is regarded as making its ultimate enactment a certainty. Under the bill, bankrupt corporations may apply for readjustment of their debts

(*Continued on page 2*)

## M-G-M Discussing 4 Regional Meets

M-G-M regional conventions in Chicago, New York, New Orleans, Los Angeles and possibly one other central point are now being considered in preliminary discussions between Nicholas M. Schenck and Felix Feist. The plan is to hold the sessions late in June or early July.

Production executives, including Louis B. Mayer and Hal Roach, may

(*Continued on page 3*)

## *Harmon-Ising to Do M-G-M Color Shorts*

M-G-M's new color cartoon shorts will be made by Harmon-Ising, who have just been signed to turn out a new series for the 1934-35 program. This series will replace the "Willie Whopper" group produced by Ub

(*Continued on page 3*)

## Schaefer Gets Kohn's Posts At Paramount

### *Now Regarded as Second Only to Adolph Zukor*

Election of George J. Schaefer, vice-president and general manager of Paramount Pictures Distributing Corp., to the presidency and the boards of Paramount's administrative theatre subsidiaries on Saturday, succeeding Ralph A. Kohn, who resigned last week, is regarded as placing Schaefer in a position of executive authority in Paramount second

George J. Schaefer

(*Continued on page 3*)

## Release Schedule Completed by "U"

With James R. Grainger back from the coast, Universal is making public the order of release of the remaining 11 films in its lineup for this year. The releasing schedule will run to September 1.

First is "The Black Cat," which will be released today. "Affairs of a Gentleman" will be released May 14, to be followed by "The Love Captive." "Little Man, What Now?" is set for May 28. The first in June will be "Funny Thing Called Love." Other June releases will be "I Give My Love" and "Embarrassing Moments." "The Human Side" and "One More River" are the July releases. "Imitation of Life" and "Castles in the Air" will be released in August, to complete the program.

## Rogowsky Wants 10 Defendants Called

Sam Rogowsky, operator of the Embassy, Port Chester, has requested the grievance board to subpoena 10 defendants in his overbuying complaint against the Skouras Theatres Corp., operating the Capitol, Port Chester, and all major distributors. Because

(*Continued on page 3*)

## *Grosses Fall to Levels Reported Last September*

Grosses from 22 key cities and 133 theatres are falling down to the level of last September. For the week ending April 27-28 the total was $1,307,764, which is getting back to the lowest figures of Lent and is $263,931 below the high mark chalked up Easter week, and is also $34,954 under the low mark set last September when the fall pickup was getting under way.

Last week's decreases were practically uniform throughout the country, with the exception of eight cities—

(*Continued on page 3*)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## *Cleaners File Suit To Avoid Film Code*

American Building Maintenance Co., contractors for theatre cleaning service, has filed suit in U. S. District Court here to restrain the Code Authority from enforcing labor provisions of the film code on the cleaning company's employes.

The company sets forth that it has signed the President's voluntary re-employment agreement, permitting it to maintain a 48-hour week at a minimum wage of 30 cents an hour. Employes of the company work in hospitals and other public buildings in addition to theatres and, therefore, are not subject to the film code, the company's complaint states.

## *NVA Drive Under Way*

The NVA Drive, which got under way Friday to continue for one week, has enlisted the cooperation of 2,487 houses from coast to coast. This is the largest number that has ever cooperated in the 18 years of NVA's organization, according to Major L. E. Thompson, its chairman. Every local first run house is participating.

## *Zanuck Busy on Lineup*

Darryl F. Zanuck, of 20th Century Pictures, arrived yesterday for a six day stay before sailing for Europe and Africa. While here he will hold conferences on the company's 1934-35 lineup for release through U. A.

## *S. R. Kent Back Today*

Sidney R. Kent, president of Fox, arrives today from a four weeks' visit at the company's Hollywood studios.

# *Insiders' Outlook*

*Hollywood*

THIS is not only the land of sunshine and previews. Here theatre audiences, like the film colony's favorite description of every picture, are "terrific." They gasp and squirm in sheer delight when the main titles of previews hit the screen. Between their honest pleasure and the frequent, deliberate stacking of the house by the previewing studio, all celluloid comers get a great reception. The consequences are more than apt to be deceptive, if you don't watch out. . . .

▼

Between the Iowans turned Californians and their ideas that previews get them close to the Hollywood inside, the "friends" of the preview who turn out, the studio claque which finds it convenient to think everything is colossal and the preview cards which are an essential cog in this whirligig, the producer more times than not gets a first class misconception of what his product eventually means at the box-office. . . .

▼

The least resistance method is to unleash the adjectives and pass them around freely. Familiars with this Hollywood custom concede this to be the best method of getting along and making friends; they ought to know, for in them is the virtue of practising what they preach. The other night, the latest with an important star was previewed. The next day one of the studio's press agents asked what we thought. "Terrible," seemed to be the appropriately laconic reply. P. A. turned white, phazed and dazed and probably is still all three ways. . . .

However, one test and a variation of the routine remain. If the picture is that bad, the bunch will scram. It's more in keeping with the accepted routine not to be found when the inevitable "How did you like it?" begins to make the rounds. More social breaches, predicated on failure to observe the "I'll see you after the picture," have been committed on the Boulevard than through any other cause, beyond doubt. Social delinquencies hop easily from dislikes to enmities and even beyond. . . .

▼

Highbrow writer recently sent his employing producer a copy of Spengler's "Decline of the West." Producer couldn't determine if it concerned Mae or another attempt by New York to carry production East. . . . Several dailies fell over themselves on yarn narrating how Jack La Rue presumably rescued Vince Barnett, town ribber, from a burning building. Interviewed over the phone on the type of heroics, Barnett said La Rue had pulled him out by the hair. Reporters failed to recall Barnett's pate is bald. . . .

▼

Marion Gering, director, lives in Beverly Hills. Not always, however. He was born in Russia, now seeks naturalization papers and lists his middle handle as Maximilianovitch. . . . Two independents, producers and partners, after filming a gangster film, called upon their advertising man to prepare a page of copy. Ad man, for a rib, used as a catchline: "Indies Produce Undie." . . .

KANN

## *Warner Pfd. Off 2 on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 29 | 28 | 28⅛ | — ⅛ | 600 |
| Consolidated Film Industries | 4 | 4 | 4 | — ⅜ | 100 |
| Consolidated Film Industries, pfd | 16¼ | 16¼ | 16¼ | ..... | 100 |
| Eastman Kodak | 91 | 89 | 90¼ | —1⅜ | 600 |
| Eastman Kodak, pfd | 139 | 139 | 139 | —1 | 50 |
| Fox Film "A" | 15⅞ | 15¼ | 15⅜ | — ⅛ | 900 |
| Loew's, Inc | 33⅜ | 32⅛ | 32⅝ | + ⅜ | 10,100 |
| M-G-M pfd | 25⅞ | 25⅞ | 25⅞ | + ⅛ | 100 |
| Paramount Publix | 5 | 4⅜ | 4⅞ | + ⅜ | 15,400 |
| Pathe Exchange | 2¾ | 2¾ | 2¾ | — ¼ | 400 |
| Pathe Exchange "A" | 22½ | 21¾ | 21¾ | — ⅜ | 800 |
| RKO | 3¼ | 3⅛ | 3¼ | ..... | 1,800 |
| Universal Pictures, pfd | 43 | 43 | 43 | ..... | 20 |
| Warner Bros | 6⅞ | 6½ | 6½ | — ¼ | 2,600 |
| Warner Bros., pfd | 28 | 28 | 28 | —2 | 100 |

## *Technicolor Off ¼ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9¼ | 9 | 9 | — ¼ | 200 |

## *Paramount Publix Bonds Jump 2¾*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅜ | 10 | 10 | ..... | 16 |
| General Theatre Equipment 6s '40, ctf | 9⅞ | 9¼ | 9¼ | ..... | 18 |
| Loew's 6s '41, ww deb rights | 100⅞ | 100½ | 100½ | — ¾ | 3 |
| Paramount Broadway 5½s '51 | 47 | 45 | 46 | +2 | 28 |
| Paramount F. L. 6s '47 | 52⅛ | 50 | 51¾ | +1¾ | 21 |
| Paramount Publix 5½s 50 | 52 | 50⅛ | 52 | +2¾ | 8 |
| Pathe 7s '37 ww | 95¼ | 95¼ | 95¼ | —1¼ | 2 |
| Warner Bros. 6s '39, wd | 63 | 61½ | 52 | ..... | 101 |

## Bankruptcy Bill Passage Awaited

(*Continued from page* 1)

outside of actual bankruptcy proceedings on approval by creditors representing 10 per cent of the total creditors' claims against the company and 25 per cent of the holders of any single class of claims.

The readjustment of debts would also be contingent upon the consent of 10 per cent in amount of the stockholders who would be affected and upon the solvency of the applicant corporation, and would also be subject to Federal court approval. The actual compromise on the debts requires the approval of two-thirds in amount of creditors and a majority of each class of stockholders.

Enactment of the measure is expected soon and, immediately following, Paramount Publix creditors' groups are expected to be invited to confer with the reorganization committee headed by Dr. Julius Klein in an effort to agree on reorganization procedure opened up and simplified by the bill.

## Monogram Finishes New Season Lineup

(*Continued from page* 1)

Bees," both by Gene Stratton Porter; "Women Must Dress" and "Cheers of the Crowd," by Tristram Tupper; "Dames and Dynamite," by George Bertholon; "The Mysterious Mr. Wong," by Harry Stephen Keeler, and "Mystery Man," by Albert Payson Terhune.

The balance of the Monogram program is comprised of "The Nut Farm," by John C. Brownell; "The Healer," by Robert Herrick; "Million Dollar Baby," by Joseph Santley; "Redhead," by Vera Brown; "The Hoosier Schoolmaster," by Edward Eggleston; "Sing Sing Nights," by Harry Stephen Keeler; "Girl of My Dreams," by George Waggner; "Honeymoon Limited," by Vida Hurst; "Reckless Romeos," by N. Brewster Morse; "Murder in the Stratosphere," by Tristram Tupper; "Women Who Kill," by Frederick and Fanny Hatton; "Tomorrow's Youth," by Harry Sauber, and "Successful Failure," by Michael Kane.

## *Warner Anti-Trust Suit May Be Ended*

(*Continued from page* 1)

some time ago, has been kept from the Federal Court's calendar by the recent death of Judge Francis Coleman, to whom the case had been assigned. With reassignment of the case expected this week, the anti-trust suit, it is believed, will be dismissed in accordance with N. I. R. A. provisions for suspension of anti-trust laws in connection with coded industries.

## *Helen Kane Loses Suit*

Helen Kane lost her suit for $250,000 against the Paramount Publix Corp.; Max Fleischer, creator of "Betty Boop," and the Fleischer Studios, Inc., Saturday when Supreme Court Justice Edward J. McGoldrick held she had failed to prove the defendants had wrongfully appropriated her singing and acting style in the cartoon.

# Schaefer Gets Kohn's Posts At Paramount

(Continued from page 1)

only to that of Adolph Zukor, president.

Schaefer was elected president and a member of the boards of Paramount Theatres Service Corp. and Famous Theatres Corp., both of which are posts formerly held by Kohn.

Paramount Theatres Service Corp. is a comparatively new subsidiary which was organized to handle all phases of theatre administration which remain with the home office under decentralized operations by theatre partnerships in the field. Famous Theatres Corp. is the subsidiary which took over the assets of Publix Enterprises under the bankruptcy reorganization of the latter last December. Famous acquired thereby the Publix interest in approximately 135 theatres throughout the country.

**Dembow, Jr., in Same Post**

Sam Dembow, Jr., continues as vice-president of Paramount Theatres Service, while Y. Frank Freeman continues as vice-president of Famous. The latter's activities have been confined mostly to the real estate phases of the theatre holdings, while Dembow's relate directly to theatre operations.

Walter B. Cokell, treasurer of Paramount Pictures Distributing Corp., was elected to the board of directors of both Famous Theatres and Paramount Theatres Service Corp. at the same meeting at which Schaefer's elections were made.

In addition to his new post as head of Paramount's theatre administration, Schaefer is vice-president of Paramount Pictures, Paramount International and Paramount Productions, as well as vice-president and general manager of Paramount Distributing. His authority thus extends to all phases of Paramount's domestic and foreign operations. Schaefer recently relinquished his post of general sales manager to Neil F. Agnew, former western division manager. It now appears certain that the move was made to relieve Schaefer of sales duties connected with that post in order to permit his accepting the ranking offices in the Paramount theatre subsidiaries.

Schaefer's elevation is interpreted as settling for the immediate future, at least, recently revived reports that S. A. Lynch, chairman of the Paramount Publix trustees' advisory committee, and N. L. Nathanson, head of Famous Players Canadian Corp., were slated to take over high posts in Paramount.

## *Harmon-Ising to Do M-G-M Color Shorts*

(Continued from page 1)

Iwerks for P. A. Powers, which M-G-M is handling this season.

The first subject of the new lineup will be a two-reeler. If this clicks, more two-reelers will follow. Otherwise, single reelers will be produced. The series will be either 12 or 18.

Hal Roach is expected in New York within the next two weeks for M-G-M conferences. He has not decided on his new program yet and may reduce his schedule next year. The number of two-reelers may be cut down.

# *Grosses Fall to Levels Reported Last September*

(Continued from page 1)

Indianapolis, Kansas City, Los Angeles, Montreal, New York, Portland, Providence and San Francisco. Spring seems to be the reason.

Comparative figures for the last two weeks:

| | *Weeking Ending April 27-28* | | *Weeking Ending April 20-21* | |
|---|---|---|---|---|
| | No. Theatres | Gross | No. Theatres | Gross |
| Boston | 6 | $111,000 | 6 | $114,000 |
| Buffalo | 5 | 41,200 | 6 | 53,500 |
| Chicago | 7 | 106,500 | 7 | 117,500 |
| Cleveland | 6 | 42,900 | 6 | 50,200 |
| Denver | 5 | 27,000 | 5 | 40,000 |
| Detroit | 6 | 71,300 | 6 | 79,900 |
| Indianapolis | 5 | 24,000 | 5 | 19,000 |
| Kansas City | 6 | 35,000 | 6 | 33,500 |
| Los Angeles | 8 | 97,656 | 8 | 81,481 |
| Minneapolis | 5 | 24,500 | 5 | 25,500 |
| Montreal | 4 | 38,500 | 4 | 34,500 |
| New York | 11 | 253,008 | 11 | 234,120 |
| Oklahoma City | 4 | 12,800 | 4 | 15,200 |
| Omaha | 4 | 22,000 | 4 | 25,500 |
| Philadelphia | 8 | 79,500 | 8 | 81,700 |
| Pittsburgh | 6 | 41,750 | 6 | 56,750 |
| Portland | 6 | 27,700 | 7 | 22,800 |
| Providence | 6 | 45,400 | 6 | 42,500 |
| San Francisco | 8 | 94,800 | 7 | 82,700 |
| St. Paul | 5 | 18,000 | 5 | 18,500 |
| Seattle | 5 | 23,250 | 6 | 27,500 |
| Washington | 7 | 70,000 | 7 | 85,800 |
| | 133 | $1,307,764 | 135 | $1,342,151 |

Comparative grosses compiled from day to day reports for 31 weeks show this:

| *Week Ending* | *Theatres* | *Grosses* |
|---|---|---|
| September 29-30, 1933 | 135 | $1,342,710 |
| October 6-7 | 141 | 1,417,886 |
| October 13-14 | 143 | 1,544,838 |
| October 20-21 | 141 | 1,581,308 |
| October 27-28 | 143 | 1,509,422 |
| November 3-4 | 142 | 1,500,740 |
| November 10-11 | 141 | 1,379,560 |
| November 17-18 | 144 | 1,375,132 |
| November 24-25 | 141 | 1,431,209 |
| December 1-2 | 141 | 1,418,753 |
| December 8-9 | 142 | 1,558,832 |
| December 15-16 | 139 | 1,221,032 |
| December 22-23 | 133 | 1,071,457 |
| December 29-30 | 138 | 1,433,289 |
| January 5-6, 1934 | 136 | 1,714,824 |
| January 12-13 | 138 | 1,435,649 |
| January 19-20 | 136 | 1,305,267 |
| January 26-27 | 135 | 1,348,517 |
| February 2-3 | 135 | 1,338,371 |
| February 9-10 | 135 | 1,270,345 |
| February 16-17 | 136 | 1,317,011 |
| February 23-24 | 136 | 1,316,421 |
| March 2-3 | 135 | 1,350,548 |
| March 9-10 | 134 | 1,378,865 |
| March 16-17 | 133 | 1,302,020 |
| March 23-24 | 128 | 1,291,695 |
| March 30-31 | 134 | 1,247,322 |
| April 6-7 | 135 | 1,571,695 |
| April 13-14 | 132 | 1,360,061 |
| April 20-21 | 135 | 1,342,151 |
| April 27-28 | 133 | 1,307,764 |

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## M-G-M Discussing 4 Regional Meets

(Continued from page 1)

attend the regionals in addition to home office executive sales personnel. David O. Selznick and Irving Thalberg also may attend one or two of the meetings.

Last year M-G-M held a number of regional meetings, as planned this year. A number of new features in the 50 scheduled and a handful of shorts will be shown to the district, branch and field sales forces.

## Score Charge Loss Claimed in Canada

(Continued from page 1)

are losing money on this item, they say.

The argument used by Oscar Hanson, representing the independents, is that American producers do not impose a charge on films to foreign countries and that Canada should not be regarded as a domestic market by these companies. He also states that the score charge should be looked upon as part of production cost.

# Fight Brewing On Proposed Rezoning Plan

(Continued from page 1)

the RKO Mainstreet and Fox Uptown, both 40-cent houses.

Alteration of the clearance schedule is regarded as a move to force up downtown first run scales, particularly the Midland, as the Newman is believed to be willing to raise the ante, provided the Midland does so.

Vigorous protests are anticipated from suburbans, since it is estimated that 60 per cent of the suburbans are now double billing. This opposition is expected to be based on the contention that the board, in making no restrictions on first run duals, has discriminated against suburbans.

Opposition is also in prospect on the ground that the code gave the clearance and zoning board no authority to disturb existing clearance this season.

With the protection issue ruled upon, the board plans to take up the laying out of metropolitan areas for this territory. It will take a vote among exhibitors on banning premiums.

## Rogowsky Wants 10 Defendants Called

(Continued from page 1)

there is no provision in the code for this action, no steps along these lines are being taken. However, all principals have been notified to appear tomorrow when the hearing comes up.

Louis Nizer, executive secretary of the New York Film Board, is slated to act as attorney for the defendants. Robert R. Rosan, Port Chester attorney, will represent Rogowsky.

One of the points involved is whether action can be instituted on contracts signed before the code went into effect. Rogowsky claims Skouras has bought all major product but 50 per cent of Paramount, which he has.

Slated to start the hearings at 10:30 A. M. is Howard C. Cullman's complaint against the Mayfair for distribution of cut rate tickets.

## *Checkup Upon Union Nearing Completion*

(Continued from page 1)

circuits will be required to open negotiations for new wage scales with the union, under the terms of an agreement proposed two weeks ago by Division Administrator Sol A. Rosenblatt.

Rosenblatt met with Charles C. Levey, secretary-treaesurer of the union, and C. C. Moskowitz of Loew's at T. O. C. C. headquarters Saturday to arbitrate a recent strike called by the union at Loew's Metropolitan, Brooklyn, over the alleged refusal of the latter to reinstate three discharged employes. The strike was called off pending the arbitration.

## *To Air Milwaukee Cases*

MILWAUKEE, May 6.—Second meeting of the local grievance board is scheduled to be held tomorrow at the Hotel Schroeder. Several complaints relating to reduced admission are slated for hearing.

BROADWAY LAUGHS AGAIN
13 Two-Reel Comedies Released
Educational Pictures
13 Broadway First Runs
Since
THE FIRST
OF THE
YEAR

Educational Pictures
"THE SPICE OF THE PROGRAM"
Distributed in U. S. A. by FOX Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 107 NEW YORK, TUESDAY, MAY 8, 1934 TEN CENTS

# NON-SIGNERS MAY GET NEW CHANCE

## Clevelanders Seeking Pact Against Duals

### *Circulating Petition to Make Ban Unanimous*

CLEVELAND, May 7.—Exhibitors here are circulating a petition among all houses in the Greater Cleveland district calling for the ending of duals on July 8 and for complete elimination of the policy during the 1934-35 season. It will become effective only if signed by every theatre.

The Greater Cleveland district includes this city, Cleveland Heights, East Cleveland and Lakewood.

So that there can be no argument about what constitutes a feature the petition specifies that it shall be any

(Continued on page 6)

## *Film Board Future Not Set, Pettijohn*

CHICAGO, May 7.—Charles C. Pettijohn would make no prediction here today on the future of Film Boards of Trade. He said code boards would have to get under way before this problem could be decided, but a meeting has been called in New York to take up the problem within the next two weeks.

Pettijohn indicated that the need for film boards still exists and gave the impression that the Hays office has no plans for abandonment. The work of the boards is continuing in about eight important spots, he said.

## *Paramount to Make Two More in East*

Paramount is expanding its production plans for the Astoria studio. In addition to the four to be produced by Ben Hecht and Charles MacArthur, Carlos Gardel, well known tango singer, is to do two Spanish productions at the plant for foreign distribution.

Gardel's casts will be drawn from Spanish-speaking countries as well as Hollywood. Paramount holds an option for four additional pictures after these are finished.

## *Let N. Y. Determine World's Fair Policy*

HOLLYWOOD, May 7.—Whether or not studios will participate in Hollywood at the Fair, Chicago World's Fair concession, has been passed on to New York for decision by the

(Continued on page 6)

### *Complete Rest*

**Hollywood, May 7.—Recently a writer went to his boss to beg for a rest. He was "tired, nervous, and worn out." He hadn't had a vacation in two years.**

**"I know exactly how you feel," responded his employer, "we all get that way. Take your car and get away from everything. As a matter of fact why don't you GO TO THE BEACH FOR A COUPLE OF HOURS."**

## Holds Denver 'Bank Nights' Not Lotteries

DENVER, May 7.—An opinion holding that "bank night" stunts are advertising activities and not lotteries and, therefore, are neither violations of law nor of the code, was offered exhibitors of this territory today by Emmett Thurmon, local attorney and secretary and general counsel of the Rocky Mountain T. O. A.

Referring to the "bank night" contract made between local exhibitors and Affiliated Enterprises, Inc., Thurmon's opinion states:

"Bank night is an advertising plan

(Continued on page 3)

## Coast Production Shows Sharp Drop

HOLLYWOOD, May 7.—Production receded last week to a noticeable low level under the preceding week with a total of 37 features and 11 shorts in work as compared to 46 and 11 for the preceding week. Twenty-six pictures are planned to start within the next two weeks. Ten shorts are also

(Continued on page 8)

## FWC Ordered To Turn Back 20 Features

LOS ANGELES, May 7.—The local grievance board has set a precedent that may have a far-reaching effect on industry relations under the code in an award handed down in favor of the plaintiff in the complaint of the Garfield Theatre, Alhambra, against Fox West Coast, in which the latter was charged with holding out on product. The board adjudged the defendant guilty of violating the

(Continued on page 6)

## Chicago Newsreel Agreement Reached

CHICAGO, May 7.—Amicable settlement of the local newsreel censorship situation was indicated this afternoon following a conference between Mayor Kelly, Charles C. Pettijohn, Henry M. Herbel, Universal manager; Leo Spitz, former high ranking executive

(Continued on page 8)

## *Canavan Candidate For Old IATSE Job*

William F. Canavan, ex-president of the I.A.T.S.E., will run for election as president in opposition to William C. Elliott at the next annual meeting of the international union, slated for June 4-7 at Louisville, Ky. Canavan resigned in 1931 because of ill health and since has been active in the craft in his home town, St. Louis.

The ex-president will make another try at the presidency at the request of numerous members.

## *Campi Is to Consider Problem at Next Session Here*

Exhibitors who have not signed the code may be given another opportunity to qualify, provided the next session of Campi on Friday approves such a move.

Returning from a two-week trip to Hollywood and Chicago, where he met with producers and code board secretaries, Executive Secretary John C. Flinn reports that hundreds of exhibitors who did not comply are anxious to do so if given another chance. He said that at least 2,500 assents would roll in the first week if such a move were approved by Code Authority.

Secretaries from the west and midwest have asked Flinn about the possibility of getting a reopening of the

(Continued on page 3)

## *Code Bills Bring in Only $22,000 So Far*

Approximately 3,500 exhibitors have sent in assessments representing $22,000 for the first six months. This is one-fourth of the amount expected. A second notice for return of assessments is going out this week and failure to pay by May 20 will find exhibitors having film shut off.

The finance committee will get a complete report of the moneys coming in and going out at Friday's session of Campi. In instances where theatres find they are being unfairly taxed they can present their cases to local grievance boards for adjustment.

## *Jersey Case Awaits Further Testimony*

The first hearing of the New Jersey advisory committee on clearance and zoning was adjourned yesterday until next Monday for additional witnesses in the protest of the Washington, Washington, against Wilmer & Vincent.

The plaintiff charged that a protest against the present clearance and

(Continued on page 3)

## *Rental Protests Up At Gathering Today*

The first of three regional meetings sponsored by the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware in protest against high rentals, percentages and

(Continued on page 3)

## *Four Features Stand Out As Grosses Start to Sag*

Box-office honors were scattered among four pictures among the country's key centers last week, with grosses showing a general tendency to fall off with the advent of warmer weather.

The outstanding films were "The House of Rothschild," which hit Chicago with a rush; "We're Not Dressing," something of a sensation in Indianapolis, Minneapolis-St. Paul, San

(Continued on page 8)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 35 May 8, 1934 No. 107

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.


## Decide Deals Tonight

Stockholders of Manhattan Playhouses meet tonight to decide several important issues on tap.

## They Golf June 7

The 22nd *Film Daily* golf tournament has been set for June 7 at Glen Oaks, Great Neck, L. I.


SEND ME YOUR DATES!

OF TERROR"

HORRIBLE NAZI TRUTH

in spite of extraordinary caution to prevent these terrifying conditions to be shown to the ouside world—"at the risk of his life"

CORNELIUS VANDERBILT Jr.

has succeeded in personally photographing the amazing scenes in Austria and Germany—

Jewel Productions, Inc.

SAMUEL CUMMINS

723 SEVENTH AVENUE

NEW YORK CITY, N. Y.


## Kendall Gets Second Penalty in Toronto

TORONTO, May 7.—Lew Kendall, operator, already under sentence to one year in prison following his conviction for bombing the Cumbac Theatre, has been fined $300 and given three months in prison by Judge O'Connell in General Sessions Court on a charge of running a gaming house for horse betting.

Kendall has been in the limelight in connection with trouble between operators and independents. He is still to be tried at the May session of court for attempted perversion of justice because of a claim one witness was paid to swear that he had no connection with the theatre bombing.

## "Rothschild" Cincy Hit

CINCINNATI, May 7.—"The House of Rothschild" at the RKO Albee, got into the big money class last week, when it rang up an estimated $16,500. This is particularly outstanding since Arliss has usually drawn more of the carriage trade. The picture moves to the RKO Capitol for a second week.

Another real box-office job was done by "Viva Villa!" which accounted for approximately $14,000 at the RKO Palace. This rates a hold-over.

## New Zanuck Plans

With four of next season's program set, Darryl F. Zanuck, now in New York en route to Europe and Africa, said yesterday he had under consideration a picture dealing with English imperialism in India, a second on the life of the Queen of Sheba and a third about life in Arabia.

## Set "Voodoo" Bookings

Bookings are being set generally for "Drums O'Voodoo" by International Stageplay Pictures, Inc. It opens at Loew's New York May 12 and at the Globe, St. Louis, the following day. Dates also have been set in Washington, Lynchburg, Va., Baltimore, Roanoke and Danville, Va.

## U. A. Closing Saturdays

U. A. will be closed Saturdays starting May 12.

# Purely Personal

MADELEINE CARROLL, English star, who has just completed "The World Moves On" for Fox, is due in town tomorrow. She will stop at the Ritz Tower until sailing time Saturday.

GEORGE H. HALBERTT, formerly of the legal staff of Consolidated Film Industries, is now a legal light on his own as a partner of ALFRED W. KIDDLE.

BEBE DANIELS has recovered from the mumps and will resume her personal appearance tour at Washington next Friday with BEN LYON, her husband.

HELEN CHANDLER, who has many Hollywood pictures to her credit, opened in "These Two" at the Henry Miller last night.

ALEXANDER KRISEL, U. A. distributor in China, Japan and the Philippines, is in town on his annual visit to the home office.

ELIZABETH ALLAN gets back from Europe on the *Bremen* this morning. She is set for an early start in "David Copperfield" for Fox.

ARMAND DENIS will come back from Washington to attend the Ampa luncheon Thursday.

MARY MORRIS arrives from the coast tomorrow. She has just finished a role in "Double Door" for Paramount.

JACK SKIRBALL, sales manager for Educational, returns from a Bermuda vacation this week.

WILLIAM GOETZ, associate producer for 20th Century, is in New York from Hollywood.

LOUISE FAZENDA is finishing work on "Caravan" for Fox and may fly in a few days later.

FRED JACKS, Dallas district manager for Warners, did his week-end golfing with GRAD SEARS.

JOHN D. CLARK, Fox general sales manager, may leave for the coast any day this week.

BEN ROSENBERG of National Screen Service is back from the coast.

TED SCHLANGER is set on 1934 golfing. It will be at Broadmoor.

## All on Big Board Take a Loss

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 27½ | 26½ | 27¼ | — ⅞ | 200 |
| Consolidated Film Industries | 4 | 4 | 4 | ..... | 100 |
| Consolidated Film Industries, pfd | 16¼ | 15½ | 16 | — ½ | 600 |
| Eastman Kodak | 90 | 87⅜ | 87⅜ | —2⅞ | 1,900 |
| Eastman Kodak, pfd | 138 | 136 | 136 | —3 | 10 |
| Fox Film "A" | 15¼ | 14¼ | 14¾ | — ⅝ | 1,100 |
| Loew's, Inc. | 33⅜ | 30⅝ | 31⅛ | —1½ | 16,000 |
| Paramount Publix | 5 | 4⅛ | 4⅜ | — ½ | 10,000 |
| Pathe Exchange | 2¾ | 2⅝ | 2⅝ | — ⅛ | 2,400 |
| Pathe Exchange "A" | 21¾ | 20⅛ | 20¼ | —1½ | 3,500 |
| RKO | 3¼ | 3 | 3 | — ¼ | 2,300 |
| Universal Pictures, pfd | 40 | 40 | 40 | —3 | 20 |
| Warner Bros. | 6⅝ | 5¾ | 6 | — ½ | 9,100 |

## Technicolor Down ⅞ on Curb

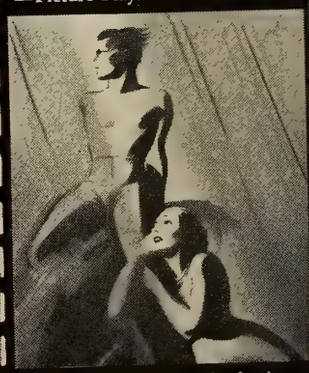
| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8½ | 8⅛ | 8⅛ | — ⅞ | 200 |
| Trans-Lux | 2 | 2 | 2 | — ⅛ | 2,400 |

## Warner Bonds Slump 2¼

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅞ | 9½ | 9½ | — ½ | 8 |
| General Theatre Equipment 6s '40, ctf | 9 | 8⅞ | 8⅞ | — ⅜ | 6 |
| Keith B. F. 6s '46 | 70¼ | 70 | 70 | —1 | 5 |
| Loew's 6s '41, ww deb rights | 100½ | 100½ | 100½ | ..... | 2 |
| Paramount Broadway 5½s '51 | 47 | 46⅜ | 46⅜ | + ⅜ | 9 |
| Paramount F. L. 6s '47 | 51⅛ | 51¼ | 51¼ | ..... | 29 |
| Paramount Publix 5½s '50 | 51 | 50¾ | 50¾ | —1¼ | 5 |
| Pathe 7s '37, ww | 94½ | 94½ | 94½ | — ¾ | 1 |
| Warner Bros. 6s '39, wd | 62 | 59¾ | 59¾ | —2¼ | 86 |


Spot News from Columbia

Now playing to record crowds at Radio City Music Hall! John Barrymore in "20th Century," with Carole Lombard, Walter Connolly, Roscoe Karns. A Howard Hawks Production from the notable New York stage success by Ben Hecht, Chas. MacArthur and Chas. Bruce Milholland. "Should cop the Academy award for 1934!" —Picture Play.



Now playing to capacity business at the Roxy! The screen's greatest emotional triumph, "No Greater Glory," a Frank Borzage Production based on Ferenc Molnar's world-famous novel! "A masterpiece!"—Screenland.

Coming soon to the Radio City Music Hall! A powerful drama of a love too great for one woman—Elissa Landi in "Sisters Under The Skin," with Frank Morgan, Joseph Schildkraut. Directed by David Burton.

# Non-Signers May Receive New Chance

(Continued from page 1)

extension date for assents and he has promised to put the matter before Campi.

Members of clearance and zoning boards throughout the country are busy, Flinn reported yesterday. He regards these boards as most vital at this time because of the approach of the selling season and the need of new schedules before new sales begin. He stated some of the boards are meeting three times a week in order to clear up local programs.

"All boards are working to 100 per cent satisfactorily," Flinn said, "and they are doing much good for the industry. There are more clearance and zoning cases than grievances," he added.

Having met with secretaries of five cities in Los Angeles and secretaries of 14 cities in Chicago, Flinn next Tuesday will call a meeting in New York of secretaries from Albany, Boston, Buffalo, Pittsburgh, New Haven, Philadelphia, Washington, Charlotte, New Orleans and New York. The Boston grievance board met there yesterday and reported that one of the cases is being appealed and will probably be heard by Campi the meeting after May 11.

## *O'Connor, Loew Not To Act on One Case*

Because John O'Connor and David Loew are connected with companies whose affiliates are defendants in the complaint of Rogowsky Bros. against Skouras and Radio, M-G-M, Fox, Universal, U. A., Columbia and Warners, separate hearings will be held today before the New York grievance board. When the case involving Radio comes up, Loew will sit. Likewise, when the hearing for M-G-M is on tap, O'Connor will sit. Fox and Skouras have a franchise for the Capitol, Port Chester, which is defendant in the complaint of the owners of the Embassy, same city.

Also up for hearing this morning is the complaint of Howard C. Cullman of the Roxy against Walter Reade of the Mayfair for issuing cut rate tickets. If decisions are not carried out within a limited time, offenders will find product shut off, according to the code.

No member of the board can be challenged, because he has been appointed by the government. However, witness and attorneys can be challenged.

For May 15, two cases involving advertising are on schedule. One is the Roxy complaint against the Casino and the other is that of the Little Picture House against the Windsor, 3rd Ave., for advertising pictures as coming attractions simultaneously with the run at the opposition.

## *Form Major Productions*

DOVER, Del., May 7.—Major Film Prod., Inc., has been chartered here to produce motion pictures, listing capital of $300,000 and 3,000 shares, no par value. The incorporators are M. M. Lucey, H. I. Brown and L. S. Dorsey of Wilmington, Del.

# *Insiders' Outlook*

*Hollywood*

PET terms in Hollywood, defying definition in any dictionary:

Romance, a thriving industry, draws these:

So-and-so is
*getting warm.*
*pashy.*
*that-a-way.*
*dueting around.*
*going places.*
*about to merge.*
*cooing,*
*panting.*
*piloting.*

Also, merely *romancing.*

Marital troubles, likewise a going concern, draw these:
*The battle of the century.*
*Having a change of heart.*
*On again, off again.*

If it's a divorce, favorite appellations include:
*Reno-vated.*
*Extricated.*
*Mexico-erced.*

Beer parlors are known as *stoobs.* The theory is this is easier to get off when a fellow is down.

Overlong standees at bars are pegged as *bar flies.* Party hounds who stay to the last bottle become known as *sitter-uppers.*

Cocktail parties are never given. They are always *thrown* or *tossed.*

A drunk becomes known as a *sponge.* Or a *lush.* Or an *elbow-bender.*

When a chap is on the level and at the head of his particular class, anything he may contemplate thereafter is *tops.*

One who neglects to recognize a friend is accused of *going native.*

Apartments are alluded to as *camps.* Mansions as *shacks.*

Short and sweet for studio is *factory.*

Additions to the family: *babying.*

Vacations are *siestas.* . .

▼

Interesting among the personalities here is Al Cohn. A veteran typewriter addict, he worked for the President during the campaign as he continued to turn out scripts. Today Cohn is collector of the port of Los Angeles, a Federal job which has nothing at all to do with his scrivening. The combination certainly makes him unique in Hollywood. Also it would make Hollywood unique if it failed to appreciate how Cohn, who is willing when he can, can help. . .

▼

In keeping with his office, Al the other day made it easier for Mervyn Le Roy to clear customs with 75 pieces of assorted baggage collected on his 'round-the-world honeymoon trip with the former Doris Warner. Greeters wanted to help by carrying off a bundle each. Interposed Mrs. Harry M.: "Papa Cohn said he'd take care of all that." For Uncle Jack, Al persuaded the navy department to allow shots of the Macon, never before filmed by any producer. . .

▼

Motion pictures reflect what goes on in the world, although all that goes on in the world is not reflected in motion pictures. Reasonable guess on requirements of a story executive would include a smattering, at least, of outstanding news events. One major studio, however, houses a chap who never heard of the Scottsboro case. . . . He's not alone. If this is castigation, then its victims are many. . . .

▼

An inter-office communication sent to all directors on the lot removes doubts, if any prevailed, over "Pan" Berman's position at Radio. The memo states Berman is to be notified immediately a picture is finished, after which he is to be called in when the print is first run to discuss editing; that no changes are to be made until they have Berman's O. K. While the memo fails to specifically designate him as head man, ground covered in the text establishes the point. Whether this condition is to prevail only while Merian Cooper continues to bask in Hawaiian sunshine is not clear. . . .

▼

"Lesser's Last Stand" is how Sol describes the impending "Peck's Bad Boy" with Jackie Cooper. He is throwing all dice on this one. In between, Lesser is studying comparative literature at U. S. C. . . . Universal's irons, complete, are buried in one fire. Its name is "Little Man, What Now?" . . . Louis B. Mayer has hordes of secretaries, but opens all of his mail personally. . . .

KANN

## *Jersey Case Awaits Further Testimony*

(Continued from page 1)

zoning schedule must be heard by the New Jersey board because he is served from the local exchange. Wilmer & Vincent claimed that the matter is not a question for the local board, but for the Philadelphia group.

The matter of jurisdiction will be determined next week when witnesses from Philadelphia exchanges are brought before the board.

## *Leases Manhattan Opera*

Jerome Rosenberg has leased the Manhattan Opera House and after remodeling will reopen with a vaudeville and film policy on Sept. 3.

# Holds Denver 'Bank Nights' Not Lotteries

(Continued from page 1)

designated to stimulate public interest in the motion picture industry and in your theatre. It is not intended to provide a means whereby you can give a prize to your patrons. To participate, any person may register in or near the theatre where the money is to be distributed, whether he buys a ticket or not." These provisions, Thurmon's opinion holds, remove "bank nights" from the classification of lotteries.

The same provisions, and particularly those specifying that any person may register for the "bank night" whether he buys an admission ticket or not, are cited by Thurmon as not being in violation of the film code provision governing "bank nights" and other forms of giveaways.

The Code Authority ruling on "bank nights" holds that the practice is in violation of the code if the participants purchase tickets of admission in connection with the prize drawings.

## *Rental Protests Up At Gathering Today*

(Continued from page 1)

score charges will be held today at the M. P. Club here. Leading exhibitors from all eastern cities are expected to be on hand to discuss policies for the new season.

COLUMBUS, Miss., May 7.—Ed Kuykendall indicated here today the M. P. T. O. A. would take no part in the protest meeting to be held Tuesday in New York by the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware on rentals, percentages and score charges. The reason he gave is that nothing can be gained thereby.

"We knew from bitter experience," he said, "that the film companies would pass NRA costs on to the exhibitors, with the exhibitors passing them on to the public in higher admissions. I doubt alarums will be effective. There have been protests in the past—the idea is not new—but they never get anywhere."

Kuykendall has been ordered by his physicians to take a rest of several weeks, necessitating his absence from the next meeting of Code Authority, scheduled for May 11 in New York.

## *Capital's Schedule Set*

WASHINGTON, May 7.—The schedule on which complaints may be filed with the clearance and zoning board was announced by James B. Fitzgerald today.

All complaints must be filed with the secretary within 30 days, on or before June 4.

To expedite and simplify the functions of the board, the present plan of clearance and zoning has been adopted by the board.

## *Flash Review*

*"The Thundering Herd"*—An action film made to order for kids. . . .

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

*To the Exhibitors of the Un*

*On Monday, June 4th, Carl L*

WHAT NOW? *with Ma*

*Montgomery, the most impo*

*directed since the immortal S*

*ed States and Canada:*

*nmle will release* LITTLE MAN,

*aret Sullavan and Douglass*

*ant picture Frank Borzage has*

VENTH HEAVEN.

J. R. GRAINGER

# Clevelanders Seeking Pact Against Duals

(Continued from page 1)

picture of more than 4,000 feet. Daily changes of program will be permitted, but the petition provides that duals will cease on the effective date, irrespective of whether the exhibitor has purchased pictures for dual requirements.

It is also provided that if any theatre is sold or sub-leased the agreement will be binding on the new owner or operator.

Practically all the subsequent runs are double featuring as well as two of the downtown first runs, Warners' Lake and Loew's Stillman.

Nat Wolf, Warner zone manager, saye he will end duals whenever the agreement to do so can be made general.

## Let N. Y. Determine World's Fair Policy

(Continued from page 1)

studio publicity committee. Paramount, Samuel Goldwyn Prod., M-G-M, Hal Roach, Universal and Warners tentatively are considering displays.

The committee has voted down star endorsements of liquor advertising, personal appearances at local charities except where of "immediate importance" and for tightening of press credentials at the studios.

with

LEILA HYAMS
PHILLIPS HOLMES

JACK LA RUE ROBERT McWADE
Hedda Hopper Vince Barnett

"Amusing travesty . . . developed with freshness and having an excellent story basis for its comedy"—*VARIETY*. "Unique situations and clever dialogue sustain interest throughout"—*M. P. DAILY*. "Very splendid photoplay for any theatre"—*FILMOGRAPH*. "Handsomely mounted."—*EXHIBITOR*.

1934 LIBERTY PICTURES 1935


## Sinclair Steps Out Of Review Board

WASHINGTON, May 7.—John F. Sinclair has resigned from the National Recovery Review Board and W. W. Neal of Marion, N. C., has been named vice-chairman, it was learned today. Sinclair's resignation was not unexpected, as he has been at odds with Chairman Clarence Darrow ever since the Board was created and for the past three weeks has spent little or no time in Washington. His differences with the majority of the board are believed to have been explained in the minority report on the film and other codes which he filed with the President last week.

Despite the fact that the board is expected to go out of existence at the end of the month, members are going ahead with preparations for hearings "even after July 1," it was said today.

## Weingarten's Plans Call for 6 Features

Lawrence Weingarten will produce a minimum of six for M-G-M's schedule of 50 next season. He is now in New York looking over a number of new plays in addition to "Shining Hour" and "No More Ladies," which he will make for 1934-35.

Weingarten figures Greta Garbo as the type for "Shining Hour." He also has an original in mind for Clark Gable and Jean Harlow. Lucille Watson of the original cast of "No More Ladies" will appear in the picture, possibly with Robert Montgomery. Herbert O. Yardley's stories around the spy system of the World War are being rewritten into one for a feature. The action will not take place on the field of combat as in other stories of this type.

He plans to leave the end of the week for Hollywood.

## Execs Testify in Suit

HOLLYWOOD, May 7.—Irving Thalberg, Winfield Sheehan and Lou Brock testified today in the suit brought by Samuel Goldwyn against Warners for an injunction to restrain the latter from using Busby Berkeley's services in alleged violation of a loaning contract. The film executives were called to present testimony on rehearsals. Warners declared the dance director was engaged at the time the loan was negotiated and was unable to release him. Goldwyn takes the stand tomorrow.

## Take Over Realart Corp.

HOLLYWOOD, May 7.—A group headed by Ira H. Simmons has acquired control of Realart Pictures Corp. They plan to produce six features during the year, gauging them on an expensive type of independent production. Distribution plans will be announced within the next 30 days.

## Zukor Leaving Today

Adolph Zukor leaves today for the coast to take up current and future production problems with Emanuel Cohen. He expects to line up the principal details of next season's schedule while at the studio.

## Borzage on Musical

HOLLYWOOD, May 7.—Frank Borzage will make "Flirtation Walk," a Warner musical for which Bobby Connolly will direct the dances.

## First Complaint in Cincy on Cut Rates

CINCINNATI, May 7.—First official complaint lodged with the local grievance board is that of the Wingert Co., operating the Grand, Union City, Ind., against Phil Chakeres of the State, Greenville, O., 13 miles from the Grand.

The complaint charges unfair trade practice because of 10-cent admissions. On merchants' nights, upon presentation of tickets distributed by Greenville merchants, the regular advertised admission of 25 cents is automatically brought down to 10 cents, it is claimed.

Other complaints filed so far are being disregarded by the board because the complainants did not sign the code.

## Cleveland May Set Back Session Again

CLEVELAND, May 7.—A session of the clearance and zoning board set for Friday may be postponed a second time because of the Allied meeting in Chicago at the end of the week. The first postponement was caused by the absence of the secretary, Mrs. Georgia Moffett, at a Chicago conference called by John C. Flinn.

## "Daughter" Dates Set

Exploitation Pictures has sold "Enlighten Thy Daughter" to Lee Goldberg of Big Feature Rights Corp. for the Indiana and Tennessee territory. Arrangements have also been made to have Jack Kaufman, former manager of the Columbia exchange in Indianapolis, to handle the film in Indiana. L. K. Brin has taken the feature for Wisconsin and the upper peninsula of Michigan.

## Will Discuss Beefsteak

Directors of the Ampa today will discuss the beefsteak planned by the organization at the M. P. Club on May 22. Following the June 21 session, meetings will be discontinued for the summer.

## Gaxton in "Afterwards"

HOLLYWOOD, May 7.—William Gaxton has been signed by Radio for a featured spot in "Afterwards," the Slim Summerville-Zasu Pitts comedy. He is now working in "Murder on the Blackboard" at this studio.

## First Hungarian Film

DuWorld's "Romance in Budapest," claimed to be the first Hungarian film to have a showing here, opens today at the 55th St. Playhouse.

## Firm Name Was Wrong

It's Krellberg & Fitzsimons and not Krellberg & Livingstone who have moved into new offices at 535 5th Ave.

## Hettesheimer Injured

CINCINNATI, May 7. — Andrew Hettesheimer was taken to Good Samaritan hospital today following an automobile accident.

## Miss Geraghty a Bride

HOLLYWOOD, May 7. — Carmelita Geraghty is the bride of Carey Wilson, the scenarist.

# FWC Ordered To Turn Back 20 Features

(Continued from page 1)

code by allegedly creating a monopoly by buying up the majority of the major product in the town for the 1933-34 program.

The circuit has been ordered to make available to the Garfield, beginning May 17, a total of 20 first run pictures.

Numerous other overbuying complaints are expected to follow on the heels of this decision. F. W. C. is expected to appeal the case to Code Authority.

## Check on Theatre Union About Ready

The current checkup of service employes in Loew's and RKO metropolitan houses, being conducted by a representative of the Department of Labor, is scheduled to be completed tomorrow and the results may be made known by Division Administrator Sol. A. Rosenblatt before the end of the week, it was stated yesterday.

The checkup is to determine the percentage of employes who are members of Local 118, Theatre and Amusement Employes Union. A majority for the union is regarded as tantamount to its recognition by New York circuits.

A settlement of a strike called against Loew's Metropolitan, Brooklyn, by the local last week was satisfactorily arbitrated over the week-end by Rosenblatt. Under the settlement the local agreed not to call a strike against the Metropolitan in the future unless a citywide strike order ensues.

A hearing on a petition for an injunction to restrain the local from picketing the Tivoli, Brooklyn, where a strike has been in progress for several weeks, was postponed to Thursdays, when called in Supreme Court at Brooklyn yesterday.

## Goldsmith Expected To Get Labor Post

Doctor Alfred A. Goldsmith, formerly vice-president of RCA and now president of the S.M.P.E., is expected to be named the local labor head of the NRA by Division Administrator Sol A. Rosenblatt.

Goldsmith's appointment awaits decision by the Court of Appeals in Albany of the Local 306-I.T.O.A. case involving constitutionality of the NRA. This is expected some time this week. Goldsmith will have charge of setting the local operators' wage scale in addition to other labor matters. He will act as a committee of one.

## Kohn in Para. Bldg.

Ralph A. Kohn, who resigned his posts as vice-president and director of Paramount subsidiaries last week, opened offices on the 16th floor of the Paramount building yesterday. While his permanent plans for the future are undecided, it is understood that Kohn may return to the practice of law.

# IMPORTANT

## *to any picture*

ANY picture, made on *any* film, may prove a hit. But the fact remains that the majority of the big motion picture triumphs are being filmed on Eastman Super-sensitive "Pan" Negative with gray backing. In other words, this film seems to be an important factor in any picture's chances of outstanding success. That fact is vitally important to every cameraman and producer. Eastman Kodak Co., Rochester, N. Y. (J. E. Brulatour, Inc., Distributors.)

EASTMAN *Super-sensitive Panchromatic Negative*

## Coast Production Shows Sharp Drop

(Continued from page 1)

in the list. Pictures in the cutting rooms total 45 features and 17 shorts.

Paramount continues to lead the field with seven features in work, six preparing and four cutting. Radio reports five, two and six: Fox, five, three and five; Warners, four, four and eight; M-G-M, four, one and nine; Columbia, three, two and four; Universal, two, two and one; United Artists, one, two and zero, while the independent group reports a total of six, four and eight.

The short subject group reports Universal with one working, one preparing and one editing; Columbia, one, one and two; Radio, one, zero and two; Roach, zero, three and three; M-G-M, zero, one and four, while the independents report a total of eight, four and five.

## M. P. Research Body Incorporated Here

The M. P. Research Council has been formally incorporated. Papers were approved yesterday by Supreme Court Justice Alfred Frankenthaler. The incorporators are: Eleanor R. Belmont, Thomas J. Watson, Herbert S. Houston, Alanson B. Houghton, Henry Fairfield Osborn, William H. Short, Henry J. Fisher, and Stephen P. Cabot of Boston. Mrs. August Belmont continues as president.

The incorporation is preliminary to a national membership campaign. Among the objects named in the incorporation papers are: "To undertake a study of problems presented by the motion picture; to stimulate public discussion and evaluation of these findings and to take steps in carrying out such parts of these plans and recommendations as may appear to have social value."

## Publix Drops Some In Ohio, Colorado

COLUMBUS, May 7.—Control of houses in two Publix situations in Ohio has recently changed to other hands. The Guernsey Theatre Corp. has acquired the Ohio and Cort at Cambridge from Publix-Shea, and at Marietta, the Publix-Marietta has released the Strand and Auditorium to Washington Theatres, Inc.

Other changes in title include the Stanley, at Sciotoville, which has been taken over by Kenneth Carter from the previous operator, C. D. Rowland. The Virginia, at North Baltimore, now is in control of E. H. Walter, who also operates the Liberty, at Toledo, and the La France, at Swanton.

DENVER, May 7.—Publix has turned back the Rex at Greeley, Col., and the Mesa at Grand Junction, Col., to the Greeley Theatre Co. and the Rex Amusement Co. Both companies are owned by Harry Nolan, Denver theatre man and supply dealer.

## Hays Arrives Today

Will H. Hays and wife; Earl Bright, Hays' secretary, and Mr. and Mrs. O. O. McIntyre return today from a week's visit in Hollywood.

# Four Features Stand Out As Grosses Start to Sag

(Continued from page 1)

Francisco and Cleveland; "I'll Tell the World," which took a remarkable $18,000 in Oklahoma City, and "Stand Up and Cheer," which went over big in Detroit.

"The House of Rothschild" furnished about the only film excitement in Chicago. It went to a smart $30,000 at the United Artists, topping the normal take by $13,000. "Bottoms Up," at the Chicago, was the only other attraction to approach normal. It reached $34,000.

"We're Not Dressing" piled up a fine $6,000 at the Circle, Indianapolis, nearly doubling par. "Glamour" took a normal $6,000 at the Lyric with a stage show, but Indianapolis had nothing else to get excited about. The others: "Three On a Match," Apollo, $2,000; "His Double Life" and "Come On Marines," Indiana, $3,000; "Tarzan and His Mate," Palace, $4,000.

San Francisco had three strong draws, with "We're Not Dressing" leading at $21,000 in the Warfield. Average for the house is $19,000. "The House of Rothschild" was $2,500 up with $10,500 at the Geary, and "Success At Any Price" had a good $10,000 at the Orpheum.

### "Not Dressing" Liked

"We're Not Dressing" ran away with top honors in Cleveland, getting $14,000, up by $4,000, at Loew's State. "Jimmy, the Gent" and "Taming the Jungle" took a good $2,800 at Warners' Lake. "Good Dame" and "Thundering Herd" had a par $4,000 at Loew's Stillman. Weak numbers were: "Sorrel and Son," Allen, $2,700; "As the Earth Turns," Warners' Hippodrome, $4,000; "Glamour," RKO Palace, $14,500.

Summer weather cracked down on Pittsburgh first runs, with only two of them showing any strength. "Bottoms Up" reached $6,000 at the Fulton, and "Lost Patrol" took $7,200 at the Warner, both well over par. "Tarzan and His Mate" had a weak $11,500 at the Penn; "Ever Since Eve," even with a stage bill, was dull at $6,000, and "Sisters Under the Skin," also with a stage bill, was under normal at $17,500.

Oklahoma City was "all het up" for two reasons—the summer heat and the $11,000 piled up by "I'll Tell the World" at the Warner at 76 cents top, with a stage show. Nothing like it has happened in a long time. Other houses took it on the chin as a result.

The Twin Cities' two standbys are still going strong. At the Minneapolis World, "The Private Life of Henry VIII" was still 100 per cent over normal at $4,000 and "Catherine the Great" was double the normal take at $3,000 in the St. Paul World. "We're Not Dressing" was strong on both sides of the river. It took $8,000 at the Minnesota and $6,000 at the St. Paul Paramount. "Glamour" was also strong in both spots, getting $6,000 in the Minneapolis Orpheum and $4,500 in the St. Paul Orpheum.

Washington takings continued their downward trend. The Fox, with "Bottoms Up" on the screen and "50 Million Frenchmen" on the stage, was down to $19,800, about $4,000 under last month's average. The Earle, with Ramona and Jack Fulton heading a stage show, and "20 Million Sweethearts" on the screen was strong at $20,900. "Tarzan and His Mate" tumbled to $4,800 in its second week at Loew's Palace. "Men in White," playing a return engagement at Loew's Columbia, had a good $4,000.

"Stand Up and Cheer" was the only thing in Detroit to cheer about. It grabbed $18,400, over par by $3,400, at the Fox, helped by a vaudeville bill. "Men In White" was $200 up at $10,200 in the United Artists.

## Infringement Suit Filed on Register

A suit charging the Silent American Ticket Machine Co. with infringement of certain patents has been filed in U. S. District Court by General Register Corp., Percy Phillipson, president of the complaining company, stated yesterday.

The suit names Reuben H. Helsel, Charles J. Wolfe and Fred J. Faust as defendants and alleges that certain of the patents held to have been infringed were assigned to General Register by Helsel while in the employ of the complainant.

## Pathe Notifies Exchange

Pathe Exchange, Inc., has notified the Stock Exchange that an option has been granted to Stuart W. Webb, president, to purchase not more than 12,500 shares of common at $2 per share and 3,000 shares of Class A preference stock at $12 per share during the current year. This proposal was approved at the last meeting of the board.

## Chicago Newsreel Agreement Reached

(Continued from page 1)

of Paramount during the Sam Katz regime; J. S. Connolly, general manager of Pathe, Police Chief Allman and Censor Costello.

Emerging from the conference, Pettijohn and others declined to reveal the progress made, but indicated it was satisfactory. They said any statement must come from Mayor Kelly.

## Schiller Is Dinner Guest of Associates

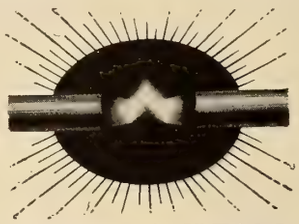
Loew's and M-G-M executives of many years' standing were hosts at a testimonial dinner to Col. E. A. Schiller at the Warwick last night. Approximately 75 officers and executives of the two companies, led by Nicholas M. Schenck and including David Bernstein, Felix Feist, Leopold Friedman, Isador Frey, Howard Dietz, C. C. Moskowitz and Joe Vogel, were on hand for the affair.

Schiller, recently recovered from a long illness, leaves May 11 for Hawaii, by way of Los Angeles and San Francisco, for a rest.

## Robins in Detroit For Second Session

CHICAGO, May 7.—Robert Robins, head of the American Society for the Protection of the M. P. Theatres, leaves here tonight for Detroit where he will conduct a meeting tomorrow. Following this gathering there will be a meeting in Cleveland where Robins will attempt to gather more support for the investigation of A. T. & T., which he charges with monopolistic control of the industry.


CONTINUOUS RESEARCH IN THE REALM OF LIGHT HAS PROVIDED HIGH INTENSITY PROJECTION For Every Theatre . . . Large or Small



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Copper Coated High Intensity A. C. Carbons

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*GREATER BOX OFFICE RETURNS*

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*Sold exclusively through Distributors and Dealers*

NATIONAL CARBON COMPANY, INC.

Carbon Sales Division, Cleveland, Ohio

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Branch Sales Offices:

New York Pittsburgh Chicago San Francisco

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 107 NEW YORK, TUESDAY, MAY 8, 1934 TEN CENTS

# NON-SIGNERS MAY GET NEW CHANCE

## Clevelanders Seeking Pact Against Duals

### *Circulating Petition to Make Ban Unanimous*

CLEVELAND, May 7.—Exhibitors here are circulating a petition among all houses in the Greater Cleveland district calling for the ending of duals on July 8 and for complete elimination of the policy during the 1934-35 season. It will become effective only if signed by every theatre.

The Greater Cleveland district includes this city, Cleveland Heights, East Cleveland and Lakewood.

So that there can be no argument about what constitutes a feature the petition specifies that it shall be any

(Continued on page 6)

## *Film Board Future Not Set, Pettijohn*

CHICAGO, May 7.—Charles C. Pettijohn would make no prediction here today on the future of Film Boards of Trade. He said code boards would have to get under way before this problem could be decided, but a meeting has been called in New York to take up the problem within the next two weeks.

Pettijohn indicated that the need for film boards still exists and gave the impression that the Hays office has no plans for abandonment. The work of the boards is continuing in about eight important spots, he said.

## *Paramount to Make Two More in East*

Paramount is expanding its production plans for the Astoria studio. In addition to the four to be produced by Ben Hecht and Charles MacArthur, Carlos Gardel, well known tango singer, is to do two Spanish productions at the plant for foreign distribution.

Gardel's casts will be drawn from Spanish-speaking countries as well as Hollywood. Paramount holds an option for four additional pictures after these are finished.

## *Let N. Y. Determine World's Fair Policy*

HOLLYWOOD, May 7.—Whether or not studios will participate in Hollywood at the Fair, Chicago World's Fair concession, has been passed on to New York for decision by the

(Continued on page 6)

### *Complete Rest*

**Hollywood, May 7.—Recently a writer went to his boss to beg for a rest. He was "tired, nervous, and worn out." He hadn't had a vacation in two years.**

**"I know exactly how you feel," responded his employer, "we all get that way. Take your car and get away from everything. As a matter of fact why don't you GO TO THE BEACH FOR A COUPLE OF HOURS."**

## Holds Denver 'Bank Nights' Not Lotteries

DENVER, May 7.—An opinion holding that "bank night" stunts are advertising activities and not lotteries and, therefore, are neither violations of law nor of the code, was offered exhibitors of this territory today by Emmett Thurmon, local attorney and secretary and general counsel of the Rocky Mountain T. O. A.

Referring to the "bank night" contract made between local exhibitors and Affiliated Enterprises, Inc., Thurmon's opinion states:

"Bank night is an advertising plan

(Continued on page 3)

## Coast Production Shows Sharp Drop

HOLLYWOOD, May 7.—Production receded last week to a noticeable low level under the preceding week with a total of 37 features and 11 shorts in work as compared to 46 and 11 for the preceding week. Twenty-six pictures are planned to start within the next two weeks. Ten shorts are also

(Continued on page 8)

## FWC Ordered To Turn Back 20 Features

LOS ANGELES, May 7.—The local grievance board has set a precedent that may have a far-reaching effect on industry relations under the code in an award handed down in favor of the plaintiff in the complaint of the Garfield Theatre, Alhambra, against Fox West Coast, in which the latter was charged with holding out on product. The board adjudged the defendant guilty of violating the

(Continued on page 6)

## Chicago Newsreel Agreement Reached

CHICAGO, May 7.—Amicable settlement of the local newsreel censorship situation was indicated this afternoon following a conference between Mayor Kelly, Charles C. Pettijohn, Henry M. Herbel, Universal manager; Leo Spitz, former high ranking executive

(Continued on page 8)

## *Canavan Candidate For Old IATSE Job*

William F. Canavan, ex-president of the I.A.T.S.E., will run for election as president in opposition to William C. Elliott at the next annual meeting of the international union, slated for June 4-7 at Louisville, Ky. Canavan resigned in 1931 because of ill health and since has been active in the craft in his home town, St. Louis.

The ex-president will make another try at the presidency at the request of numerous members.

## *Campi Is to Consider Problem at Next Session Here*

Exhibitors who have not signed the code may be given another opportunity to qualify, provided the next session of Campi on Friday approves such a move.

Returning from a two-week trip to Hollywood and Chicago, where he met with producers and code board secretaries, Executive Secretary John C. Flinn reports that hundreds of exhibitors who did not comply are anxious to do so if given another chance. He said that at least 2,500 assents would roll in the first week if such a move were approved by Code Authority.

Secretaries from the west and midwest have asked Flinn about the possibility of getting a reopening of the

(Continued on page 3)

## *Code Bills Bring in Only $22,000 So Far*

Approximately 3,500 exhibitors have sent in assessments representing $22,000 for the first six months. This is one-fourth of the amount expected. A second notice for return of assessments is going out this week and failure to pay by May 20 will find exhibitors having film shut off.

The finance committee will get a complete report of the moneys coming in and going out at Friday's session of Campi. In instances where theatres find they are being unfairly taxed they can present their cases to local grievance boards for adjustment.

## *Jersey Case Awaits Further Testimony*

The first hearing of the New Jersey advisory committee on clearance and zoning was adjourned yesterday until next Monday for additional witnesses in the protest of the Washington, Washington, against Wilmer & Vincent.

The plaintiff charged that a protest against the present clearance and

(Continued on page 3)

## *Rental Protests Up At Gathering Today*

The first of three regional meetings sponsored by the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware in protest against high rentals, percentages and

(Continued on page 3)

## *Four Features Stand Out As Grosses Start to Sag*

Box-office honors were scattered among four pictures among the country's key centers last week, with grosses showing a general tendency to fall off with the advent of warmer weather.

The outstanding films were "The House of Rothschild," which hit Chicago with a rush; "We're Not Dressing," something of a sensation in Indianapolis, Minneapolis-St. Paul, San

(Continued on page 8)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MAURICE KANN
*Editor*

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*Advertising Manager*

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## Decide Deals Tonight

Stockholders of Manhattan Playhouses meet tonight to decide several important issues on tap.

## They Golf June 7

The 22nd *Film Daily* golf tournament has been set for June 7 at Glen Oaks, Great Neck, L. I.


SEND ME YOUR DATES!

"HITLER'S REIGN OF TERROR"

HORRIBLE NAZI TRUTH

in spite of extraordinary caution to prevent these terrifying conditions to be shown to the outside world—"at the risk of his life"

CORNELIUS VANDERBILT Jr.

has succeeded in personally photographing the amazing scenes in Austria and Germany—

Jewel Productions, Inc.

SAMUEL CUMMINS

723 SEVENTH AVENUE

NEW YORK CITY, N. Y.


## Kendall Gets Second Penalty in Toronto

TORONTO, May 7.—Lew Kendall, operator, already under sentence to one year in prison following his conviction for bombing the Cumbac Theatre, has been fined $300 and given three months in prison by Judge O'Connell in General Sessions Court on a charge of running a gaming house for horse betting.

Kendall has been in the limelight in connection with trouble between operators and independents. He is still to be tried at the May session of court for attempted perversion of justice because of a claim one witness was paid to swear that he had no connection with the theatre bombing.

## "Rothschild" Cincy Hit

CINCINNATI, May 7.—"The House of Rothschild" at the RKO Albee, got into the big money class last week, when it rang up an estimated $16,500. This is particularly outstanding since Arliss has usually drawn more of the carriage trade. The picture moves to the RKO Capitol for a second week.

Another real box-office job was done by "Viva Villa!" which accounted for approximately $14,000 at the RKO Palace. This rates a holdover.

## New Zanuck Plans

With four of next season's program set, Darryl F. Zanuck, now in New York en route to Europe and Africa, said yesterday he had under consideration a picture dealing with English imperialism in India, a second on the life of the Queen of Sheba and a third about life in Arabia.

## Set "Voodoo" Bookings

Bookings are being set generally for "Drums O'Voodoo" by International Stageplay Pictures, Inc. It opens at Loew's New York May 12 and at the Globe, St. Louis, the following day. Dates also have been set in Washington, Lynchburg, Va., Baltimore, Roanoke and Danville, Va.

## U. A. Closing Saturdays

U. A. will be closed Saturdays starting May 12.

# Purely Personal

MADELEINE CARROLL, English star, who has just completed "The World Moves On" for Fox, is due in town tomorrow. She will stop at the Ritz Tower until sailing time Saturday.

GEORGE H. HALBERTT, formerly of the legal staff of Consolidated Film Industries, is now a legal light on his own as a partner of ALFRED W. KIDDLE.

BEBE DANIELS has recovered from the mumps and will resume her personal appearance tour at Washington next Friday with BEN LYON, her husband.

HELEN CHANDLER, who has many Hollywood pictures to her credit, opened in "These Two" at the Henry Miller last night.

ALEXANDER KRISEL, U. A. distributor in China, Japan and the Philippines, is in town on his annual visit to the home office.

ELIZABETH ALLAN gets back from Europe on the *Bremen* this morning. She is set for an early start in "David Copperfield" for Fox.

ARMAND DENIS will come back from Washington to attend the Ampa luncheon Thursday.

MARY MORRIS arrives from the coast tomorrow. She has just finished a role in "Double Door" for Paramount.

JACK SKIRBALL, sales manager for Educational, returns from a Bermuda vacation this week.

WILLIAM GOETZ, associate producer for 20th Century, is in New York from Hollywood.

LOUISE FAZENDA is finishing work on "Caravan" for Fox and may fly in a few days later.

FRED JACKS, Dallas district manager for Warners, did his week-end golfing with GRAD SEARS.

JOHN D. CLARK, Fox general sales manager, may leave for the coast any day this week.

BEN ROSENBERG of National Screen Service is back from the coast.

TED SCHLANGER is set on 1934 golfing. It will be at Broadmoor.

## All on Big Board Take a Loss

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 27½ | 26½ | 27¼ | — ⅞ | 200 |
| Consolidated Film Industries | 4 | 4 | 4 | ..... | 100 |
| Consolidated Film Industries, pfd | 16¼ | 15½ | 16 | — ½ | 600 |
| Eastman Kodak | 90 | 87⅜ | 87⅜ | —2⅞ | 1,900 |
| Eastman Kodak, pfd | 138 | 136 | 136 | —3 | 10 |
| Fox Film "A" | 15¼ | 14¼ | 14¾ | — ⅝ | 1,100 |
| Loew's, Inc. | 33⅜ | 30⅝ | 31⅛ | —1½ | 16,000 |
| Paramount Publix | 5 | 4⅛ | 4⅜ | — ½ | 10,000 |
| Pathe Exchange | 2¾ | 2⅝ | 2⅝ | — ⅛ | 2,400 |
| Pathe Exchange "A" | 21¾ | 20⅛ | 20¼ | —1½ | 3,500 |
| RKO | 3¼ | 3 | 3 | — ¼ | 2,300 |
| Universal Pictures, pfd | 40 | 40 | 40 | —3 | 20 |
| Warner Bros. | 6⅝ | 5¾ | 6 | — ½ | 9,100 |

## Technicolor Down ⅞ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8½ | 8⅛ | 8⅛ | — ⅞ | 200 |
| Trans-Lux | 2 | 2 | 2 | — ⅛ | 2,400 |

## Warner Bonds Slump 2¼

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅛ | 9½ | 9½ | — ½ | 8 |
| General Theatre Equipment 6s '40, ctf | 9 | 8⅞ | 8⅞ | — ⅜ | 6 |
| Keith B. F. 6s '46 | 70¼ | 70 | 70 | —1 | 5 |
| Loew's 6s '41, ww deb rights | 100½ | 100½ | 100½ | ..... | 2 |
| Paramount Broadway 5½s '51 | 47 | 46⅜ | 46⅜ | + ⅜ | 9 |
| Paramount F. L. 6s '47 | 51⅛ | 51¾ | 51¾ | ..... | 29 |
| Paramount Publix 5½s '50 | 51 | 50¾ | 50¾ | —1¼ | 5 |
| Pathe 7s '37, ww | 94½ | 94½ | 94½ | — ¾ | 1 |
| Warner Bros. 6s '39, wd | 62 | 59¾ | 59¾ | —2¼ | 86 |


Spot News from Columbia

Now playing to record crowds at Radio City Music Hall! John Barrymore in "20th Century," with Carole Lombard, Walter Connolly, Roscoe Karns. A Howard Hawks Production from the notable New York stage success by Ben Hecht, Chas. MacArthur and Chas. Bruce Milholland. "Should cop the Academy award for 1934!" —Picture Play.

Now playing to capacity business at the Roxy! The screen's greatest emotional triumph, "No Greater Glory," a Frank Borzage Production based on Ferenc Molnar's world-famous novel! "A masterpiece!"—Screenland.

Coming soon to the Radio City Music Hall! A powerful drama of a love too great for one woman—Elissa Landi in "Sisters Under The Skin," with Frank Morgan, Joseph Schildkraut. Directed by David Burton.

# Non-Signers May Receive New Chance

(Continued from page 1)

extension date for assents and he has promised to put the matter before Campi.

Members of clearance and zoning boards throughout the country are busy, Flinn reported yesterday. He regards these boards as most vital at this time because of the approach of the selling season and the need of new schedules before new sales begin. He stated some of the boards are meeting three times a week in order to clear up local programs.

"All boards are working to 100 per cent satisfactorily," Flinn said, "and they are doing much good for the industry. There are more clearance and zoning cases than grievances," he added.

Having met with secretaries of five cities in Los Angeles and secretaries of 14 cities in Chicago, Flinn next Tuesday will call a meeting in New York of secretaries from Albany, Boston, Buffalo, Pittsburgh, New Haven, Philadelphia, Washington, Charlotte, New Orleans and New York. The Boston grievance board met there yesterday and reported that one of the cases is being appealed and will probably be heard by Campi the meeting after May 11.

## *O'Connor, Loew Not To Act on One Case*

Because John O'Connor and David Loew are connected with companies whose affiliates are defendants in the complaint of Rogowsky Bros. against Skouras and Radio, M-G-M, Fox, Universal, U. A., Columbia and Warners, separate hearings will be held today before the New York grievance board. When the case involving Radio comes up, Loew will sit. Likewise, when the hearing for M-G-M is on tap, O'Connor will sit. Fox and Skouras have a franchise for the Capitol, Port Chester, which is defendant in the complaint of the owners of the Embassy, same city.

Also up for hearing this morning is the complaint of Howard C. Cullman of the Roxy against Walter Reade of the Mayfair for issuing cut rate tickets. If decisions are not carried out within a limited time, offenders will find product shut off, according to the code.

No member of the board can be challenged, because he has been appointed by the government. However, witness and attorneys can be challenged.

For May 15, two cases involving advertising are on schedule. One is the Roxy complaint against the Casino and the other is that of the Little Picture House against the Windsor, 3rd Ave., for advertising pictures as coming attractions simultaneously with the run at the opposition.

## *Form Major Productions*

DOVER, Del., May 7.—Major Film Prod., Inc., has been chartered here to produce motion pictures, listing capital of $300,000 and 3,000 shares, no par value. The incorporators are M. M. Lucey, H. I. Brown and L. S. Dorsey of Wilmington, Del.

# *Insiders' Outlook*

*Hollywood*

PET terms in Hollywood, defying definition in any dictionary:

Romance, a thriving industry, draws these:

So-and-so is
*getting warm.*
*pashy.*
*that-a-way.*
*dueting around.*
*going places.*
*about to merge.*
*cooing,*
*panting.*
*piloting.*

Also, merely *romancing.*

Marital troubles, likewise a going concern, draw these:
*The battle of the century.*
*Having a change of heart.*
*On again, off again.*

If it's a divorce, favorite appellations include:
*Reno-vated.*
*Extricated.*
*Mexico-erced.*

Beer parlors are known as *stoobs.* The theory is this is easier to get off when a fellow is down.

Overlong standees at bars are pegged as *bar flies.* Party hounds who stay to the last bottle become known as *sitter-uppers.*

Cocktail parties are never given. They are always *thrown* or *tossed.*

A drunk becomes known as a *sponge.* Or a *lush.* Or an *elbow-bender.*

When a chap is on the level and at the head of his particular class, anything he may contemplate thereafter is *tops.*

One who neglects to recognize a friend is accused of *going native.*

Apartments are alluded to as *camps.* Mansions as *shacks.*

Short and sweet for studio is *factory.*

Additions to the family: *babying.*

Vacations are *siestas.* . .

▼

Interesting among the personalities here is Al Cohn. A veteran typewriter addict, he worked for the President during the campaign as he continued to turn out scripts. Today Cohn is collector of the port of Los Angeles, a Federal job which has nothing at all to do with his scrivening. The combination certainly makes him unique in Hollywood. Also it would make Hollywood unique if it failed to appreciate how Cohn, who is willing when he can, can help. . .

▼

In keeping with his office, Al the other day made it easier for Mervyn Le Roy to clear customs with 75 pieces of assorted baggage collected on his 'round-the-world honeymoon trip with the former Doris Warner. Greeters wanted to help by carrying off a bundle each. Interposed Mrs. Harry M.: "Papa Cohn said he'd take care of all that." For Uncle Jack, Al persuaded the navy department to allow shots of the Macon, never before filmed by any producer. . .

▼

Motion pictures reflect what goes on in the world, although all that goes on in the world is not reflected in motion pictures. Reasonable guess on requirements of a story executive would include a smattering, at least, of outstanding news events. One major studio, however, houses a chap who never heard of the Scottsboro case. . . . He's not alone. If this is castigation, then its victims are many. . . .

▼

An inter-office communication sent to all directors on the lot removes doubts, if any prevailed, over "Pan" Berman's position at Radio. The memo states Berman is to be notified immediately a picture is finished, after which he is to be called in when the print is first run to discuss editing; that no changes are to be made until they have Berman's O. K. While the memo fails to specifically designate him as head man, ground covered in the text establishes the point. Whether this condition is to prevail only while Merian Cooper continues to bask in Hawaiian sunshine is not clear. . . .

▼

"Lesser's Last Stand" is how Sol describes the impending "Peck's Bad Boy" with Jackie Cooper. He is throwing all dice on this one. In between, Lesser is studying comparative literature at U. S. C. . . . Universal's irons, complete, are buried in one fire. Its name is "Little Man, What Now?" . . . Louis B. Mayer has hordes of secretaries, but opens all of his mail personally. . . .

KANN

## *Jersey Case Awaits Further Testimony*

(Continued from page 1)

zoning schedule must be heard by the New Jersey board because he is served from the local exchange. Wilmer & Vincent claimed that the matter is not a question for the local board, but for the Philadelphia group.

The matter of jurisdiction will be determined next week when witnesses from Philadelphia exchanges are brought before the board.

## *Leases Manhattan Opera*

Jerome Rosenberg has leased the Manhattan Opera House and after remodeling will reopen with a vaudeville and film policy on Sept. 3.

# Holds Denver 'Bank Nights' Not Lotteries

(Continued from page 1)

designated to stimulate public interest in the motion picture industry and in your theatre. It is not intended to provide a means whereby you can give a prize to your patrons. To participate, any person may register in or near the theatre where the money is to be distributed, whether he buys a ticket or not." These provisions, Thurmon's opinion holds, remove "bank nights" from the classification of lotteries.

The same provisions, and particularly those specifying that any person may register for the "bank night" whether he buys an admission ticket or not, are cited by Thurmon as not being in violation of the film code provision governing "bank nights" and other forms of giveaways.

The Code Authority ruling on "bank nights" holds that the practice is in violation of the code if the participants purchase tickets of admission in connection with the prize drawings.

## *Rental Protests Up At Gathering Today*

(Continued from page 1)

score charges will be held today at the M. P. Club here. Leading exhibitors from all eastern cities are expected to be on hand to discuss policies for the new season.

COLUMBUS, Miss., May 7.—Ed Kuykendall indicated here today the M. P. T. O. A. would take no part in the protest meeting to be held Tuesday in New York by the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware on rentals, percentages and score charges. The reason he gave is that nothing can be gained thereby.

"We knew from bitter experience," he said, "that the film companies would pass NRA costs on to the exhibitors, with the exhibitors passing them on to the public in higher admissions. I doubt alarums will be effective. There have been protests in the past—the idea is not new—but they never get anywhere."

Kuykendall has been ordered by his physicians to take a rest of several weeks, necessitating his absence from the next meeting of Code Authority, scheduled for May 11 in New York.

## *Capital's Schedule Set*

WASHINGTON, May 7.—The schedule on which complaints may be filed with the clearance and zoning board was announced by James B. Fitzgerald today.

All complaints must be filed with the secretary within 30 days, on or before June 4.

To expedite and simplify the functions of the board, the present plan of clearance and zoning has been adopted by the board.

## *Flash Review*

*"The Thundering Herd"*—An action film made to order for kids. . . .

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

*To the Exhibitors of the Ur*

*On Monday, June 4th, Carl L*

WHAT NOW? *with Ma*

*Montgomery, the most impo*

*directed since the immortal S*

*ed States and Canada:*

*nmle will release* LITTLE MAN,

*garet Sullavan and Douglass*

*ant picture Frank Borzage has*

VENTH HEAVEN.

J. R. GRAINGER

# Clevelanders Seeking Pact Against Duals

(Continued from page 1)

picture of more than 4,000 feet. Daily changes of program will be permitted, but the petition provides that duals will cease on the effective date, irrespective of whether the exhibitor has purchased pictures for dual requirements.

It is also provided that if any theatre is sold or sub-leased the agreement will be binding on the new owner or operator.

Practically all the subsequent runs are double featuring as well as two of the downtown first runs, Warners' Lake and Loew's Stillman.

Nat Wolf, Warner zone manager, saye he will end duals whenever the agreement to do so can be made general.

## Let N. Y. Determine World's Fair Policy

(Continued from page 1)

studio publicity committee. Paramount, Samuel Goldwyn Prod., M-G-M, Hal Roach, Universal and Warners tentatively are considering displays.

The committee has voted down star endorsements of liquor advertising, personal appearances at local charities except where of "immediate importance" and for tightening of press credentials at the studios.

with

LEILA HYAMS

PHILLIPS HOLMES

JACK LA RUE ROBERT McWADE

Hedda Hopper Vince Barnett

"Amusing travesty . . . developed with freshness and having an excellent story basis for its comedy"—*VARIETY*. "Unique situations and clever dialogue sustain interest throughout"—*M. P. DAILY*. "Very splendid photoplay for any theatre"—*FILMOGRAPH*. "Handsomely mounted."—*EXHIBITOR*.

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## Sinclair Steps Out Of Review Board

WASHINGTON, May 7.—John F. Sinclair has resigned from the National Recovery Review Board and W. W. Neal of Marion, N. C., has been named vice-chairman, it was learned today. Sinclair's resignation was not unexpected, as he has been at odds with Chairman Clarence Darrow ever since the Board was created and for the past three weeks has spent little or no time in Washington. His differences with the majority of the board are believed to have been explained in the minority report on the film and other codes which he filed with the President last week.

Despite the fact that the board is expected to go out of existence at the end of the month, members are going ahead with preparations for hearings "even after July 1," it was said today.

## Weingarten's Plans Call for 6 Features

Lawrence Weingarten will produce a minimum of six for M-G-M's schedule of 50 next season. He is now in New York looking over a number of new plays in addition to "Shining Hour" and "No More Ladies," which he will make for 1934-35.

Weingarten figures Greta Garbo as the type for "Shining Hour." He also has an original in mind for Clark Gable and Jean Harlow. Lucille Watson of the original cast of "No More Ladies" will appear in the picture, possibly with Robert Montgomery. Herbert O. Yardley's stories around the spy system of the World War are being rewritten into one for a feature. The action will not take place on the field of combat as in other stories of this type.

He plans to leave the end of the week for Hollywood.

## Execs Testify in Suit

HOLLYWOOD, May 7.—Irving Thalberg, Winfield Sheehan and Lou Brock testified today in the suit brought by Samuel Goldwyn against Warners for an injunction to restrain the latter from using Busby Berkeley's services in alleged violation of a loaning contract. The film executives were called to present testimony on rehearsals. Warners declared the dance director was engaged at the time the loan was negotiated and was unable to release him. Goldwyn takes the stand tomorrow.

## Take Over Realart Corp.

HOLLYWOOD, May 7.—A group headed by Ira H. Simmons has acquired control of Realart Pictures Corp. They plan to produce six features during the year, gauging them on an expensive type of independent production. Distribution plans will be announced within the next 30 days.

## Zukor Leaving Today

Adolph Zukor leaves today for the coast to take up current and future production problems with Emanuel Cohen. He expects to line up the principal details of next season's schedule while at the studio.

## Borzage on Musical

HOLLYWOOD, May 7.—Frank Borzage will make "Flirtation Walk," a Warner musical for which Bobby Connolly will direct the dances.

## First Complaint in Cincy on Cut Rates

CINCINNATI, May 7.—First official complaint lodged with the local grievance board is that of the Wingert Co., operating the Grand, Union City, Ind., against Phil Chakeres of the State, Greenville, O., 13 miles from the Grand.

The complaint charges unfair trade practice because of 10-cent admissions. On merchants' nights, upon presentation of tickets distributed by Greenville merchants, the regular advertised admission of 25 cents is automatically brought down to 10 cents, it is claimed.

Other complaints filed so far are being disregarded by the board because the complainants did not sign the code.

## Cleveland May Set Back Session Again

CLEVELAND, May 7.—A session of the clearance and zoning board set for Friday may be postponed a second time because of the Allied meeting in Chicago at the end of the week. The first postponement was caused by the absence of the secretary, Mrs. Georgia Moffett, at a Chicago conference called by John C. Flinn.

## "Daughter" Dates Set

Exploitation Pictures has sold "Enlighten Thy Daughter" to Lee Goldberg of Big Feature Rights Corp. for the Indiana and Tennessee territory. Arrangements have also been made to have Jack Kaufman, former manager of the Columbia exchange in Indianapolis, to handle the film in Indiana. L. K. Brin has taken the feature for Wisconsin and the upper peninsula of Michigan.

## Will Discuss Beefsteak

Directors of the Ampa today will discuss the beefsteak planned by the organization at the M. P. Club on May 22. Following the June 21 session, meetings will be discontinued for the summer.

## Gaxton in "Afterwards"

HOLLYWOOD, May 7.—William Gaxton has been signed by Radio for a featured spot in "Afterwards," the Slim Summerville-Zasu Pitts comedy. He is now working in "Murder on the Blackboard" at this studio.

## First Hungarian Film

DuWorld's "Romance in Budapest," claimed to be the first Hungarian film to have a showing here, opens today at the 55th St. Playhouse.

## Firm Name Was Wrong

It's Krellberg & Fitzsimons and not Krellberg & Livingstone who have moved into new offices at 535 5th Ave.

## Hettesheimer Injured

CINCINNATI, May 7. — Andrew Hettesheimer was taken to Good Samaritan hospital today following an automobile accident.

## Miss Geraghty a Bride

HOLLYWOOD, May 7. — Carmelita Geraghty is the bride of Carey Wilson, the scenarist.

# FWC Ordered To Turn Back 20 Features

(Continued from page 1)

code by allegedly creating a monopoly by buying up the majority of the major product in the town for the 1933-34 program.

The circuit has been ordered to make available to the Garfield, beginning May 17, a total of 20 first run pictures.

Numerous other overbuying complaints are expected to follow on the heels of this decision. F. W. C. is expected to appeal the case to Code Authority.

## Check on Theatre Union About Ready

The current checkup of service employes in Loew's and RKO metropolitan houses, being conducted by a representative of the Department of Labor, is scheduled to be completed tomorrow and the results may be made known by Division Administrator Sol. A. Rosenblatt before the end of the week, it was stated yesterday.

The checkup is to determine the percentage of employes who are members of Local 118, Theatre and Amusement Employes Union. A majority for the union is regarded as tantamount to its recognition by New York circuits.

A settlement of a strike called against Loew's Metropolitan, Brooklyn, by the local last week was satisfactorily arbitrated over the week-end by Rosenblatt. Under the settlement the local agreed not to call a strike against the Metropolitan in the future unless a citywide strike order ensues.

A hearing on a petition for an injunction to restrain the local from picketing the Tivoli, Brooklyn, where a strike has been in progress for several weeks, was postponed to Thursdays, when called in Supreme Court at Brooklyn yesterday.

## Goldsmith Expected To Get Labor Post

Doctor Alfred A. Goldsmith, formerly vice-president of RCA and now president of the S.M.P.E., is expected to be named the local labor head of the NRA by Division Administrator Sol A. Rosenblatt.

Goldsmith's appointment awaits decision by the Court of Appeals in Albany of the Local 306-I.T.O.A. case involving constitutionality of the NRA. This is expected some time this week. Goldsmith will have charge of setting the local operators' wage scale in addition to other labor matters. He will act as a committee of one.

## Kohn in Para. Bldg.

Ralph A. Kohn, who resigned his posts as vice-president and director of Paramount subsidiaries last week, opened offices on the 16th floor of the Paramount building yesterday. While his permanent plans for the future are undecided, it is understood that Kohn may return to the practice of law.

# IMPORTANT

## *to any picture*

ANY picture, made on *any* film, may prove a hit. But the fact remains that the majority of the big motion picture triumphs are being filmed on Eastman Super-sensitive "Pan" Negative with gray backing. In other words, this film seems to be an important factor in any picture's chances of outstanding success. That fact is vitally important to every cameraman and producer. Eastman Kodak Co., Rochester, N. Y. (J. E. Brulatour, Inc., Distributors.)

EASTMAN *Super-sensitive Panchromatic Negative*

## Coast Production Shows Sharp Drop

(Continued from page 1)

in the list. Pictures in the cutting rooms total 45 features and 17 shorts.

Paramount continues to lead the field with seven features in work, six preparing and four cutting. Radio reports five, two and six: Fox, five, three and five; Warners, four, four and eight; M-G-M, four, one and nine; Columbia, three, two and four; Universal, two, two and one; United Artists, one, two and zero, while the independent group reports a total of six, four and eight.

The short subject group reports Universal with one working, one preparing and one editing; Columbia, one, one and two; Radio, one, zero and two; Roach, zero, three and three; M-G-M, zero, one and four, while the independents report a total of eight, four and five.

## *M. P. Research Body Incorporated Here*

The M. P. Research Council has been formally incorporated. Papers were approved yesterday by Supreme Court Justice Alfred Frankenthaler. The incorporators are: Eleanor R. Belmont, Thomas J. Watson, Herbert S. Houston, Alanson B. Houghton, Henry Fairfield Osborn, William H. Short, Henry J. Fisher, and Stephen P. Cabot of Boston. Mrs. August Belmont continues as president.

The incorporation is preliminary to a national membership campaign. Among the objects named in the incorporation papers are: "To undertake a study of problems presented by the motion picture; to stimulate public discussion and evaluation of these findings and to take steps in carrying out such parts of these plans and recommendations as may appear to have social value."

## *Publix Drops Some In Ohio, Colorado*

COLUMBUS, May 7.—Control of houses in two Publix situations in Ohio has recently changed to other hands. The Guernsey Theatre Corp. has acquired the Ohio and Cort at Cambridge from Publix-Shea, and at Marietta, the Publix-Marietta has released the Strand and Auditorium to Washington Theatres, Inc.

Other changes in title include the Stanley, at Sciotoville, which has been taken over by Kenneth Carter from the previous operator, C. D. Rowland. The Virginia, at North Baltimore, now is in control of E. H. Walter, who also operates the Liberty, at Toledo, and the La France, at Swanton.

DENVER, May 7.—Publix has turned back the Rex at Greeley, Col., and the Mesa at Grand Junction, Col., to the Greeley Theatre Co. and the Rex Amusement Co. Both companies are owned by Harry Nolan, Denver theatre man and supply dealer.

## *Hays Arrives Today*

Will H. Hays and wife; Earl Bright, Hays' secretary, and Mr. and Mrs. O. O. McIntyre return today from a week's visit in Hollywood.

# *Four Features Stand Out As Grosses Start to Sag*

(Continued from page 1)

Francisco and Cleveland; "I'll Tell the World," which took a remarkable $18,000 in Oklahoma City, and "Stand Up and Cheer," which went over big in Detroit.

"The House of Rothschild" furnished about the only film excitement in Chicago. It went to a smart $30,000 at the United Artists, topping the normal take by $13,000. "Bottoms Up," at the Chicago, was the only other attraction to approach normal. It reached $34,000.

"We're Not Dressing" piled up a fine $6,000 at the Circle, Indianapolis, nearly doubling par. "Glamour" took a normal $6,000 at the Lyric with a stage show, but Indianapolis had nothing else to get excited about. The others: "Three On a Match," Apollo, $2,000; "His Double Life" and "Come On Marines," Indiana, $3,000; "Tarzan and His Mate," Palace, $4,000.

San Francisco had three strong draws, with "We're Not Dressing" leading at $21,000 in the Warfield. Average for the house is $19,000. "The House of Rothschild" was $2,500 up with $10,500 at the Geary, and "Success At Any Price" had a good $10,000 at the Orpheum.

### "Not Dressing" Liked

"We're Not Dressing" ran away with top honors in Cleveland, getting $14,000, up by $4,000, at Loew's State. "Jimmy, the Gent" and "Taming the Jungle" took a good $2,800 at Warners' Lake. "Good Dame" and "Thundering Herd" had a par $4,000 at Loew's Stillman. Weak numbers were: "Sorrel and Son," Allen, $2,700; "As the Earth Turns," Warners' Hippodrome, $4,000; "Glamour," RKO Palace, $14,500.

Summer weather cracked down on Pittsburgh first runs, with only two of them showing any strength. "Bottoms Up" reached $6,000 at the Fulton, and "Lost Patrol" took $7,200 at the Warner, both well over par. "Tarzan and His Mate" had a weak $11,500 at the Penn; "Ever Since Eve," even with a stage bill, was dull at $6,000, and "Sisters Under the Skin," also with a stage bill, was under normal at $17,500.

Oklahoma City was "all het up" for two reasons—the summer heat and the $11,000 piled up by "I'll Tell the World" at the Warner at 76 cents top, with a stage show. Nothing like it has happened in a long time. Other houses took it on the chin as a result.

The Twin Cities' two standbys are still going strong. At the Minneapolis World, "The Private Life of Henry VIII" was still 100 per cent over normal at $4,000 and "Catherine the Great" was double the normal take at $3,000 in the St. Paul World. "We're Not Dressing" was strong on both sides of the river. It took $8,000 at the Minnesota and $6,000 at the St. Paul Paramount. "Glamour" was also strong in both spots, getting $6,000 in the Minneapolis Orpheum and $4,500 in the St. Paul Orpheum.

Washington takings continued their downward trend. The Fox, with "Bottoms Up" on the screen and "50 Million Frenchmen" on the stage, was down to $19,800, about $4,000 under last month's average. The Earle, with Ramona and Jack Fulton heading a stage show, and "20 Million Sweethearts" on the screen was strong at $20,900. "Tarzan and His Mate" tumbled to $4,800 in its second week at Loew's Palace. "Men in White," playing a return engagement at Loew's Columbia, had a good $4,000.

"Stand Up and Cheer" was the only thing in Detroit to cheer about. It grabbed $18,400, over par by $3,400, at the Fox, helped by a vaudeville bill. "Men In White" was $200 up at $10,200 in the United Artists.

## *Infringement Suit Filed on Register*

A suit charging the Silent American Ticket Machine Co. with infringement of certain patents has been filed in U. S. District Court by General Register Corp., Percy Phillipson, president of the complaining company, stated yesterday.

The suit names Reuben H. Helsel, Charles J. Wolfe and Fred J. Faust as defendants and alleges that certain of the patents held to have been infringed were assigned to General Register by Helsel while in the employ of the complainant.

## *Pathe Notifies Exchange*

Pathe Exchange, Inc., has notified the Stock Exchange that an option has been granted to Stuart W. Webb, president, to purchase not more than 12,500 shares of common at $2 per share and 3,000 shares of Class A preference stock at $12 per share during the current year. This proposal was approved at the last meeting of the board.

## Chicago Newsreel Agreement Reached

(Continued from page 1)

of Paramount during the Sam Katz regime; J. S. Connolly, general manager of Pathe, Police Chief Allman and Censor Costello.

Emerging from the conference, Pettijohn and others declined to reveal the progress made, but indicated it was satisfactory. They said any statement must come from Mayor Kelly.

## *Schiller Is Dinner Guest of Associates*

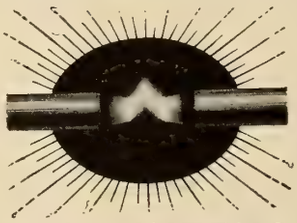
Loew's and M-G-M executives of many years' standing were hosts at a testimonial dinner to Col. E. A. Schiller at the Warwick last night. Approximately 75 officers and executives of the two companies, led by Nicholas M. Schenck and including David Bernstein, Felix Feist, Leopold Friedman, Isador Frey, Howard Dietz, C. C. Moskowitz and Joe Vogel, were on hand for the affair.

Schiller, recently recovered from a long illness, leaves May 11 for Hawaii, by way of Los Angeles and San Francisco, for a rest.

## *Robins in Detroit For Second Session*

CHICAGO, May 7.—Robert Robins, head of the American Society for the Protection of the M. P. Theatres, leaves here tonight for Detroit where he will conduct a meeting tomorrow. Following this gathering there will be a meeting in Cleveland where Robins will attempt to gather more support for the investigation of A. T. & T., which he charges with monopolistic control of the industry.


CONTINUOUS RESEARCH IN THE REALM OF LIGHT HAS PROVIDED



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# MOTION PICTURE DAILY

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VOL. 35. NO. 108 | NEW YORK, WEDNESDAY, MAY 9, 1934 | TEN CENTS

## MPTOA Slants Will Bear On Future Films

### *Won't Clear in Time For Current Product*

HOLLYWOOD, May 8.—Whatever of value producers may find in reactions to films which the executive committee of the M. P. T. O. A. promised to supply will influence future product only, it is learned.

Objections which may be voiced to "off-color" dialogue and injection of unwarranted dirt in pictures can have no bearing on current releases in view of the fact that practically all members of the M. P. T. O. A. who pledged their aid operate subsequent run theatres playing product well

(*Continued on page* 20)

## Review Board Asks NRA Aid in Future

WASHINGTON, May 8.—Repercussions of the Darrow-Sinclair row were seen today in the announcement that the National Recovery Review Board had asked the cooperation of General Johnson's recovery administration in further investigations of complaints against codes.

Failure of the board to call upon the administration for cooperation in its inquiries was one of the major complaints against Chairman Clarence Darrow by John F. Sinclair, whose resignation was made known yesterday.

Meanwhile, it was said at the White House that the President had taken no action on Sinclair's resignation and would not do so until he has read the Darrow report, publication of which is awaited.

## *"Social Control" of Films Is Advocated*

WASHINGTON, May 8.—"Social control" of films, representing a "trusteeship" in the best interest of the whole people, today was advocated by Dr. Arthur E. Morgan, chairman of the

(*Continued on page* 20)

## *Episcopalians Here Assail Crime Films*

Crime pictures were condemned at the opening session yesterday of the 151st convention of the Protestant Episcopal Diocese of New York in the Synod Hall on the grounds of the

(*Continued on page* 20)

## *Warners Eliminate Phila. Dual Bills on Saturdays*

PHILADELPHIA, May 8.—In an effort to encourage the elimination of double featuring here, all Warner neighborhood theatres in the city which have been using the policy on Saturday afternoons will soon abandon it and return to single features exclusively, it was learned today.

The new Warner policy is understood to be in the nature of an experiment and will be effective until Labor Day. The single feature policy will be made permanent at that time if it has tended to encourage other exhibitors to follow suit, it is said.

Joseph Bernhard, Warner theatre head, said yesterday that the company was willing "to take any steps" to encourage the elimination of double bills and said that he would cooperate

(*Continued on page* 20)

### *Needs Clarifying*

**George J. Schaefer now has so many titles with Paramount and various subsidiaries, he needs enlightenment himself and so called on the executive in charge of corporate seals, et al., to send up a list.**

**Schaefer good naturedly told this one on himself yesterday.**

## Para.-G. B. Partner Deal Up to Referee

Samuel and Nathan E. Goldstein, former owners of the G. B. Circuit, Massachusetts, resume management of the circuit as operating partners for Paramount under the terms of a reorganization plan for a $1,050,000 mortgage bond issue on the G. B. Circuit which was completed recently by Paramount Publix trustees in bankruptcy, it was learned yesterday.

The Goldstein brothers are the principal holders of the G. B. mortgage

(*Continued on page* 20)

## *Reagan Gets Agnew Post at Paramount*

Charles Reagan, Paramount midwest district manager with headquarters at Chicago, yesterday was named Paramount western division manager, succeeding Neil F. Agnew. Agnew was made general sales manager last week.

Reagan will headquarter in New York. Ed Fontaine, formerly Paramount Cleveland branch manager, succeeds Reagan as mid-west district manager at Chicago.

## *Thalberg Has Next 10 Pictures Picked*

HOLLYWOOD, May 8.—Irving Thalberg has his next 10 pictures lined up at M-G-M and four of them are under way.

Those in work are: "The Merry

(*Continued on page* 4)

## Two N. Y. Code Cases Require More Evidence

The first two cases before the New York grievance board were adjourned yesterday for additional information to be used as evidence. Two sessions were held, the first in the morning which involved the complaint of the Roxy against the Mayfair for alleged distribution of cut rate tickets. The second, which started at 2:30 P. M. and lasted until 5:45 P. M., was a charge of Rogowsky Brothers against Skouras and seven major distributors

(*Continued on page* 4)

## *Philadelphia Board Holds First Hearing*

PHILADELPHIA, May 8.—The grievance board here met for the first time today and its decision will be announced later on a non-theatrical case involving serving of the Penn A. C. by Fox with pictures before the last run in the city. Fox promised to wait until all runs had been finished, it is claimed.

The hearing on the case of the Grand Jackson Theatre Co., operated

(*Continued on page* 4)

## *Two Cases Pending With Detroit Board*

DETROIT, May 8.—First two cases to be heard by the local code board will be those of Arthur Early, Grand theatre, Kalamazoo, charging the Butterfield circuit with unfair protection,

(*Continued on page* 4)

## Kuykendall Is For Contract Ban on Duals

### *Wants Either Limitation Or Total Elimination*

COLUMBUS, Miss., May 8.—Lacking a curb on double billing in the code, Ed Kuykendall, M. P. T. O. A. president, is heartily in favor of having contractual restrictions imposed by distributors next season. He is of the opinion the distributors can clamp down on the practice by limitations or outright prohibition. A rental rebate on pictures played singly, which has been effective in the past, also appeals to him. Another method would be to lengthen the features, he said.

"We could have written a double bill clause into the code, but the independent producers protested and

(*Continued on page* 4)

## K. C. Promulgates New Clearance Plan

KANSAS CITY, Mo., May 8.—The local zoning board tonight promulgated a new clearance and zoning schedule for Greater Kansas City, effective June 10 and applicable to all pictures at first runs beginning 14 days later. As MOTION PICTURE DAILY exclusively predicted, the board reduced protection for first run charging 25 cents as well as those double billing. Theatres offering rebates, premiums and the like were also penalized. The board ruled no feature shown singly at first runs shall be

(*Continued on page* 18)

## Rentals Discussed By About 75 Here

Approximately 75 exhibitors representing six neighboring states gathered at the M. P. Club yesterday to protest the as yet unannounced sales policies of distributors on next season's product.

The meeting was the first of a series originally proposed by the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware. Yesterday's attendance was composed

(*Continued on page* 4)

## *Fox to Sell Action Series on Their Own*

Distribution of a series of action features starring George O'Brien, former Fox western star, to be pro-

(*Continued on page* 20)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Krellberg Badly Injured

Sam Krellberg, of Amusement Securities Corp. and president of Regal Pictures, was hit by a taxicab at 8th Ave. and 49th St. yesterday and was removed to the Polyclinic Hospital seriously injured.

Last night, his condition was reported grave.

## Silent on Silent Suit

Officials of Silent American Ticket Machine Co. yesterday declined to comment on a suit charging patent infringements filed against the company in Federal court here by General Register Corp. Defendants named in the suit are Reuben H. Helsel, Charles J. Wolfe and Fred J. Faust.

## Give Party for Zanuck

Joseph M. Schenck, U. A. head, is giving a press party at the Stork Club this afternoon in honor of Darryl Zanuck, 20th Century production head, who leaves the end of this week for a European tour and African big game hunt.

## Zukor Is Delayed

Slated to leave for Hollywood yesterday where he will spend the next few months keeping a "fatherly eye" on Paramount production, Adolph Zukor will not get away until this afternoon.

## LeRoy Gets Sazuki Demi

HOLLYWOOD, May 8.—While in Japan recently Mervyn LeRoy signed Sazuki Demi, well known Japanese actor, to a contract and Demi is now on his way here.

# Insiders' Outlook

*Hollywood*

WHILE agents, also known as 10 percenters, only indirectly impinge on exhibitor purse strings, their activities have a direct bearing on production. Agents have been dubbed non-productive fungi. Higher cost of production has been laid to their practice of wangling higher salaries for artists' services, thereby ultimately increasing rentals. . . .

▼

Agents, from time to time, have been accused of splitting their fees with some of those in seats of power. Agents allegedly hijack artists from each other, keeping creative talent in constant ferment. That's one angle. On the other, agents say they render the same type of service as stock brokers, real estate agents, commission merchants or insurance brokers. . . .

▼

Artists, whose agents get them more money, incline toward rating the service as high as their increase minus the 10 per cent. Now that the California State Labor Board has imposed severe regulations on agents' practices, some of the smarter ones are beginning to read the handwriting on the wall, and some read. Instead of merely collecting 10 per cent for landing jobs for talent, one group of agents, for the commission alone, now takes care of income taxes, manages property, budgets the family, gives general business counsel, attends to accounting and bookkeeping, suggests investments and does everything for the artist but supply dental prophylaxis and sharpen skates. . . .

Agents would become employers as well as agents under a new twist which has been cautiously advanced to some writers. The idea calls for a direct personal service contract between writer and agents on whatever terms and options may be agreed upon. The agent, as employer, would, in turn, parcel out writers' services to the employing studio. What the agent, as employer, got would be his business, the writer getting his first under direct contract and worrying neither about the agent's usual 10 per cent or the calibre of his contract with the producer. If this development comes, it might reach beyond writers and include others working in the creative end of production as well. . . .

▼

Inside of the Columbia situation from sources that say they know what goes on is this: The company undoubtedly will stay in the hands of Harry Cohn, although it may embrace in its fold a headline name known or heard pretty much wherever pictures are talked. President Cohn, this source insists, is leaning heavily toward a plan to produce only A pictures with the B and C stuff to develop under a different sort of arrangement. . . . Three reasons for the A idea: "It Happened One Night," "Twentieth Century" and "No Greater Glory." . . .

▼

Interested, first and last, in its own upheavals, one Hollywood segment finds time to keep an optic on European revolutions. World economics, or even disturbed markets for American pictures, has nothing to do with it, but current market quotations on counts, barons and princes have. Socialite filmites are much interested in a rumored stock board which will list the daily rise and fall in title values. . . .

▼

Add royalty notes: In "Now I'll Tell," the widow of the king of the underworld finally marries the king of the underwear world. . . . Paul Sloane's latest, "Down to Their Last Yacht," makes some Hollywood bigwigs wonder if they are. . . . The preview system may move out-of-town, which means anywhere from 30 to 100 miles in these open spaces, provided the conversation to eradicate duals develops beyond the talkie stage.

▼

Genial Tom Baily, chief publicizer on the Paramount lot, memos anent the recent line on the pile of dirt which marks the spot where the building housing his department eventually will rise:

"An unlaundered crack," say I.
"The structure, which will be a thing of beauty and a joy forever, is being constructed on a sturdy foundation of fact—and it covers the dirt beneath.
"I'm surprized atcha."

KANN

## Loew's Up 1⅛ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 28 | 27⅞ | 28 | + ¼ | 500 |
| Consolidated Film Industries | 4 | 3¼ | 3¼ | — ¾ | 600 |
| Consolidated Film Industries, pfd | 16½ | 15½ | 16½ | + ½ | 1,100 |
| Eastman Kodak | 88¼ | 87¾ | 88¼ | + ⅞ | 300 |
| Eastman Kodak, pfd | 136 | 136 | 136 | ..... | 10 |
| Fox Film "A" | 15¼ | 14⅝ | 15 | + ¼ | 2,700 |
| Loew's, Inc. | 32½ | 30⅝ | 32⅛ | +1⅛ | 15,700 |
| Loew's, Inc., pfd | 94¼ | 94¼ | 94¼ | + ¼ | 100 |
| Paramount Publix | 4⅞ | 4⅜ | 4⅞ | + ½ | 23,100 |
| Pathe Exchange | 2¼ | 2½ | 2⅝ | ..... | 1,500 |
| Pathe Exchange "A" | 21¼ | 19⅞ | 21 | + ⅜ | 4,800 |
| RKO | 3⅛ | 2⅞ | 3 | ..... | 3,200 |
| Warner Bros. | 6¼ | 5¾ | 6¼ | + ¼ | 7,800 |

## Technicolor Gains ⅝ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8¾ | 8¼ | 8¾ | + ⅝ | 600 |
| Trans Lux | 2 | 1⅞ | 1⅞ | — ⅛ | 100 |

## Paramount Publix Bonds Off 1¼

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 9 | 9 | + ½ | 1 |
| General Theatre Equipment 6s '40, ctf | 8¾ | 8½ | 8½ | — ⅜ | 2 |
| Keith B. F. 6s '46 | 68 | 67½ | 67½ | — ½ | 32 |
| Loew's 6s '41, ww deb rights | 100½ | 100½ | 100½ | ..... | 13 |
| Paramount Broadway 5½s '51 | 44¾ | 44 | 44 | — ½ | 26 |
| Paramount F. L. 6s '47 | 51¼ | 51¼ | 51¼ | — ½ | 4 |
| Paramount Publix 5½s '50 | 50¼ | 49½ | 49½ | —1¼ | 18 |
| Pathe 7s '37, ww | 94½ | 94 | 94½ | ..... | 8 |
| Warner Bros. 6s '39, wd | 60⅜ | 59¼ | 60 | ..... | 45 |

## Majors Close Saturdays

Columbia, Radio, Universal, Paramount and United Artists home offices will be closed Saturday with the inauguration of the five-day week. M-G-M and Fox are understood to be contemplating a similar move and will announce their plans in the near future. The Saturday closings will continue through the summer months, except for Columbia, which observes the five-day week throughout the entire year.

## Pick Best Films of '33

WASHINGTON, May 8.—The National League of American Penwomen, gathered at its annual convention here, has selected Walt Disney's "Old King Cole" as the best short and "Alice in Wonderland," "Death Takes a Holiday" and "Little Women" as the best features of 1933.

## Exhibitors Play Ball

KANSAS CITY, May 8.—A baseball team consisting of exhibitors will play a picked aggregation of exchangemen at the North Kansas City waterworks Friday afternoon. Losers treat the winners to a barrel of beer.

## To Pay M-G Dividend

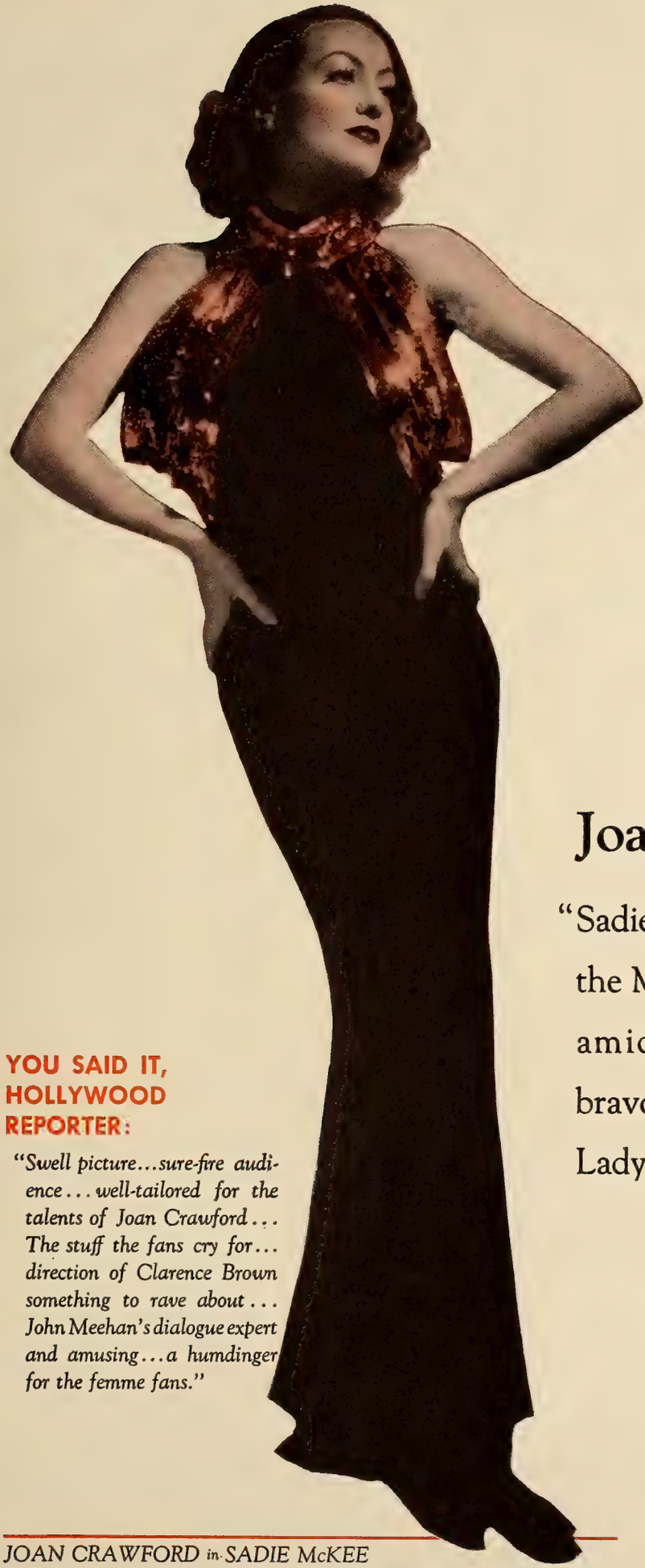
Metro-Goldwyn Pictures Corp. has declared a quarterly dividend of one and three-quarters per cent on the outstanding preferred, payable June 15 to stockholders of record of May 25.

## Col. Declares Dividend

Columbia Pictures Corp. has declared a quarterly dividend of 75 cents on the preferred stock payable June 1 to stockholders of record of May 17.

## William Kutinsky Ill

William Kutinsky, father of Morris Kutinsky, operator of the Community, Queens Village, L. I., is seriously ill at the Lenox Hill Hospital.



# Joan, dear—

"Sadie McKee" was screened in the M-G-M projection room today amidst cheers and tears and bravos! Our beautiful "Dancing Lady" has done it again.

*Gratefully yours,*

**YOU SAID IT, HOLLYWOOD REPORTER:**

*"Swell picture...sure-fire audience... well-tailored for the talents of Joan Crawford... The stuff the fans cry for... direction of Clarence Brown something to rave about... John Meehan's dialogue expert and amusing...a humdinger for the femme fans."*

*JOAN CRAWFORD in SADIE McKEE*

A Clarence Brown production . . . with Franchot Tone, . . Gene Raymond . . . Edward Arnold . . . Esther Ralston . . . Based on Vina Delmar's story . . . Directed by Clarence Brown . . . . Produced by Lawrence Weingarten . . . . A Metro-Goldwyn-Mayer Picture

# Two N. Y. Code Cases Require More Evidence

(Continued from page 1)

claiming inability to secure first run major product for the Embassy, Port Chester. About 50 attended, including managers of the exchanges involved and a number of exhibitor onlookers.

An attempt on the part of Skouras and distributors to postpone the Rogowsky case met with failure in the morning when former Senator George F. Thompson, impartial member, insisted that the hearing be held. Louis Weber, attorney for Skouras, stated he had not been prepared and the exchanges claimed their attorney, Louis Nizer, was in the Court of Appeals.

The grievance board, consisting of Harry H. Thomas, chairman, Louis Geller, Thompson, John O'Connor and Milt Kusell, went into executive session and at the insistence of the government representative ruled that the hearing should go on in the afternoon.

Herbert Rogowsky, booker and buyer for the Embassy, upon questioning by his attorney, Robert R. Rosan, tried to prove that since Skouras had taken over the Capitol, Port Chester, defendant exchanges would not sell him product and that when he managed to get pictures from some of the distributors, it was not until after Skouras had rejected them.

### Paramount Not Involved

Paramount was not involved in the case, the company having sold 50 per cent of its product to the independent.

Through cross examination of Rogowsky by Nizer and Weber, the defendants attempted to prove that with the changes in policy of the Capitol, Skouras needed the 303 pictures it had purchased from the various companies.

Edward Peskay, buyer for Skouras, stated he had bought 32 from Paramount, 40 from Radio, 28 from Columbia, 28 from Universal, 55 from Warners, 54 from Fox, 18 from U. A. and 48 from M-G-M. He stated that at times five and six features were needed a week, and, allowing for about 75 pictures which are bought and not produced by majors annually, he had just about sufficient product. Rogowsky has not been having trouble trying to get second run product, he admitted, but it was first run he was after.

The board adjourned until tomorrow at 10:30 A. M. when it will hold an executive session to decide whether or not Skouras should produce contracts entered into with major companies. Nizer objected to the contracts being introduced as evidence, but will produce the managers of the exchanges involved for verbal testimony tomorrow. Nizer will then attempt to disprove Rosan's charge of a conspiracy on part of the distributors put Rogowsky Brothers out of business.

Howard Cullman's complaint against Walter Reade for distribution of cut rate tickets by the Mayfair was adjourned until next Tuesday to permit Cullman to produce a witness and Reade to submit a list of 1,800 locations where he distributes the tickets.

Cullman stated to the board that the Nu-Lite Lamp Co. received 25 tickets in the mail. This was denied by Reade and it was requested that Cullman produce the recipient of the tickets. Cullman's main argument centered around the interpretation of the code as to cut-rate tickets, whether advertising courtesies or in any other form.

A decision is expected next Tuesday.

## *He Found Out*

**Confessing ignorance at film terms, ex-Senator George F. Thompson, impartial member of the grievance board, yesterday asked the board what the meaning of a franchise was. He was told it was a long term contract.**

## *Milwaukee Handles Grievances Rapidly*

MILWAUKEE, May 8.—Four complaints were heard by the grievance board at its second meeting. Two of them concerned the La Crosse Theatre Co., La Crosse, against L. J. Burkitt, operator of the Classic, Sparta, and the Vernon Theatre Co., operators of the Vernon, Viroqua.

In the former complaint, in which the Classic we harged with admitting women free on ladies' night, the board issued a cease and desist order, while the latter case, charging the Vernon with issuing two-for-ones, was withdrawn.

The third case, Wisconsin Amusement Enterprises, Inc., against George Hannon, operator of the Grand, Green Bay, charging unfair advertising, was certified to Code Authority.

Heinrich Brothers, operators of the Burleigh, Milwaukee, against Saxe Amusement Management, Inc., charging operation of a cooking school at the Garfield and the giving away of a gas stove and prizes was held over for hearing at a later date.

The clearance and zoning board is scheduled to hold its preliminary meeting May 11.

Ben Koenig, secretary, says a clean calendar is being kept and hearings on complaints disposed of promptly.

## *Thalberg Has Next 10 Pictures Picked*

(Continued from page 1)

Widow," "The Barretts of Wimpole Street," an untitled feature co-starring Constance Bennett and Herbert Marshall, and "The Good Earth."

Six future productions selected are: "Mutiny on the Bounty," "Marie Antoinette," a Marie Dressler "Tish" story, "What Every Woman Knows," "Three Weeks" and "China Seas."

## *Change Exchange Hours*

NEW ORLEANS, May 8.—By concerted action all film exchanges here will change hours from 8 till 4 o'clock for the summer months. This move, inaugurated years ago by one exchange, has gradually been gaining ground, until it is thought all exchanges will work together when the new hours go into effect.

# Rentals Discussed By About 75 Here

(Continued from page 1)

principally of members of the local I. T. O. A. Speakers who addressed the meeting based their talks on an anticipation of generally stiffer sales policies for next season by all large distributors, with particular emphasis being placed on the fear of higher rentals or percentages, more general demand for preferred playing time and contract provisions dictating minimum admissions.

The meeting was a closed affair and those in charge declined to make statements after its adjournment. It was learned, however, that no action was taken by the session, but that several additional local meetings are planned for the near future. A committee was appointed to make arrangements for later meetings. An original proposal to make the protest sessions national in character by encouraging exhibitors in three or four other principal sections to stage similar meetings was tabled here yesterday.

## *Philadelphia Board Holds First Hearing*

(Continued from page 1)

by Jay Emanuel, against the Venice theatre, involving alleged discrimination in enforcement of the double feature clause, was continued until May 17. The defendant's lawyer was not present today. The case of Louis Linker against the Stanley, Bridgeton, N. J., was also postponed until the next meeting at the request of both parties.

Emanuel says he has a "gentleman's agreement" with Fox and a contract with United Artists banning exhibition of their product on a dual bill and that, while he is so bound at the Grand Jackson, the Venice in an adjoining zone is permitted to dual. Emanuel is basing his case on the argument the Venice is running features at a reduced admission. He seeks clarification.

## *Two Cases Pending With Detroit Board*

(Continued from page 1)

and of Bert C. Silver, of the Family, Greenville, asking for relief from provisions of several contracts forcing him to play pictures at a 15-cent minimum.

These are the only actual cases awaiting action, four others having been withdrawn. He said that the case of George Murphy, Iris theatre, Muskegon, charging the Paul Schlossman houses with unfair competition in the matter of admission prices would be filed again later in revised form.

Opening of the local code offices, postponed because of failure of the Authority to approve budgets for furniture and supplies, will take place May 12.

## *Drop Cleveland Shows*

CLEVELAND, May 8. — The RKO Palace has gone into a straight picture policy for the summer. Prices are down to 30c, 35c and 44c. The only act on the program is Mr. and Mrs. Jesse Crawford, at twin organ consoles. Nat Holt, RKO theatre division manager, says the picture policy will be interrupted during the summer with stage attractions.

# Kuykendall Is For Contract Ban on Duals

(Continued from page 1)

the question was raised whether it would be legal," said Kuykendall.

Kuykendall fears for film quality if the epidemic of dual features continues. He said that unless curbed, double bills would influence producers to pay more attention to quantity at the expense of quality. In this connection, he pointed to the independent companies, which thrive on multiple features.

"They claim their negative costs are as great as some of the major's pictures," he said. "But that is open to question because we all know the type of product they turn out. I know of instances where the independents shoot a picture in four or five days with no rehearsals or preparation, at a cost of $5,000."

While Kuykendall sees no way to prevent passing the added expense caused by the NRA to the exhibitor in the form of higher film rentals, at the same time he cautions exhibitors must "go slow" in considering admission boosts. "In the last five months box-offices have reflected a marked reawakening of the public's desire for entertainment," he declared. "Lost patrons are beginning to look at the posters out front again. We must use all fair means to again inculcate the film habit, and price increases at this time would frighten patrons away. Upward revision of admission scales should wait until improved conditions become more widespread.

### Conditions on Upgrade

"To get the public back into the theatre is a greater problem than before, because people have become extremely discriminating, and even in the small towns have acquired the shopping habit. But conditions are definitely on the upgrade and a meritorious picture will gross as much as before the depression."

The M. P. T. O. A. head is a firm believer in the ultimate success of the NRA and holds to the idea that it is here to stay. Exhibitors who blame the NRA for bad business are the type who always complained and would find some other scapegoat if the President's recovery program were not at hand, he said. These exhibitors, he added, always manage to find something on which to lay the blame for their lack of business.

"The code will need revising and tightening," Kuykendall declared. "There is chiseling and evasion on both sides," he said, apparently referring to exhibitors and distributors, "and it must be revised to eliminate opportunities it offers for subterfuge But the code will succeed."

Touching on labor provisions in the code, Kuykendall said: "I don't know of any instance where it isn't fair to employers and employes. The code does favor labor to some extent and we have to guard against it gaining the upper hand. But, on the whole, the provisions are satisfactory, with the exception where I. A. T. S. E. interprets them to mean that it can set itself up as a measuring rule for all classes and kinds of theatre operation."

*On the following pages*

# FOX *presents*

# THE STRONGEST PRODUCT LINE-UP OF THE *Spring* SEASON

FOR THE *Spring* UPSWING

. . . FOX SPRING FESTIVAL

# NOW AMERICA GETS THIS MAMMOTH SHOW . . . .

after two smash weeks at
Radio City Music Hall

# STAND UP

HELD OVER at the nation's ace house . . . the big hit of the world's biggest city. HELD for second week at Miami's Mayfair . . . first pre-release engagement. WATCH for hold-overs the country over . . . as it plays leading theatres

*Cheers them Up and Stands them Up!*

OX SPRING FESTIVAL . . .

# AND CHEER!

with

## WARNER BAXTER

MADGE EVANS · SHIRLEY TEMPLE
SYLVIA FROOS · JOHN BOLES
JAMES DUNN · "AUNT JEMIMA"
ARTHUR BYRON · RALPH MORGAN
NICK FORAN · NIGEL BRUCE
MITCHELL & DURANT
"SKINS" MILLER
and STEPIN FETCHIT

Produced by Winfield Sheehan
Associate Producer and Collaborator on Story and Dialogue: Lew Brown.

Director: **Hamilton MacFadden.** Lyrics: **Lew Brown.** Music: **Lew Brown** and **Jay Gorney.** Dances staged by **Sammy Lee.** Dialogue: **Ralph Spence.** Story idea suggested by **Will Rogers** and **Philip Klein.**

FOX SPRING FESTIVAL . . . FOX SPRIN

FOX

# WARNER BAXTER IN TOP

Three out of 9,000,000 women got him in trouble. Ninety-nine out of 100 women will want to see how he gets out of it!

## WARNER BAXTER

*starring in*

## SUCH WOMEN ARE *Dangerous*

*with*

**ROSEMARY AMES**
**ROCHELLE HUDSON**
**MONA BARRIE**
**HERBERT MUNDIN**
**HENRIETTA CROSMAN**

**Produced by Al Rockett**

From the story "Odd Thursday" by Vera Caspary.
Screen play: Jane Storm and Oscar M. Sheridan.
Additional dialogue: Lenore Coffee.

**Directed by James Flood**

*Women's Secrets were Safe*

FESTIVAL . . . FOX SPRI

BOX OFFICE FORM!
NG FESTIVAL . . . FOX SPRING FESTIV
FOX

Now "VARIETY DAILY" Tells... "IT
Tells All!
. . FOX SPRING FESTIVAL

# SHOULD CASH IN HANDSOMELY!

*And continues:* "Tense, absorbing drama for general entertainment ... excitingly and humanly told. Keeps drama and suspense building expertly and achieves emotional power in crucial scenes. Handled with power and sympathy by Spencer Tracy."

## SPENCER TRACY

in

# Now I'll Tell

by

# Mrs. Arnold Rothstein

with

## HELEN TWELVETREES
## ALICE FAYE

Produced by Winfield Sheehan
Directed by Edwin Burke
Adaptation and dialogue by Edwin Burke

...FOX SPRING FESTIVAL ... FOX SP

FOX

READ THIS WIRE FROM
Romantic Reunion
ING
FESTIVAL . . . FOX SPR

# S. R. KENT . . .

. . . "Saw Gaynor-Farrell picture 'Change of Heart.' To me it looks like the biggest money picture with this team we've had in the last three years. The story is down to earth, great romance, splendid cast all the way through and the type of thing that got big money in the past."

(signed) S. R. KENT

# JANET GAYNOR

# CHARLES FARRELL

in

# "CHANGE OF HEART"

with

## JAMES DUNN
## GINGER ROGERS

Produced by Winfield Sheehan

Directed by John G. Blystone • Screen play: Sonya Levien and James Gleason • From the novel "Manhattan Love Song" by Kathleen Norris.

ING FESTIVAL . . . FOX SPRING FEST

FOX

THAT 8-MONTH BROADWAY
A Jesse L. Lasky Production
SPRINGTIME
Plain and Fancy Love
AL . . . FOX SPRING FEST

# LAUGH HIT...

## becomes a spring tonic for your house

**A footloose bachelor with spring in his heart . . . persuasion in his manner . . . and two beautiful girls on his trail. One wanted to reform him . . . the other took him as he was.**

# FOR HENRY

**OTTO KRUGER**
**NANCY CARROLL**
**NIGEL BRUCE**
**HEATHER ANGEL**
**HERBERT MUNDIN**

From the play by Benn W. Levy. Screen play: Keene Thompson and Frank Tuttle

Directed by FRANK TUTTLE

**VAL . . . FOX SPRING FESTIVAL . . . FO**

FOX

# THEY MAKE BUSINESS A PLEASURE

## "STAND UP AND CHEER!"

**WARNER BAXTER**

Madge Evans • Shirley Temple • Sylvia Froos
John Boles • James Dunn • "Aunt Jemima"
Arthur Byron • Ralph Morgan • Nick Foran
Nigel Bruce • Mitchell & Durant • "Skins" Miller
Stepin Fetchit

Produced by Winfield Sheehan

## WARNER BAXTER

starring in

## SUCH WOMEN ARE DANGEROUS

Rosemary Ames • Rochelle Hudson
Mona Barrie • Herbert Mundin
Henrietta Crosman

Produced by Al Rockett

## SPENCER TRACY

in

## "NOW I'LL TELL by MRS. ARNOLD ROTHSTEIN"

with

HELEN TWELVETREES
ALICE FAYE

Produced by Winfield Sheehan

## JANET GAYNOR

and

## CHARLES FARRELL

in

## CHANGE OF HEART

with

JAMES DUNN
GINGER ROGERS

Produced by Winfield Sheehan

A Jesse L. Lasky Production

## SPRINGTIME FOR HENRY

with

OTTO KRUGER • NANCY CARROLL
NIGEL BRUCE • HEATHER ANGEL
HERBERT MUNDIN

FOX *Spring* FESTIVAL

SPRING FESTIVAL . . .

# Seattle Tips "Bottoms Up," Show, $6,250

SEATTLE, May 8.—"Bottoms Up" and a strong vaudeville bill at the Paramount were the winners in the week's race for box-office honors. The gross was about $250 over an average $6,000. Second came "Catherine, the Great" at Hamrick's Music Box, with an average $4,000. It went into a second week. "It Happened One Night" finished a 10th week and went into the 11th, with business fairly low.

Total first run business was $20,750. Average is $25,500.

Estimated takings for the week ending May 4:

**"HEAT LIGHTNING" (Warners)**
**"FINISHING SCHOOL" (Radio)**
BLUE MOUSE—(950), 25c-35c, 7 days. **Gross:** $3,000. (Average, $3,500)

**"TARZAN AND HIS MATE" (M-G-M)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. **Gross:** $5,000. (Average, $7,000)

**"IT HAPPENED ONE NIGHT" (Col.)**
LIBERTY—(1,800), 15c-25c-35c, 7 days, 10th week. **Gross:** $2,500. (Average, 1st week, $4,000)

**"CATHARINE THE GREAT" (U. A.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average $4,000)

**"BOTTOMS UP" (Fox)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by The Kitaros. **Gross:** $6,250. (Average, $6,000)

## *M-G-M Testing Out New Little Theatre*

HOLLYWOOD, May 8.—M-G-M is sponsoring a little theatre movement in Beverly Hills in a concentrated search for new talent.

The studio will inaugurate the system with the production of five one-act plays, picking outstanding writing and histrionic talent from a group of 40 actors and actresses and 15 writers. Oliver Hinsdel, talent coach at the Culver City lot, and Samuel Kayzer will be in charge of production.

Audience will consist of executives, producers, directors and writers on the studio staff.

University professors and accredited newspaper heads will be called upon to suggest prospective talent.

## *Oregon Archbishop Joins Film Cleanup*

PORTLAND, May 8.—Rev. Edward D. Howard, Catholic archbishop of Oregon, in a letter addressed to the clergy, reveals a desire to cooperate with the Bishops' Committee now active in a campaign for clean pictures.

The committee has been named by the National Catholic Welfare Conference and has been busy here in recent weeks.

## *John Scully Joins Fox*

BOSTON, May 8.—John J. Scully, formerly a district representative for Educational here, has been added to the Fox sales force.

## *New Termer for Armetta*

HOLLYWOOD, May 8.—Universal has signed Henry Armetta to a new long termer.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Circus Clown"*

(*Warners*)

HOLLYWOOD, May 8.—Evoking comparatively mild interest, Joe E. Brown is here seen as an acrobat and the son of an acrobat, who just can't get circus out of his blood.

Strung on a slender story are gags of the pre-roaring days, with one of Clown Brown roaring in competition with Leo, a lion.

Against his dad's wishes, Brown practices acrobatics in his barn. When the circus comes to town he gets a job as prop boy and falls for a girl bare-back rider who turns out to be a man, and becomes the butt of the circus for his good deed toward a drunken brother of an aerial artist whom he loves. He loses his job, goes home but pines for the circus, returns at the psychological moment, and takes the place of the drunken acrobat in the act and wins the girl.

Brown plays the dual roles of himself and his father. His is a sort of a "Boob McNutt" role with appeal to pathos. Others in the cast, Patricia Ellis, Dorothy Burgess, Donald Dillaway, all play to Brown.

The circus atmosphere is authentic, with the final trapeze stuff thrilling. Youngsters should like this one.

## *"The Party's Over"*

(*Columbia*)

HOLLYWOOD, May 8.—Comedy and drama stemmed from the domestic situation of Bread Winner Stuart Erwin leeched upon by his entire family.

The story might happen in millions of American homes today. Mother Catharine Doucet is a nut on family trees and is somewhat light-headed. Father Henry Travers is a good-natured slob who makes touches, tipples and flirts with Servant Girl Patsy Kelly. The sister falls for Chick Chandler, erstwhile shipping clerk aspiring to be a crooner with Erwin supporting them. Collegian Brother Billy Bakewell gets a waitress into trouble, marries her and needs money. The only one who doesn't sponge on Erwin is Ann Sothern, his secretary. After shelling out to everybody, Erwin cracks under the strain, confronts each and tells them the party's over.

Walter Lang directed S. K. Lauren's screen play from Daniel Kussell's stage play. This is pleasing family entertainment, not big but good for laughs and relaxation with particular interest to home and fireside folks.

# *Looking 'Em Over*

## *"Smarty"*

(*Warners*)

A sophisticated comedy in which Joan Blondell and Edward Everett Horton do nice work. Supporting them are Warren William, Frank McHugh, Claire Dodd, Joan Wheeler, Virginia Sale and Leonard Carey. Robert Florey directed with a whimsical touch.

As a spiteful and spoiled wife, Miss Blondell irks her husband to the point where he forgets himself and slaps her in front of guests in their home. The incident leads to divorce, which the kittenish wife has desired all along. This gives her a chance to marry Horton. At the same time it makes her ex-husband, William, feel foolish, for later he is invited to the home of his divorced wife and gets a chance to review the happenings of which he already has been a victim.

Later, Miss Blondell leaves her husband, and goes to William's apartment. There she finds he is entertaining another woman. Her husband follows her to the William apartment and finds her in a bathrobe. A scene follows and when it is all over William and Miss Blondell are left alone and decide to get married all over again. However, the husband promises not to be the meek and coddling kind.

McHugh provides comedy moments.

## *"L'Agonie des Aigles"*

(*Tapernoux*)

For those who understand French and those groups interested in the art aspects of pictures this is really a remarkable film. Some of the characterizations are striking and the scenes are developed with considerable power. These angles of the production are so well done that

(*Continued on page* 18)

# Tax on Sales Is Bothering Houses in N. M.

DENVER, May 8.—Theatres in New Mexico are having a tussle with a 2 per cent sales tax just passed by the Legislature. New Mexico is getting a reputation for passing so-called nuisance legislation that makes the life of a manager or owner in the state anything but monotonous.

The sales tax carries a penalty of a fine up to $150 and six months in jail for any one who fails to pass it along to the public.

This is the second law passed in the past year or two that hits theatres. The other concerned buying of films and was intended to give all theatres in competitive situations equal rights or chances at buying product. The law was declared unconstitutional.

Realizing that numerous kicks would be received, most theatres are printing their entire schedule of prices in their ads, showing the admission prices and the tax on each.

## *Ohio's Legislature Quits; Tax Unsolved*

COLUMBUS, May 8.—After many weeks of parliamentary wrangling, the legislature, which was reconvened to formulate a general sales tax or an equivalent revenue-producing measure, was adjourned by Governor White until Nov. 19 without the objective having been attained.

Although the legislature will reconvene for a brief special session in two weeks to enact building and loan legislation, it is not expected that the sales tax again will come up prior to November. By that time, the Governor reasons, the revenue problems will have become so acute that much of what now is considered controversial will be clearly defined.

## *Paramount Holds Fields*

HOLLYWOOD, May 8.—Paramount has renewed its option on W. C. Fields. The comedian is now starring in "The Old-Fashioned Way."

Paramount also has renewed options on three "search for beauty" winners, Gwenllian Gill, Colin Calpey and Julian Madison.

## *To Star Shirley Temple*

HOLLYWOOD, May 8.—When the contract of Shirley Temple, five-year-old Fox actress, comes up for renewal, she will be made a star. The new ticket is slated to stipulate first billing, but the lettering will be smaller than that of the male stars in the cast.

## *Mascot Adds 7 Writers*

HOLLYWOOD, May 8.—Seven additions have been made to the Mascot writing staff. They are Earle Snell, C. Edward Roberts, Dore Schary, Douglas Doty, F. Sayre, Marion Orth and Joseph Santley.

## *Marin Signs With M-G-M*

HOLLYWOOD, May 8.—Edward L. Marin has been signed by M-G-M to a long term contract as a director.

# K. C. Promulgates New Clearance Plan

(Continued from page 1)

exhibited by subsequents on dual bills until double the effective clearance over subsequents shall have elapsed.

Theatres have been reclassified according to admission price, with first run scales set as the clearance basis. The board without a dissenting vote reduced protection ranging from 28 to 49 days for first runs charging 25 cents down to 14 days, while for first runs charging over 25 cents protection was cut from 28 to seven days over Kansas City, Kan., first runs equally priced.

Twenty-five cent first runs get only prior protection over suburbans charging 30 cents or more. Protection has been reduced to 21 days over North Kansas City, Mo., 20-centers. First run protection over 10-centers, now ranging from about 70 to 80 days, has been extended to 135 days after the 25-cent first runs and to 233 days following the 60-centers. Suburbans charging 25 cents and 20 cents gain an advantage following 25-cent first runs, while suburbans charging less are set back.

The schedule sets the period of availability to subsequents in accordance with the first run admission price for adults after 6 P.M. The first run price is considered reduced with commensurate lowering of protection if a first run offers premiums of any sort or otherwise reduces prices.

## *Frisco Board Hands Down First Decision*

San Francisco, May 8.—The local grievance board today handed down its first decision in favor of J. McCauley, Cameo Theatre, complainant against George Naify, Victoria Theatre. The former alleged the latter lowered his admission price by allowing patrons to purchase 15-cent tickets and occupy 20-cent seats. The practice was ordered stopped.

The Davies Theatre, of which M. L. Markowitz is manager, has filed a complaint against the Casino, managed by Irving C. Ackerman, alleging lowering of prices through cash prizes.

## *Canadians Set Back Score Charge Move*

Toronto, May 8.—No meeting of the M. P. Distributors' Ass'n. to consider an application of Ontario associated and affiliated independents for cancellation of score charges starting July 1 was held today, as anticipated, and no date seems to have been set for the session.

In the meantime exhibitors are organizing to press their demand and a promise has been made that if the matter is not dealt with by the association it will be taken up by the Federal government.

## *N. O. Board Adjourns*

New Orleans, May 8.—The local grievance board adjourned to Monday after a brief meeting today. Some members suggested spectators be allowed to sit in. The secretary was instructed to write to John C. Flinn, executive secretary of Campi, asking what information could be given to managers, exchange men and especially trade papers, and inquiring if spectators could attend meetings.

# *Looking 'Em Over*

(Continued from page 17)

it is possible for a persons with practically no knowledge of French to follow the story.

Its faults lie in the fact that it runs for two hours and seven minutes, and the only important feminine role is done by Annie Ducaux, who never relaxes from an almost hysterical tenseness throughout.

The story revolves around a plot of a group of retired Napoleonic soldiers against King Louis XVIII. They want to put Napoleon's son on the throne. They go to their deaths in full uniform in a gripping scene. The story was adapted and directed by Marcel Pagnol. Pierre Renoir, Constand Remy and Annie Ducaux are featured.

## *"Twin Husbands"*

(*Chesterfield*)

Invincible has turned out in "Twin Husbands" a comedy that stacks up well for neighborhood audiences. It is alive and clever with first-rate acting.

Shirley Grey, intent on keeping her irresponsible husband, from whom she is separated, from going through the remainder of his inheritance, joins with his secretary (Monroe Owsley) in a plot to get hold of $200,000 in bonds belonging to him. The difference is that Owsley's motive is dishonest. They kidnap John Miljan, who is the image of her husband, and arrange to have him receive the bonds from the administrator of the prodigal's estate. The plot takes an ironical twist when Miljan turns out to be a safe-opener. When the bonds are found missing Miljan is suspected, but through cleverness he escapes arrest and reveals the real thief. In the end Miss Grey and Miljan are in each other's arms. This follows upon the discovery that the woman's husband is dead. Frank Strayer directed.

## *"The Blue Light"*

(*Gil Boag-Mayfair Associates*)

As a demonstration of what can be achieved with the camera in the way of sheer breath-taking beauty this film is in a class by itself. It seems to have been done on panchromatic stock and the cameramen must have waited weeks to secure some of the cloud and light effects on mountain peaks, the sides of cliffs and at the base of a waterfall. The pictorial composition is marvelous.

The film is also interesting from another angle. It shows what can be done in the way of telling a simple story with an absolute minimum of dialogue. Dramatic values are not lacking and a musical score is used freely.

Selling angles for mass audiences are lacking, but for class audiences interested in art values this is a natural.

The picture was produced in the Italian Dolomites. Its story is based on a legend. A beautiful girl, sister of a young shepherd, is the only person who can reach a dizzy peak which shines with a blue light under a full moon. Men who try to follow her disappear. A visiting artist succeeds in doing it and finds a valuable crystal deposit to which he leads the villagers. When the girl returns to her eerie perch she finds it gone and loses her hold on a crag because there is no blue light to guide her. The artist, who has fallen in love with her, finds her body.

The screen story was written, directed and acted by Leni Riefenstahl, who is extremely attractive.

## *"The Lost Jungle"*

(*Mascot*)

With Clyde Beatty and the Hagenbeck-Wallace circus animals as its chief draw, "The Lost Jungle" has good exploitation values and should attracts adults as well as children. It moves at a fast pace and was directed by Armand Schaefer and David Howard with a keen eye towards Beatty's showmanship with his charges.

The story is woven around Beatty as the star of the Maitland circus and his love for Cecelia Parker, daughter of Edward Le Saint, a sea captain. More intent on his charges than on his girl friend, Beatty lets her sail with her father's ship to the South Seas in search of the lost island of Kalmos, the last link between Asia and Africa, and inhabited by the jungle beasts of both continents. The ship is wrecked on the lost island and Beatty joins the dirigible rescue party hoping to capture more animals for his act while recapturing the love of Miss Parker. Demolished by a storm, the airship falls on Kalmos and Beatty rescues those of the original party who have survived the man-eating beasts, finds the lost city and its treasure, captures lions and tigers and wins the girl.

Among other capable members of the cast of this feature, fashioned from the more thrilling episodes of the serial of the same name, are Syd Saylor, Warner Richmond, Harry Holman and Mickey Rooney.

# *Purely Personal*

Louise Fazenda is definitely due in town from the coast today or tomorrow to join her husband. Hal B. Wallis, associate executive in charge of production for Warners, with whom she leaves Saturday aboard the *Conte di Savoia* on a two-month European tour.

Howard Dietz's musical long in work with Howard Lindsay and Arthur Schwartz as co-conspirators, is definitely set for fall stage production. Dwight Deere Wiman will be the impresario.

Morris Schlesinger, long active in the legitimate over in Newark, and Gus, for years Warner sales manager in Central Europe, will stage-produce "Tourists Accommodated" in September.

Armand Denis will be the principal speaker at the Ampa luncheon tomorrow, at which Paul Gulick will preside. Jack Lait, the writer, and Guy Robertson, stage player, will be other guests.

Lilian Ellis, Viennese musical comedy star, who has been signed to a long-termer by Hal Roach, leaves Cherbourg on the *Paris* today for New York on her way to the coast.

Al Selig, U. A. exploiteer, goes up to Boston today to work on "House of Rothschild." Mike Kavanagh has gone to Providence for the same reason.

Leo Abrams, Universal New York exchange manager, was operated on at the Mount Sinai Monday night and is recovering nicely. He will be out in two weeks.

James Cagney expects to make a trip to New York to attend the opening of "He Was Her Man," in which he appears, at the Strand next Wednesday.

Richard Barthelmess, accompanied by his wife and children, heads for New York the end of this month enroute to Europe.

Tom Gerety has dropped short subject publicity at M-G-M and is now devoting his time to newspaper campaigns on features.

Sid Weiss has taken over publicity of the Roosevelt Hotel, including the Reggie Childs orchestra, which opens the summer gardens May 21.

Charles Laughton arrives tomorrow on the *Berengaria* on his way to the coast to start work in "The Barretts of Wimpole Street" for M-G-M.

Joseph Hazen, Warner legal representative in Europe, and Cliff Edwards are among the passengers on the *Champlain* due in today.

Arthur Loew and the Richard Arlens return from abroad aboard the *Conte di Savoia* tomorrow.

Ira Epstein, formerly of Loew's, is now with Rugoff & Becker, managing the Sheepshead, Brooklyn.

A. H. Schwartz returned last night from Asheville, N. C., where he spent a short vacation.

Archie Mayo is on his way back to the coast after several weeks here.

Ralph Poucher will week-end at Shelter Island this year, as usual.

# AGAIN ROMANCE RIDES HIGH AND MIGHTY! . . With a price on his head and a song in his heart a continent's most gay and audacious rogue defies death and the devil for love.

DECORATION DAY RELEASE

# Para.-G. B. Partner Deal Up to Referee

(Continued from page 1)

bonds, which were among the liabilities of that company assumed by Paramount when it acquired the circuit in 1930. The mortgage liability, subsequently, was assigned by Paramount to Olympia Theatres. The trustees' reorganization plan provides for a foreclosure on the G. B. mortgage, with title to the G. B. properties being acquired by a new company, to be organized for the purpose, at the foreclosure sale. All of the capital stock in the new company will be retained by the Goldsteins, while the Class B shares will be sold to Lares Theatres Corp., a wholly owned Paramount subsidiary.

**Proportioning Officers**

The A stock will elect three directors, the president, second vice-president and the assistant treasurer, while the B stock will elect four directors, a treasurer, first vice-president and secretary. Bonds of the new company will be exchanged for those of G. B. in an equal amount and the holders of the new bonds will elect one director in the new company. A loan of $100,000 will be made to the new company, 52 per cent of which will be furnished by the Goldsteins and 48 per cent by Lares.

In addition to the G. B. houses, about 20 in number, Lares will deliver to the new Goldstein company certain Olympia Theatres leaseholds and equipment in return for the cancellation of all claims on G. B. bonds against Olympia, Paramount and G. B.

A 10-year Paramount picture franchise will be delivered to the Goldsteins in connection with the management contract. Paramount Publix is to lend $107,500 to Lares to finance its share of the agreement. Authorization for the deal will be sought of Referee Henry K. Davis on May 17.

# Propose $280,000 On Olympia Claims

A proposal for the settlement of $280,000 in claims against Olympia Theatres on the basis of 40 cents on the dollar will be submitted to Referee Henry K. Davis for approval on May 17, in connection with a petition filed by the Paramount Publix trustees yesterday which seeks authorization to expend up to $150,000 on the settlement.

The claims are those filed by "open account" creditors and deemed by the Paramount trustees to be provable. Their petition to Referee Davis states that claims in addition to these may be settled similarly.

The Paramount petition reveals that total creditors' claims filed against Olympia, the company's principal New England theatre subsidiary, now in bankruptcy, aggregate $21,000,000, and that of this amount it is believed that $13,000,000 are not provable. Of the remaining $8,000,000, Paramount's own claims aggregate $5,092,896, and an additional $1,500,000 claim represents an inter-company liability filed against Olympia Operating Corp. by Olympia Theatres. Thus, only slightly more than $1,400,000 of claims against Olympia regarded as provable have been filed by outside creditors.

A final reorganization plan for Olympia is nearing completion and may be submitted to the Federal Court for approval within the next few weeks.

# Warners Eliminate Phila. Dual Bills on Saturdays

(Continued from page 1)

with exhibitors in any Warner situation who favored curtailment of the policy. Aside from the Philadelphia situation, however, the company has no definite plans at this time for dropping duals from its own theatres independently of the policies of competing exhibitors.

Bernhard objected to the Saturday policy of Warners' Philadelphia houses being described as a "double feature" one.

"We have been running 'kiddie matinees' in neighborhood houses there on Saturday," he said, "and on these bills we have included a western or some other added attraction with the feature. These are now being eliminated."

## They May Make Up

**Hollywood, May 8.—After cancellation of her contract with Columbia by mutual agreement several weeks ago, Elissa Landi and the studio again have their heads together on a long-term contract.**

## Fox to Sell Action Series on Their Own

(Continued from page 1)

duced by Sol Lesser, will be handled apart from the Fox program next season, declared S. R. Kent yesterday.

"Certain of our customers insist upon action films and they will get them. The O'Brien series will be sold to those who want them. The group also will be sold to anybody else who may want them on a separate basis and that won't mean buying our regular output in order to get these."

Asked whether the deal indicated Fox was embarking on acquisition of outside product for distribution, Kent stated it did not. The only other outside film is "The Catspaw" which Harold Lloyd finished in Hollywood last week.

## Dr. Lieber Puts Out New Device for Deaf

Dr. Hugo Lieber, president of Sonotone Corp., yesterday announced the development of a bone conduction device for the hard of hearing to be put on the market. He stated RCA Victor has licensed the company to attach the instrument to RCA Photophone machines in 3,600 theatres throughout the country. The device is not air conducting, it was stated.

Dean Babbit is general sales manager; Stanley Nowak, advertising counsel; Dan Halpin, assistant sales manager; E. Michalides, chief engineer; and P. F. Franchot, general counsel.

## Selznick Returns June 1

Hollywood, May 8.—David Selznick, George Cukor and Howard Estabrook return here from England on June 1 with four English players for M-G-M's "David Copperfield," scheduled to start June 15.

## Jolson's Next Picked

Hollywood, May 8.—Al Jolson's first for Warners upon his return from Europe will be "Go Into Your Dance," an original by Bradford Ropes, author of "42nd Street."

## Strand in Brooklyn Going to Dual Bills

Starting May 18, the Brooklyn Strand will change to a dual feature policy with two Warner pictures slated to begin the new policy.

Warners have held no two of its pictures can play on the same bill, but this rule apparently is being changed. The duo to open May 18 has not been set as yet.

## Deny W. B. Detroit Lease

Warners are not interested in leasing the State, Detroit, Joseph Bernhard, Warner theatre head, said yesterday in denying a Detroit report published in a recent issue of Motion Picture Daily which described the company as considering a take-over of the house on the expiration of Paramount's lease.

## Blank Confers in K. C.

Kansas City, May 8.—A. H. Blank of Des Moines, accompanied by G. Ralph Branton, Tri-States Theatres general manager, was here today in conference with Ralph C. Libeau, Paramount district manager. It is understood an important deal is up. The pair returned home tonight, while Libeau left for St. Louis.

## Goldwyn Signs Del Ruth

Hollywood, May 8.—Roy Del Ruth, who recently completed "Bulldog Drummond Strikes Back," has been signed by Samuel Goldwyn to direct Eddie Cantor's next, tentatively titled "The Treasure Hunt."

## To Handle Harvey Films

Hollywood, May 8.—In addition to supervising foreign production at Fox, John Stone has been placed in charge of the four Lilian Harvey pictures for the new season.

## "U" Changes Title Again

Hollywwod, May 8.—Universal has again changed the title of the B. F. Zeidman production to "Let's Talk It Over." It began as "Loves of a Sailor."

## To Remake "Capt. Blood"

Hollywood, May 8.—Warners plan to remake "Captain Blood" as a talking picture.

# MPTOA Slants Will Bear On Future Films

(Continued from page 1)

along in release before they get it. Producers, therefore, recognize that any suggestions representing the public's point of view will have no value insofar as the pictures to which they directly refer are concerned and must be applied to avoidance of identical mistakes in future product.

Studio heads who participated in the recent round table at the Beverly-Wilshire following close of the national exhibitor convention are resting on their oars and awaiting the next step from the M. P. T. O. A.

## "Social Control" of Films Is Advocated

(Continued from page 1)

Tennessee Valley Authority, in an address before the conference on educational uses of the radio.

Dr. Morgan's recommendation for control of pictures was part of a broad proposal that the principle of public control be applied to broadcasting, the press and films as the three great mediums of transmitting culture to the nation.

His suggestion was prompted by a charge of Dr. Edmund A. Walsh, S.J., vice-president of Georgetown University, that education was facing a crisis in this country because of commercial exploitation of films, newspaper and radio.

## Episcopalians Here Assail Crime Films

(Continued from page 1)

Cathedral of St. John the Divine. A resolution was offered calling upon the Catholic Church, the Federal Council of Churches and leaders of the Jewish faith to unite to get producers to stop making such films. Their abolition was sought on the ground they incite the young to crime. The resolution urged that attempts be made "to secure either Federal or State legislation prohibiting their public showing" should it be necessary.

## Appeal to Be Asked On Sheboygan Stay

Milwaukee, May 8.—A petition for appeal to the U. S. Circuit Court of Appeals in Chicago will be filed in a few days by the unions enjoined May 5 by Judge F. A. Geiger from picketing the Rex in Sheboygan, according to W. B. Rubin, union counsel.

Much time was consumed in arguing whether the federal court has jurisdiction in such cases, Judge Geiger deciding that it did. Rubin argued that certain provisions in the labor code prevented Judge Geiger from accepting jurisdiction.

## Lasky Gets Bert Glennon

Hollywood, May 8.—Bert Glennon, cameraman, has been signed to a one-year contract by Fox, his first assignment being "Grand Canary" for Jesse L. Lasky.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 109 NEW YORK, THURSDAY, MAY 10, 1934 TEN CENTS

# Bondholders Moving for Early Para. Revamping

## Independents Plan Fight to Protect Duals

### *Intend to Seek Federal Aid Against Majors*

Attempts by major companies to force out duals through contract stipulations or otherwise will be battled by independents as a conspiracy in restraint of trade, it has been learned.

Just what form this action will take is not clear yet. Whether it will be an appeal to the courts or a request for an investigation by the Federal Trade Commission has not been decided, according to the *Motion Picture Herald.*

The Federation of the M. P. Industry intends to lead the fight. Its brochure, issued a few days ago, with

(*Continued on page 7*)

### *Nebraska MPTO for 15% Cancellations*

OMAHA, May 9.—Cancellation privileges up to 15 per cent on blocks of 10 pictures or more were demanded in a resolution passed at the spring meeting of the M.P.T.O. of Nebraska and Western Iowa. The meeting was attended by more than 50 members.

In another resolution the meeting favored asking that the number of guarantee and percentage pictures be limited to 10 per cent with the balance on percentage only.

Both resolutions are to come before the directors next Wednesday.

### *Differ in K. C. on Protection Changes*

KANSAS CITY, Mo., May 9.—The overwhelming majority of independents here are disposed to wait and see how the new protection schedule works out, but strenuous opposition, it was indicated today, will come from Loew's Midland and the Tower, downtown first run 25-centers, as well as M-G-M, with the possibility

(*Continued on page 6*)

### *Clearance to Stand As Is in St. Louis*

ST. LOUIS, May 9.—To avoid complications the clearance and zoning board has decided to accept the present schedules here. Some requests for changes are expected, but there have been no general complaints.

First hearings will be given by the clearance board Saturday and the grievance board will meet Monday.

(*Continued on page 7*)

## Reels Attain Full Freedom From Censors

Complete "freedom of the press" for newsreels throughout the country has been achieved through repeal of newsreel censorship measures in five states, the most recent in Illinois, editors of the five reels were told yesterday at a meeting at M. P. P. D. A. offices.

The advice that Illinois newsreel regulatory measures had been repealed was interpreted to include the Chicago ordinances which caused the industry there considerable concern since the banning of several newsreel issues last winter. C. C. Pettijohn,

(*Continued on page 6*)

### *Midwesco Creditors Get 14.3c. on Dollar*

MILWAUKEE, May 9.—Terms on which payment will be made to creditors of Fox Midwesco were made public today. They will receive 14.3 cents on the dollar. Receipts of the defunct unit totaled $47,988, of which $31,067 is available for distribution to creditors listing claims of $217,-253.

This represents a final dividend in the Midwesco bankruptcy proceedings, not a reorganization plan for the company.

### *Darrow Report Gets Departmental Study*

WASHINGTON, May 9.—The Darrow report on the film and seven other codes submitted to the White

(*Continued on page 7*)

### *Campi Budget O. K.*

**Following criticism in Washington yesterday of the oil-burner code budget in which it was revealed $64,-576.82 of the $67,748.18 of assessments collected was spent on salaries, Campi yesterday issued an announcement of official approval by the NRA of its code budget. The announcement was made so that exhibitors would not misconstrue the oil-burner code story as relating to other industries.**

## Hit Bishop's Film Attack; Held Not Fair

DETROIT, May 9.—Exhibitors brand as unfair and unwarranted an attack on films by Bishop Michael J. Gallagher of the diocese of Detroit as well as the organization of a "Legion of Decency," members of which pledge themselves to remain away from "all motion pictures except those which do not offend decency and Christian morality."

Exchange men retaliate with the statement that the church would not

(*Continued on page 7*)

### *Trio, Zanuck-Made, To Start U. A. List*

"Affairs of Cellini," made as "The Firebrand"; "The Last Gentleman" and "Bulldog Drummond Strikes Back" will head the United Artists program for 1934-35, according to

(*Continued on page 6*)

### *Reorganization Nearing, Letter to Holders Indicates*

Early submission of a plan of reorganization for Paramount Publix is advocated by the bondholders' protective committee, one of the principal Paramount creditors' groups, in a letter sent yesterday to holders of Paramount bonds who have deposited their holdings with the company.

The committee sees "a substantial recovery" for creditors with provable claims as possible now in the event an acceptable reorganization plan is developed. Definitely indicating that such a plan is imminent, the committee's letter announces the resignation of Sir William Wiseman, Kuhn, Loeb & Co. associate and former

(*Continued on page 6*)

## Over 200 Reported Given Cancellation

More than 200 exhibitors have already taken advantage of the 10 per cent cancellation clause, according to M-G-M, Fox and Universal, which have notified Campi of the names to whom the privilege has ben granted, it was stated yesterday. Non-assentors to the code seeking the cancellation privilege are being billed by Campi for their proportion of assessment as provided in the code.

With hundreds of additional checks coming in from theatre owners

(*Continued on page 7*)

### *Shanberg Says Suit Against FWC Settled*

KANSAS CITY, Mo., May 9.—Returning today after several months' absence, M. B. Shanberg said the Federal Court actions against Fox Midland filed by him and Herbert M. Woolf will be dismissed by the end of the month upon agreement of Fox financial interests to settle their claims. He asserted Chase National and Fox

(*Continued on page 2*)

### *Ruling on Cut Rates Is Asked by Cullman*

Although his case was heard last Tuesday and adjourned until May 15, Howard S. Cullman has written to Division Administrator Sol A. Rosenblatt asking him to interpret for

(*Continued on page 7*)

## *Patman Bill Target of Attack in MPPDA Brief*

WASHINGTON, May 9.—A lengthy brief in opposition and answer to the Patman bill for federal regulation of the industry was filed here today by C. C. Pettijohn, general counsel of the M.P.P.D.A.

The brief endeavors to show that adequate machinery for the betterment of pictures already exists, that this machinery is operating successfully and that the provisions of the Patman

(*Continued on page 6*)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Monogram to Meet At Cincy in June

CINCINNATI, May 9.—Monogram will hold a three-day convention at the Netherland Plaza here June 2, 3 and 4, with representatives from Pittsburgh, Chicago, Detroit, Indianapolis, Oklahoma City, Minneapolis, Milwaukee, Kansas City and Little Rock expected to attend.

W. Ray Johnston will preside.

## New Deals on 'Daughter'

Standard Film Exchanges have acquired "Enlighten Thy Daughter" from Exploitation Pictures, Inc., for the Albany and Buffalo territories. Graphic Film Exchanges of Detroit have taken the feature for Michigan.

## Mrs. Hilliar Passes

CINCINNATI, May 9.—William Hilliar, associate editor of *Billboard*, has received a cablegram informing him of the death of his mother in England. She was 82 years old.

## Barney Rose Benedick

VICTORIA, B. C., May 9.—Barney Rose, Universal manager in San Francisco and his bride, formerly Leona Scheideman, are honeymooning here.

## Clark Goes West

John D. Clark, Fox general sales manager, left for the coast yesterday for product conferences with studio executives.

## Extend "Blue Light"

The run of "The Blue Light" has been extended at the Little Picture House to May 14. It started May 8.

# Insiders' Outlook

*Hollywood*

THAT startling sound invention tipped off some columns back has to do with a metal gadget, convenient pocket size, which slips into an electrical contact provided for it and thereafter records all that transpires in conversation. The plan, more or less vaguely reported, is viewed as an essential and a scientifically accurate way of removing all speculation over what actually is or is not said in important conferences. . . .

▼

This drowsy semi-tropical climate has been known to make memories lackadaisical. One producer may not always remember in the afternoon what he told another in a morning conference. It works in reverse gear as well with results not always satisfactory to either party. That explains the need for a method of catching on a sound track, preferably film, what one said to the other. Several refinements already have been suggested for the refinement. . . .

▼

For instance, one individual thinks the film track ought to be on non-flam stock, the better to resist both kinds of temperature, natural and human. Another thinks this is no laboratory job for Consolidated or for any of the studio labs for that matter, but for a non-partisan plant which doesn't give a hoot either way. A third refers to projection and sticks to the conviction the non-partisan idea should prevail in reproduction as it would in the recording. Armed guards for all steps of the operation have been talked about as a final bit piece of production investiture. . . .

▼

Mike Simmons, once a New York press agent but now a writer who works at it, visited the Paramount lot recently with Michael, the Second, in tow. It was a break. Everyone was on deck—Dietrich, Fields, Cooper, West, Arlen, Oakie—and to all the youngster was introduced. The elder Mike thought he had done a pretty good job and had properly impressed the offspring. "Well, wasn't that a thrill?" he asked. "It was all right, but I wanted to see a supervisor," came the reply. . . .

▼

Parking space on the Radio lot is marked off with neat signs reading, among others: Irene Dunne, Richard Dix, Ann Harding, Bert Wheeler and Bob Woolsey. A car drives in and parks, dead center, between space allotted for Wheeler and Woolsey. The driver says, "Say, I've been around. I'm playing no favorites." . . . Darryl Zanuck's contemplated picture on the Dark Continent may include the Stanley (not of Philadelphia) expedition as one of its dramatic highlights. . . .

▼

"Treasure Island" script calls for so many pirates to be bumped off, one of the assistant directors is going slightly screwy keeping a record of those done away with to prevent their accidental reappearance in later sequences. . . . The national humorist, Will Rogers, on production and how it's done: "Bad pictures are not made purposely. They're just accidents. But it happens so often, I guess you think it's an art with us." . . .

KANN

## Fox After Criterion

Fox is reported negotiating a lease for the Criterion to open "The World Moves On" in a few weeks.

## Many Slip on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 28 | 27½ | 27½ | — ½ | 200 |
| Consolidated Film Industries | 3⅞ | 3¾ | 3¾ | + ½ | 300 |
| Consolidated Film Industries, pfd | 16 | 16 | 16 | ..... | 100 |
| Eastman Kodak | 90½ | 89½ | 89¾ | +1¼ | 1,800 |
| Fox Film "A" | 15¼ | 14⅝ | 14⅝ | — ⅜ | 1,200 |
| Loew's, Inc. | 32 | 30¾ | 31⅛ | —1 | 5,800 |
| Paramount, cts. | 4⅞ | 4½ | 4¾ | — ⅛ | 3,200 |
| Pathe Exchange | 2⅝ | 2½ | 2½ | — ⅛ | 1,100 |
| Pathe Exchange "A" | 21⅛ | 19⅞ | 20 | —1 | 1,900 |
| RKO | 3⅛ | 3 | 3 | ..... | 1,400 |
| Warner Bros. | 6⅜ | 6 | 6 | — ¼ | 6,500 |

## Trans-Lux Gains ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8¾ | 8¾ | 8¾ | ..... | 100 |
| Trans-Lux | 2 | 2 | 2 | + ⅛ | 200 |

## Most Bonds in Upward Move

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¾ | 9⅝ | 9¾ | +1 | 8 |
| General Theatre Equipment 6s '40, ctf | 8⅞ | 8¾ | 8¾ | — ¼ | 5 |
| Keith B. F. 6s '46 | 68¼ | 68¼ | 68¼ | + ¼ | 5 |
| Loew's 6s '41, ww deb rights | 101 | 100½ | 101 | + ½ | 9 |
| Paramount Broadway 5½s '51 | 45½ | 45⅛ | 45⅛ | + ⅞ | 3 |
| Paramount F. L. 6s '47 | 53 | 52¾ | 53 | + ½ | 13 |
| Paramount Publix 5½s '50 | 53 | 52 | 53 | +1 | 28 |
| Pathe 7s '37, ww | 96 | 94¾ | 96 | +1½ | 1 |
| Warner Bros. 6s '39, wd | 60½ | 59½ | 59½ | —1 | 37 |

## Lawmakers in Ky. In Special Session

FRANKFORT, Ky., May 9.—A special session of the Kentucky legislature has been called for tomorrow by Gov. Ruby Laffoon to discuss new revenue measures.

It is understood that no bills affecting the film or theatre industry have been prepared for submission in advance of the session, but industry representatives here view the special meeting with trepidation, convinced that the industry seldom escapes attention when the solons are looking about for new sources of revenue. The general impression here is that anything may happen.

## Talk Singles With Circuits on Coast

HOLLYWOOD, May 9.—The committee consisting of Ben Berinstein, Robert Whitson and H. J. Seiler, organized to work out a standard of single bills, met with executives of Fox West Coast and other major circuits here last night. The latter promised to join in the movement to end duals providing written assurance from 100 per cent of independent exhibitors can be secured. More than 90 per cent of independents have already signified their willingness to drop duals.

## Shanberg Says Suit Against FWC Settled

(*Continued from page* 1)

West Coast had agreed to settle for full amount, approximately $488,000, with terms of payment still under discussion. He indicated he will give adequate time to complete payment, which will be in installments.

With this matter out of the way the Fox theatre reorganization will be speeded up, with indications the entire chain will be on a new basis by fall.

## Monogram Insures Men

Monogram, through W. Ray Johnston, president, has taken out a group insurance policy upon all its home office and studio employes, as well as the Ritchey Export Co., foreign representatives, and all the 25 exchanges. The deal was handled for Equitable by Stebbins, Leterman and Gates.

## Boone Mancall Resigns

Boone Mancall has resigned as advertising and publicity head of Majestic Pictures to reenter the publishing business. Mancall, before he went to Majestic, published a projection monthly. He will not be replaced at the present time.

## "Elysia" Opening Halted

ST. LOUIS, May 9.—Police today stopped the premiere of "Elysia" at the New Grand Central here and arrested the manager and 11 employes. Counsel for the house will demand immediate trial. Showing of the film will be deferred until after the trial.

## Timulty in New Post

E. A. Timulty, former assistant to E. O. Heyl, manager of the Photophone Division of RCA-Victor, has been named special representative at the New York Photophone office, 411 5th Ave.

# THEY TORE LAUGH RECORDS TO PIECES IN "CONVENTION CITY"—

# —SO WARNER BROS. HAVE PUT THEM TOGETHER AGAIN IN

# MERRY WIVES OF RENO

9 out of 10 film judges have declared it's funnier than "Convention City." The tenth guy is still speechless with laughter.

**GUY KIBBEE • HUGH HERBERT • RUTH DONNELLY**
**FRANK McHUGH • GLENDA FARRELL • HOBART CAVANAUGH**
**MARGARET LINDSAY • DONALD WOODS • ROSCOE ATES**

Directed by H. BRUCE HUMBERSTONE Vitagraph, Inc., Distributors

# Seven box

# from PARAM

"WE'RE NOT DRESSING"
with
BING CROSBY
Carole Lombard
George Burns and
Gracie Allen
Ethel Merman
Leon Errol
Directed by NORMAN TAUROG

SYLVIA SIDNEY
in
"THIRTY-DAY PRINCESS"
with CARY GRANT
Directed by MARION GERING
A B. P. SCHULBERG
Production

"MANY HAPPY RETURNS"
with
GUY LOMBARDO and his
ROYAL CANADIANS
GEORGE BURNS and
GRACIE ALLEN
Directed by NORMAN McLEOD

if it's a PARAMOUNT PICTURE

# office naturals

# OUNT

Damon Runyon's
"LITTLE MISS MARKER"
with
Adolphe Menjou
Dorothy Dell
Charles Bickford
Shirley Temple
Directed by ALEXANDER HALL
A B. P. SCHULBERG Production

EARL CARROLL'S
"MURDER AT THE VANITIES"
with
The Most Beautiful Girls in the World
and
CARL BRISSON • VICTOR McLAGLEN
JACK OAKIE • KITTY CARLISLE
DUKE ELLINGTON
and His Famous Orchestra
Directed by MITCHELL LEISEN

MAE WEST
in
"IT AIN'T NO SIN"
with
Roger Pryor
John Mack Brown • and
Duke Ellington's Orchestra
Directed by LEO McCAREY

"SHOOT THE WORKS"
with
Jack Oakie • Ben Bernie
Dorothy Dell • Arline Judge
Alison Skipworth
and Ben Bernie's Band
Directed by WESLEY RUGGLES

it's the best show in town!

# Act for Early Revamping of Paramount

(Continued from page 1)

member of the Paramount board, from membership on the protective committee in order to disassociate himself from any single group of creditors prior to the submission of a reorganization plan, which must be approved by "various classes of creditors."

The committee's letter informs the bond depositors of the withdrawal of the $178,000,000 claim on the Paramount Building, New York which was filed against the bankrupt estate. The claim was the largest single item in the total of more than $282,000,000 of creditors' claims which were filed against Paramount. Withdrawal of the bondholders' claim resulted from the recent agreement worked out with the trustees in bankruptcy for Paramount which involves the issuance of new bonds in the reorganized Paramount for equal exchange with the old.

The committee's letter commends Kuhn, Loeb & Co. for the part it is playing in the Paramount reorganization and relates that $16,000,000 of claims filed against Paramount have been withdrawn or expunged to date, exclusive of the $178,000,000 bondholders' claim.

## Differ in K. C. on Protection Changes

(Continued from page 1)

other distributors serving these theatres will join in.

W. A. Finney, Columbus, Loew's district manager, expressed resentment at the board's cutting the Midland's clearance in half. He said the house may go exclusive with the new season. He contends protection in existing contracts cannot be disturbed and the whole plan is illegal, adding the board cannot interfere with Loew's as it plays "its own pictures" (meaning M-G-M).

Barney Joffee, Tower manager, said he intends filing an immediate protest. W. D. Fulton, an independent, who had expressed opposition to revision, said its opponents among independent suburbans are willing to comply for the present and give the schedule a chance to prove it is fair. All concerned profess a desire to see the cut-throat competitive situation cleared up.

All houses must within seven days after the effective date of the new schedule, which is June 10, file their admission scales with the clearance and zoning board. They will be notified of their classifications, according to the prices filed.

First runs with stage shows are to be deemed a dime less than the actual price charged.

## Seeks More Clearance

San Francisco, May 9.—Fox West Coast, on behalf of the Warfield here, has filed a protest with the local clearance board against the existing 56-day clearance clause, demanding 90-day clearance because of the double bill crisis involving major second runs.

# Patman Bill Target of Attack in MPPDA Brief

(Continued from page 1)

bill "are calculated to obstruct rather than serve the object in view."

That the Patman bill would repudiate the NRA insofar as the industry is concerned and would "create a conflict of authority" thereby, is one of the principal objections made to it in the brief. The contention that the federal bill would "prevent the necessity of state censorship" is denied by Pettijohn, who points out that the measure does not abolish any of the six existing state censor boards, nor would it "prevent the creation of 42 additional boards should the remaining states see fit to establish them.

"It trebles censorship by adding federal supervision, both before and after production, to existing state and municipal censorship and establishes a national censorship identical in principle with European political controls which prescribe in advance what news may be printed and what films produced," the brief declares.

Other objections stated are that the measure is "confiscatory" in that it places no limits on the expenditures of the commission which it proposes to establish and the fees stipulated in the bill "would amount to more than $8,000,000 annually," which would have to be borne by the industry in addition to maintenance of Code Authority and existing state and municipal censor boards. The measure is also opposed as "discriminatory," "unenforceable," "impracticable" and "unconstitutional."

Pettijohn states in the brief that permission to file it was granted by Representative Patman, author of the measure, which is regarded as "dead" for this session of Congress, at least.

## Trio, Zanuck-Made, To Start U. A. List

(Continued from page 1)

Darryl F. Zanuck, producing head of 20th Century which made the trio. The pictures will be released for resort dates during the summer and go into general release with the advent of the new season.

Zanuck so declared at a cocktail party given in his honor yesterday by Joseph M. Schenck, president of United Artists and the producer's partner in 20th Century, at the Stork Club, popular night spot and "speak" before prohibition but now turned restaurant.

The party was one of the most representative held in the industry in New York in many months. Well over 150 attended including the New York columnists, daily newspaper and photoplay editors and critics and trade paper representatives as well as the executive personnel of U.A.

## Columbia Wins in Kan. Grievance Case

Kansas City, Mo., May 9.—The grievance board today found for Columbia against Charles Stanley's Columbian, Wamego, Kan., handing down a decision under which the former can either force the latter to fulfill his contract or bring suit. It was testified Stanley turned his theatre over to his father-in-law with the alleged intent of breaking his agreement.

Upon Glen Dickinson's explanation that the manager of the Varsity, Lawrence, Kan., disregarded his orders against free admissions, the complaint brought against his circuit by C. A. Schultz of Commonwealth Theatres was dismissed. Schultz was notified of Dickinson's promise that the offense would not be repeated.

Dallas, May 9.—The case of Frels vs. the Jefferson Amusement Co. was decided today in favor of the former by the grievance board. The defendant will appeal.

## Meyer, Nolan Better

Hollywood, May 9.—Fred Meyer and John Nolan are reported rapidly improving at the Cedars of Lebanon Hospital.

## Goldstein Is Made Cleveland Manager

Harry H. Goldstein, formerly Paramount branch manager at Pittsburgh, was named Cleveland district manager, succeeding Edward Fontaine, by Neil F. Agnew, Paramount general sales manager, yesterday.

Fontaine, previously, had been made Chicago district manager, succeeding Charles Reagan, Paramount's new western division manager. Dave Kimelman former Pittsburgh salesman has been promoted to branch manager there.

## Harold Rodner Returns

Harold Rodner returned yesterday from a nine-day trip to the coast where he set up a Warner club. Temporary officers elected to the studio club are William Koenig, president, and Kenny Wright, vice-president. Permanent officers will be named in June.

## Take on Predari Short

Inter-Continent Corp., headed by M. D. Strong, has secured distribution rights for New York state and southern New Jersey on C. John Predari's two-reeler, "Two Hard Workers." Foreign rights have also been secured.

## Fox Closing Saturday

The Fox home office will close Saturday and every succeeding Saturday through the summer in observance of the five-day week. The Warner and M-G-M home offices have made no plans as yet to follow the lead of the other majors.

## Flash Review

*Three on a Honeymoon*—Pleasant entertainment. . . .

*This film will be reviewed in full in a later issue of* Motion Picture Daily.

## Eastman on $4 Basis

Eastman Kodak common went on a $4 annual basis yesterday with announcement of a quarterly dividend of $1 per share.

# Reels Attain Full Freedom From Censors

(Continued from page 1)

M. P. P. D. A. general counsel, returned yesterday from a conference with Mayor Edward Kelly of Chicago at which a settlement of the newsreel issue was achieved. The details of the agreement, however, have not been disclosed, by agreement among the conferees.

Other states in which newsreel censorship measures have been repealed are Kansas, New York, Pennsylvania, and Ohio. Newsreel organizations, working quietly, are credited with achieving the elimination of the legislation, no announcement of which was made during the progress of the work.

## Authority to Fill Vacancies on Boards

Replacement of the three code board members who have resigned will be made by Campi at its meeting tomorrow. The men who have withdrawn are O. H. Lee of the Minneapolis clearance and zoning board, John Elliott of the Cincinnati grievance board and Moe Streimer of the Manhattan, Staten Island and Westchester clearance and zoning advisory committee.

Next Tuesday Executive Secretary John C. Flinn will meet with 10 code secretaries of eastern boards and go over administration work and explain latest forms issued in connection with the code.

## Estimate Board Acts Upon City Tax Bill

Mayor LaGuardia's tax bill designed to impose a levy of one-tenth of one per cent on bond brokers, factors and others doing a percentage business and one-twentieth of one per cent on the income of all other business passed the Board of Estimate branch of the Municipal Assembly yesterday. It is expected to yield $8,000,000 in revenue for the rest of this year.

Theatres are planning to protest on the ground that it discriminates against properties already heavily assessed as real estate when it comes before the Board of Aldermen.

## Roach Talking Two From Laurel-Hardy

Hollywood, May 9.—Hal Roach is considering two Laurel and Hardy features for M-G-M's program next season in addition to a series of shorts by the comedians. Roach is now conferring with Henry Ginsberg, who recently returned from New York conferences. Laurel and Hardy are represented with two features on the present schedule.

## Atkinson Leaves Sunday

William E. Atkinson, president and receiver for Fox Theatres Corp., leaves for Denver Sunday to confer with Rick Ricketson on remodeling plans for the Isis, under lease to Ricketson. Atkinson returns sometime next week.

# Independents Plan Fight to Protect Duals

(Continued from page 1)

several pages of photographs of theatre fronts showing the prevalence of duals and the methods used to advertise them was the opening gun in a campaign, it was stated.

The monopoly angle, the Federation says, will center in the fact that the ending of duals would mean the elimination of 200 features and the production of only about 300 yearly.

"If only 300 features are made a year," the Federation's statement goes on, "the cost of these pictures would be prohibitive and that in itself would cause the exhibitor to pay high film rental. The overhead required in the making of pictures when limited to only 300 features a year would be excessive and the cost would naturally have to be added to the picture."

## *Clearance to Stand As Is in St. Louis*

(Continued from page 1)

Saturdays and Mondays will be the regular meeting days hereafter.

Omaha, May 9.—One complaint has been received by the grievance board. It has been filed by T. C. Shipley of the WJJM Radio Theatre, Clay Center, Neb. Shipley charges George Werner has been operating the Orpheum there with merchants' tickets which are in effect cut-rates.

A new clearance schedule is in the air.

Buffalo, May 9.—First case handled by the Buffalo grievance board resulted in an order to Ben Bordinaro, Olean exhibitor, to cease and desist from issuing two-for-one tickets. The first case scheduled to be handled by the clearance and zoning board involves overbuying.

A new schedule of meeting dates has been arranged. The grievance board will assemble henceforth on the first and third Mondays of each month. The clearance and zoning board will meet on the second and fourth Tuesdays.

Cleveland, May 9.—The fifth grievance complaint to come up here will be considered next Monday. Frank Gross charges Sam Barck, Market Square Theatre operator, with maintaining a 10-cent bargain hour from 6:30 P. M. to 7:30 P. M.

Requests for clearance changes are scheduled to come up tomorrow afternoon before the clearance and zoning board.

Cincinnati, May 9.—Requests for clearance schedules based on admissions, double billing and added attractions are to come before the clearance and zoning board next Monday.

## *More Pittsburgh Duals*

Pittsburgh, May 9.—The Warner, 2,000-seat house, charging 25c-40c, is going to duals on May 17. The East Liberty will stick to duals, but the other Warner first run site, the Stanley, will continue on a single feature basis.

# MPTO Hits at Dual Billing in St. Louis

St. Louis, May 9.—The day of double features here has about passed. Members of the M.P.T.O. of St. Louis have gone on record in favor of elimination of duals provided they are assured of the full co-operation of the various first runs.

It is understood the elimination plans are awaiting final consummation of the reorganization of the Ambassador, Grand Central and Missouri theatres. If control of those houses passes to the Snyder-Koplar interests and Fanchon & Marco takes over the management, it is believed they will favor a policy of single features in conjunction with shorts and news reels.

Loew's State has always favored single programs.

With F. & M. controlling the Fox and the St. Louis, which is scheduled to close tomorrow, it is possible that a new single feature deal will come very soon.

The M.P.T.O. has also gone on record as favoring exhibitor representation on the committee in charge of the Municipal Auditorium and Community Center Building. The fact that the auditorium management has been able to book some films in competition with theatres has caused unfavorable reaction in exhibitor circles. The theatre owners feel the municipal project should confine its pictures to technical or educational subjects.

## *Darrow Report Gets Departmental Study*

(Continued from page 1)

House last week, together with the minority report written by John F. Sinclair, who resigned this week from the National Recovery Review Board, has been turned over to the attorney general, the Federal Trade Commission and the National Recovery Administration to be digested, it was learned today.

At the White House it was said the President unwrapped the several hundred page report and then decided it was impossible to read it without putting everything else aside for a number of hours. The report, it was indicated, is so complex that it could not be briefed unless two or three persons were put to work on it.

## *Rosenbaum Here on Cincy Code Problem*

Irwins Rosenbaum, impartial member of the Cincinnati grievance board, arrived in New York yesterday for conferences with Division Administrator Sol A. Rosenblatt, who comes from Washington tomorrow. Yesterday, Rosenbaum conferred briefly with Executive Secretary John C. Flinn.

## *Skip Advisory Meeting*

Because no requests for changes in schedules were on file yesterday, the advisory committee for Brooklyn, Queens and Long Island did not meet.

However, several protests are on tap for Monday when the advisory boards for New Jersey and Manhattan, Bronx, Westchester and Staten Island meet.

# Over 200 Reported Given Cancellation

(Continued from page 1)

throughout the country, it has been found that in several cases exhibitors who signed for only one theatre of a group they operate are sending in assessments for all houses. These checks are being held aside by Campi until it meets tomorrow to act on disposition of them.

According to the code, non-assentors have to pay for the upkeep of the code if they seek any benefits, including the 10 per cent cancellation, but they cannot file grievances or complaints on clearance and zoning. Campi officials are confident the full quota of exhibitor assessments will be on hand before the 30-day period expires on May 20.

Exhibitors who feel they are being taxed excessively can take complaints to grievance boards for adjustment.

## *Ruling on Cut Rates Is Asked by Cullman*

(Continued from page 1)

the New York grievance board "Article V, Division E, Part 3, Section 1" dealing with cut rate tickets.

Cullman's letter states: "I do not believe the board is able to interpret intelligently the section described and I think it will be up to Washington to give them the appropriate and necessary ruling, viz: whether the giving out of cut-rate tickets for the placing of so-called advertising in windows is a violation of this section.

"Personally I believe it is entirely a subterfuge, and if this is allowed, we might as well have a free-for-all in the industry and forget the code."

## *Code Costs Are Hit By Gulf States Men*

New Orleans, May 9.—Code assessments as they apply to smaller houses were hotly criticized at a meeting of the Gulf States Theatre Owners' Ass'n. Protests are to be forwarded to Code Authority.

Protests also were voiced against secret meetings of code boards. Members want the meetings open to recognized theatre owners and representatives of the press, with decisions open for inspection.

Members were urged to contribute toward a fund for legislative expenses.

## *Attorneys Agree to Delay Rogowsky Case*

By agreement between Louis Nizer, defendant attorney, and Robert K Rosan, counsel for the plaintiff, the adjourned hearing of Rogowsky Brothers' overbuying charges against Skouras and seven major distributors, scheduled for today, has been postponed until next Tuesday. Nizer will be in Washington today on another case.

The Rogowskys claim they have been unable to secure first run product of the defendant distributors for the Embassy, Port Chester.

## *Krellberg on the Mend*

Sam Krellberg is recovering rapidly at the Polyclinic Hospital and expects to be out in two weeks. X-rays revealed he has a broken nose and a fractured shoulder. He was hit by a taxi Tuesday while crossing Eighth Ave.

# Hit Bishop's Film Attack; Held Not Fair

(Continued from page 1)

give its support to so-called "clean" films which it had been asked to endorse and that the picture public, a large percentage of which is Catholic, would not support "clean" films when shown in local theatres. Both exhibitors and film men were practically unanimous in saying that the attack of the church on films would unfairly deprive them of considerable revenue. One exchange man said:

"We have several subjects that are clearly and unqualifiedly Catholic Church pictures. Various churches showing pictures in the city have refused to play these subjects. They have, likewise, refused to endorse them, so that they would 'draw' well if played in theatres. It is a well-known fact, too, that when the so-called cleaner pictures have been shown in theatres they have proved first-class flops because the public would not support them—the public being to a large extent composed of Catholics."

Another exchangeman said the attack of the church was entirely without justification. "Bishop Gallagher and his priests forget," he said, "that all pictures played in the city are twice censored before they are shown to the public—first by the National Board of Review and then by the local police censors. They cannot possibly be as immoral, degrading and corrupting as they are made to appear by this attack."

While some exhibitors said their business had been slightly affected by the Catholic drive, most of them were of the opinion that it would not affect their business.

Bishop Gallagher's appeal was read in all Catholic churches in the diocese last Sunday.

## *Women Hit Crime Films*

Paris, May 9.—Denunciation of American crime films was made today at the annual conference here of the Federation of American Women's Clubs. A committee was named to urge Hollywood producers to send abroad films more representative of American life.

## *No Action in Delaware*

Dover, May 9.—The Delaware Legislature has adjourned without taking action on either the censor or the tax bills aimed at films.

## *Shapiro Will Go West*

William D. Shapiro, vice-president of Majestic and Boston franchise holder, is in New York for a few days and plans to make a trip to the coast shortly.

## *Allied to Meet May 21*

Allied of New Jersey will hold its next meeting May 21 and every other Monday thereafter at new headquarters in the Lincoln hotel.

## *Jewish Guild Has Lunch*

The Jewish Theatrical Guild yesterday held a special luncheon at the Astor.

# CREAM OF TODAY'S NEWS!

1 — **PULITZER PRIZE** for best play of the year goes to "MEN IN WHITE." (*Clark Gable, please note!*)

2 — **"MANHATTAN MELODRAMA"** held over 2nd Week, Capitol, N. Y. (*Another Gable-gold-getter with William Powell, Myrna Loy.*)

3 — **PICTURE FANS** are ready for Joan Crawford's "Sadie McKee"! (*Just previewed by M-G-M execs. Your "Dancing Lady" does it again!*)

4 — **START TALKING** about "Thin Man" today. Dashiell Hammett's best-seller mystery is sensational. And watch for "Operator 13". (*Marion Davies-Gary Cooper*).

5 — **LEO MARCHES ON!** Hit after hit! "Viva Villa!", "Tarzan and His Mate", "Riptide"— the trade press headlines are roaring with the M-G-M Lion's box-office triumphs. And more on the way!

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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# Overbuying, Protection Curb Spreads Nationally

## Avers Meehan Will Retain KAO Holdings

### *In Accord with Setup Now, Says Spokesman*

Fireworks on the inside at RKO over the Keith-Albee-Orpheum situation, either have spent themselves or have gone into a respite for the present with declaration made for him yesterday that Mike Meehan, controlling factor in RKO's most important theatre subsidiary, now is satisfied with the situation as it stands.

The Meehan spokesman, a financial man with considerable downtown experience and a reluctance to see his

(*Continued on page 3*)

## Fabian Is Seeking Manhattan Houses

Simon Fabian, co-receiver for Fox Metropolitan Playhouses, is negotiating for Manhattan Playhouses, which operates 18 theatres in Manhattan. While no papers have been signed, lawyers for Fabian, as well as Meyer & Schneider, Ben Sherman and Jack Steinman are now checking over details.

Fabian denied yesterday he was negotiating for anyone but himself and his family. He could not give an approximate date when the deal would go through.

Before Fabian became co-receiver

(*Continued on page 2*)

### *Balaban on Board*

**Barney Balaban, B. & K. head, yesterday was named to Paramount's national theatre advisory council as Chicago district representative by Sam Dembow, Jr., vice-president of Paramount Theatres Service Corp. John Balaban, also of B. & K., was named as alternate.**

**The council, originally designed to include only six Paramount operating partners, each representing an important theatre division of the company, may be enlarged to include eight or more members, Dembow said yesterday. Already elected to the council in addition to Balaban are: N. L. Nathanson, Karl Hoblitzelle, E. V. Richards and A. H. Blank.**

## *St. Louis Feels Effect Of Church's Film Drive*

St. Louis, May 10.—The national "Crusade of Decency" sponsored by the Catholic Church is assuming serious aspects here.

Under the leadership of the city's Catholics, who make up some 65 per cent of the population, the general sentiment against objectionable pictures has reached the point where intelligent theatremen are beinning to take stock of the situation.

Some observers hold the decline in attendance is attributable only in part

(*Continued on page 7*)

### *Immoral Show Bill Gets Lehman's Veto*

Albany, May 10.—The Quinn bill relieving the owner or license holder of a theatre, as well as performers and employes, of responsibility for the presentation of an indecent show has been vetoed by Governor Lehman on the ground the measure "would render ineffective the provisions of the penal law relative to immoral performances."

"It would open the way for comparatively safe violations by irresponsible tenant producers, with immunity to the principal financial beneficiaries of indecent productions," adds the statement accompanying the veto.

### *Phila. Group Plans Court Test on Duals*

Philadelphia, May 10.—Independent exhibitors gathered here today decided to raise a fund to start a court test on a contract which includes a ban on dual billing. Conspiracy in restraint of trade will be alleged.

The case which brought the matter up involved duals only indirectly, but has caused considerable agitation. The meeting was not an M. P. T. O. session, but many who attended were M. P. T. O. members.

### *Strike in St. Louis Puts House on Duals*

St. Louis, May 10.—As a result of the musicians' walkout at the Ambassador at the start of what was to have been a test return engagement of Ed

(*Continued on page 7*)

### *Clean Sweep*

**Complete disassociation of Roxy, in name and in deed, from operations of the Music Hall finds the Roxyettes in their third week of re-christening as the Rockettes.**

**Around the RKO offices, the idea is traced to W. G. Van Schmus, who represents the Rockefeller interests.**

## Report Delay Brings Threat To Quiz NRA

Washington, May 10.—Any attempt on the part of administration officials to withhold the Clarence Darrow report will result in a demand for a Senate investigation of the NRA, it was threatened today by Senator Nye of North Dakota, who was instrumental in having the National Recovery Review Board established.

Nye scoffed at reports that the document had been referred to the Department of Justice, Federal Trade

(*Continued on page 6*)

## M-G-M Set to Make Films in England

M-G-M is definitely set to produce a number of pictures in England next season, Arthur M. Loew, head of the company's foreign activities, stated yesterday upon his return from a two-month tour of Europe.

While plans for studio, staff and players have not been decided, Loew said the purpose behind the move is not so much the production of quota pictures as it is to make pictures in

(*Continued on page 2*)

### *Rulings of Code Boards Expected to Restrain Circuits' Moves*

Numerous complaints filed with grievance boards throughout the country charging overbuying and excessive protection are expected to result in more advantageous buying terms for the individual theatre operator and subsequent run when new season contract deals get under way.

In this particular, the code is seen operating to the benefit of the "little man," even if indirectly, and to a great extent solves a problem that has vexed exhibitor-distributor relations for a long time, sometimes leading to

(*Continued on page 6*)

## Chicago Case May Be Initial Appeal

Chicago, May 10.—Possibly the first case to reach Code Authority will be that of Bartlestein vs. Paramount.

Ben Bartlestein says he may appeal as a result of dismissal by unanimous vote of his charge that after

(*Continued on page 6*)

## Campi Is Expected To Delay Decision

No decision is expected today by Campi when preliminary discussions start on an appeal by Vitagraph and

(*Continued on page 6*)

### *Four Meetings Set*

**Fox, Universal, Paramount and RKO are set to go on their annual sales conventions.**

**Columbia, M-G-M and Warners are still talking plans. Monogram franchise-holders have met, but regional parleys are in the offing.**

**Dates, definitely set, follow:**

***May 31-June 2.*—Fox in New York.**

***June 5-7.*—Universal in New York.**

***June 18-20.*—Paramount in Los Angeles.**

**RKO in Chicago.**

MOTION PICTURE DAILY
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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Warners Sued Over Lease in Sandusky

SANDUSKY, May 10.—Suit has been filed by the Seitz Theatre Co. against Warner for $369,315, claimed to represent an amount due on an unexpired portion of a 15-year lease on the State, which defendants turned back to the owners a short time ago.

In a previous suit, Judge Savord in Common Pleas Court recently awarded judgment to plaintiffs for 29 days' rental to cover the period intervening between the serving of notice to vacate and actual vacation, following abrogation of lease by the defendants.

## Fabian Is Seeking Manhattan Houses

(*Continued from page* 1)

of Fox Metropolitan, he operated a group of houses in New Jersey which he later sold to Warners. Acquisition of the Manhattan Playhouses group would bring him back to active operation on his own since reorganization plans for Fox Metropolitan are about to be filed with the court any day. With the reorganization of Fox Metropolitan, Fabian will step out as co-receiver.

## Quigley Award to Golden

Walter L. Golden, manager of the Riverside, Jacksonville, is winner of the fourth Quigley award for an exploitation campaign. The award was made for his work on "Nana." The decision of the judges, Felix F. Feist, Hal Horne and William H. Raynor, was unanimous, according to A. Mike Vogel, head of the Managers' Round Table Club of *Motion Picture Herald*.

# Insiders' Outlook

WHILE representatives of major companies cogitate about inclusion in exhibition contracts of a clause prohibiting their films from being doubled with any other feature, the dual billing situation evokes many provocative, as well as humorous slants in Hollywood. Shrewd commentators on business and human nature state that if the majors were seriously intent on eliminating the double feature practice a starting point unbeatable might be their own affiliated theatres. . . .

▼

Many of the show shops operated by majors continue to present double bills, although a halt has been called on triples. In meetings, company operators have expressed willingness to stop dual billing, provided competitors also stop. Individual operators in their meetings have said ditto. Both independents and chain operators defend their own dual billings as a protective measure against the opposition and vice-versa. . . .

▼

One astute showman, who alludes to twin bills as the "bargain basement," suggests independents and chain groups cease and desist duals—at the same time on the same day to bring about the results both desire. According to him, all that is necessary is for an official proclamation to be unfurled naming the day when both sides cease dualing; an armistice declared and from thenceforth, no dual billings. Another showman, not so sanguine about such a plan, although opposed to duals, naively inquired: "Who would blow the whistle to make the day and date official?" . . .

▼

The Disney influence in the field of cartoons in color finds producers, practically one and all, doping series competitive with the Silly Symphonies for the new season. Exactly as there are more cartoons on the market today than the market can successfully emasculate, so goes the outlook in this direction for '34-'35. Word from New York has it some of the sales managers now busy figuring out what to have for '34-'35 are becoming wary. Cartoons in color, they say, might be swell, but (1) prints cost more, (2) they aren't novelties if everybody has them, (3) exhibitors are not inclined to stand rental hikes. . . .

▼

A director, who has his office on the third floor of a studio building, was sending back story after story to the scenario editor for some reason or none. At wits' end, or nit-wits' end, story chief sent the director a note: "May I send, for your perusal, that well-known story, 'The Passing of the Third Floor Buck.'" . . . One definition of Hollywood: "The place where you are a genius if you know a little more than the next guy." . . . Definition of the picture business: "It's made up of a lot of **tsouras* and a little of Skouras."

▼

Unaware that Hollywood advertising code applied to catchlines as well as photos, a studio, without having the Hays office pass on them, sent a batch of their catchlines mimeographed to a showman running a chain of theatres. Reading said catchlines, the exhibitor rushed to his typewriter and scorched off a letter to a company official. "If we'd only leave these press agents alone, they'd bring on censorship all by themselves," he said, plus more. . . .

▼

Titles which may or may not be what they imply, but in work or planned:

BROADWAY VIRGIN
FIFTEEN WIVES
ANYTHING ONCE
ONE NIGHT OF LOVE
100 PER CENT PURE
IT AIN'T NO SIN
HEY, SAILOR
THE PARTY'S OVER
BLIND DATE
MISS PACIFIC FLEET
MERRY WIVES OF RENO.

KANN

*Yiddish for trouble.

## Columbia Down One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 26½ | 25 | 26½ | —1 | 900 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | ..... | 200 |
| Consolidated Film Industries, pfd | 15¾ | 15 | 15⅜ | — ⅝ | 800 |
| Eastman Kodak | 90¼ | 88 | 90 | + ¼ | 1,000 |
| Fox Film "A" | 14⅝ | 13¾ | 14⅝ | ..... | 2,900 |
| Loew's, Inc. | 30¾ | 29 | 30⅛ | —1 | 22,200 |
| Loew's, Inc., pfd. | 93⅞ | 93⅞ | 93⅞ | — ⅜ | 100 |
| Paramount, cts. | 4¾ | 4¼ | 4½ | — ¼ | 10,700 |
| Pathe Exchange | 2⅝ | 2⅜ | 2⅝ | + ⅛ | 6,000 |
| Pathe Exchange "A" | 20 | 18⅛ | 19⅜ | — ⅝ | 6,800 |
| RKO | 3 | 2¾ | 2⅞ | — ⅛ | 2,700 |
| Warner Bros. | 6 | 5½ | 6 | ..... | 10,500 |

## Technicolor Off ⅝ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | ..... | 300 |
| Technicolor | 8½ | 8⅛ | 8⅛ | — ⅝ | 600 |
| Trans-Lux | 1⅞ | 1⅞ | 1⅞ | — ⅛ | 100 |

## All Bonds Take a Beating

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8½ | 8⅞ | — ¼ | 16 |
| General Theatre Equipment 6s '40, ctf | 8¼ | 8 | 8 | — ¾ | 8 |
| Loew's 6s '41, ww deb rights | 101 | 100½ | 100½ | — ½ | 39 |
| Paramount Broadway 5½s '51 | 44⅛ | 44⅛ | 44⅛ | —1 | 60 |
| Paramount F. L. 6s '47 | 50½ | 50½ | 50½ | —2½ | 5 |
| Paramount Publix 5½s '50 | 51 | 50½ | 50½ | —1¾ | 7 |
| Pathe 7s '37, ww | 96¼ | 95¾ | 95¾ | — ¼ | 3 |
| RKO 6s '41, pp | 32 | 32 | 32 | —4 | 1 |
| Warner Bros. 6s '39, wd | 60 | 57¾ | 58¼ | —1⅜ | 61 |

## Milwaukee Council O. K.'s But 24 Films

MILWAUKEE, May 10.—Of 85 films reviewed last year by the Milwaukee Better Films council, only 24 were classified as suitable for the whole family, according to a report submitted to the council's annual meeting by Mrs. Harold Smith, chairman of its preview committee.

Fourteen were rated as suitable for adults and young people, 16 for adults and young adults, and nine for adults only. Twenty-three, including Mae West's "She Done Him Wrong," were given no rating.

Mrs. A. A. Laun was elected vice-chairman of the council. The chairman will be appointed by the new president of the Milwaukee County Federation of Women's Clubs in the fall. Other officers elected were Mrs. Cyril Colnik, recording secretary; Mrs. L. B. Porter, corresponding secretary, and Mrs. E. E. Worthing, treasurer.

## M-G-M Set to Make Films in England

(*Continued from page* 1)

native backgrounds, particularly English stories on home ground instead of Hollywood sets. American players, directors and some technical crews will be sent abroad to work on these films.

First picture for English production will most likely be "David Copperfield," Loew stated. On May 3, MOTION PICTURE DAILY by cable reported M-G-M would in all probability produce in England and that Loew was working on such plans.

## Local 306 Gets Stay Against Rival Union

A permanent injunction was granted yesterday to Local 306 by Judge Wasservogel in the New York County Supreme Court against Allied M. P. Operators and the picketing of the Harris and Wallack on West 42nd St.

Judge Wasservogel, in handing down the ruling, stated the signs carried by Allied men were "misleading and inaccurate."

Earlier in the day, Local 306 attorneys subpoenaed code assent records of Code Authority which involved the Wallack.

# Avers Meehan Will Retain KAO Holdings

(Continued from page 1)

name in print, refused to go for quotable remarks, but has no objection to having the situation aired in print. This is what he had to say:

"It was about a year ago that Mr. Meehan, as the factor in control of 30,000 shares of the 60,000 KAO preferred shares outstanding, determined the rights of the company were to be more specifically recognized. What had happened prior to that traces itself more to a case of viewpoints than actions. It was more or less natural that RKO officials would approach company matters from the angle of the entire structure. It was just as natural that, with a large investment, the interests holding KAO preferred would insist that more KAO viewpoint prevail.

"That has now been worked out by arranging to give KAO independent officers whose interest rest in the company they represent.

"Insofar as operations are concerned, KAO is now being run as a theatre company should. I suppose in many instances Radio Pictures would prefer that we do certain things its way. In our dealings, however, we are proceeding as an exhibitor and are submitting any deals with Radio Pictures to the same considerations we would, and do, in negotiations with Paramount, Fox and other producing and distributing companies."

**Refers to Daily Reports**

In stressing Meehan's defined attitude against a sale of his stock, this spokesman, in reply to a question, referred to reports first published in Motion Picture Daily on March 23:

"Why should Warners or any others be interested in the stock? Control went to Meehan because 10 dividends on the common were passed. If dividends on the common are resumed, control reverts to RKO which owns the common. Where would the owners of the preferred be then?"

He offered no explanation, however, of where Meehan and his stock will be in the same eventuality.

Changes referred to concern Leon Goldberg, formerly of Goldman, Sachs who is now vice-president and treasurer of KAO, and I. E. Lambert, formerly a vice-president and general counsel of RCA Victor, who is now a vice-president, secretary and treasurer of KAO. They replace William Mallard and Herman Zohbel of RKO, the latter being slated for the presidency of all RKO subsidiary companies with the exception of KAO when meetings of the boards of these subsidiaries are held at a so far undetermined date.

Meehan invested in KAO preferred with profits he is reputed to have rolled up through sale of RCA stock. He averaged $108 a share in his KAO buy, places dividends not declared at an accumulated $18 a share and computes his total holdings at $4,000,000.

In some quarters, control of the KAO board is regarded as unsettled with 10 of the 13 members evenly divided between Meehan and RKO and the remaining three classified as

(Continued on column 4)

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Thin Man"*

*(M-G-M)*

Hollywood, May 10.—Smartly concocted for big audience reactions with a confident tempo and sly, boisterous humor, "The Thin Man" is one of the finer mystery melodramas.

Adapted from Dashiell Hammett's widely publicized novel, the film attains a quality highly prized in murder mysteries, that of nonchalant unfoldment, carefree surface action with volcanic smouldering underneath.

The story deals with the murder of Natalie Moorhead, mistress of an inventor, and the murder of the inventor, Edward Ellis. The suspects are the mistress' boy friend, Edward Brophy; the inventor's estranged wife, Minna Gombell; a stool pigeon, Harold Huber, and variegated others.

William Powell, a detective on a belated honeymoon with his wife, Myrna Loy, against his will is brought into the case and, by erudite deduction crammed with racy lines and crackling action, solves the mystery.

High spots are Detectives Powell and Nat Pendleton comparing clews while out walking with Miss Loy and her dog, the dog playing an important comedy role, and Powell's foregathering the socialite suspects at a banquet.

The love interest is carried by Powell and Miss Loy, and Maureen O'Sullivan and Henry Wadsworth. W. S. Van Dyke's direction is a model of plot movement and laughter. Hunt Stromberg's production is topnotch. All together, it is a swell, satisfying show that should do well.

## *"Merry Wives of Reno"*

*(Warners)*

Hollywood, May 10.—"Merry Wives of Reno" is a farce comedy with a rambling story that is subordinated for gags.

The yarn deals with two wives who, disgusted with their husbands, go to Reno for divorce purposes and whose stricken husbands follow their spouses to Alimony Alley. Here they become involved in a tornado of gold-digging women, a wealthy rancher and his wife, racketeering bellboys and midnight parties all with no rhyme or reason, but with laughs to shake the ribs. Through a ruse by which the husbands contrive to put their wives in an embarrassing spot, the divorces are postponed and all ends joyously.

Everyone in the cast comes through nicely, including Margaret Lindsay, Ruth Donnelly and Glenda Farrell as the wives; Guy Kibbee, Donald Woods and Hugh Herbert as the husbands and also Frank McHugh, a bell boy, and Roscoe Ates, a hick. The direction of H. Bruce Humberstone concentrates on gag situations.

Scissoring out footage and some unnecessarily suggestive lines should make this a satisfactory comedy.

# *Looking 'Em Over*

## *"Cheaters"*

*(Liberty)*

Smoothly worked out crook story, handsomely mounted, but not endowed with much dramatic action. Emotional restraint in the drawing room manner is carried to an extreme, and is relieved only occasionally by William Collier, Sr.'s, comedy touches.

William Boyd and June Collyer get out of prison the same day and meet on the ferry from Oakland to San Francisco. He sends her to a boarding house with a $20 bill and resumes contact with Collier and Dorothy Mackaill, who are cultivating the friendship of a wealthy Englishman, Alan Mowbray, at Santa Barbara.

When Boyd finds a woman confederate has walked out on him, he looks up Miss Collyer and gets her to pose as his sister. The idea is to have Mowbray propose to her, so they can all share in a divorce settlement later. The plan goes wrong when Boyd falls in love with Miss Collyer.

The story is presented on a luxurious background of homes, gardens and polo fields. The eye appeal is splendid, but it leaves the emotions unruffled.

# *Short Subjects*

## *"Gulliver Mickey"*

*(Disney-United Artists)*

This Walt Disney subject is in the traditionally entertaining Mickey Mouse manner, and sets forth Mickey's version of what happened to him when a shipwreck brought him among the Lilliputians as a mousy Gulliver. Harried by the tiny people's army and navy, they flee from their attack against Mickey at the approach of a giant spider monster, whom Mickey engages in combat. The story is told to an array of Mickey's nephews, one of whom dangles a toy spider in front of him, terrifying Mickey, just as he is about to vanquish the imaginary monster. Good to the last laugh. Running time, 8½ mins.

## *"Little Feller"*

*(M-G-M)*

Hollywood, May 10.—A one-reeler designed to wring a tear or two from any audience. "Little Feller," produced by Pete Smith, shows Chic Sale, an aged cowboy, giving the pony belonging to his grandchild, long dead, to another cowboy. With little action, the story gains its appeal through the touching dialogue written in rhyme, enacted by Sale. Strong emotionally, "Little Feller" will be remembered long after it is seen. Running time, 8 mins.

# *Dubinsky Labor Row Remains in Deadlock*

Kansas City, Mo., May 10.—The Dubinsky labor situation here remained hopelessly deadlocked today after a three-hour session attended by President William Elliott of the I.A.T.S.E.; Clyde Weston, Illinois representative; Frank Dowd, Kansas City business agent, and an I.T.O. committee headed by Jay Means, head of the exhibitor group.

Elliott rejected Ed Dubinsky's demands for reclassification of his two downtown houses on a level with the suburban scale, with a reduction of manpower from seven to five men. Dubinsky agreed to Elliott's proposal for arbitration, but opponents cannot agree on the method of designating an impartial third member of the arbitration board. At an operators' meeting Elliott thrashed out internal matters agitating the Kansas City local.

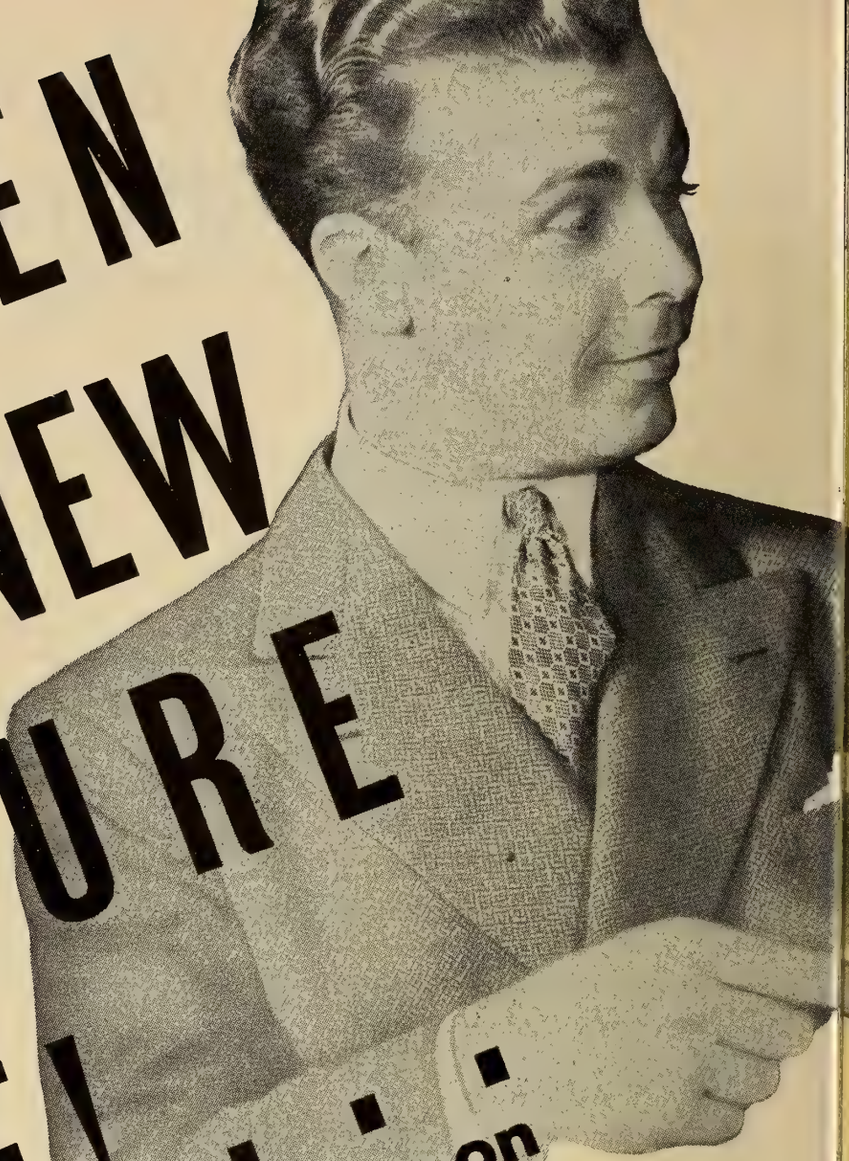
# *Avers Meehan Will Retain KAO Holdings*

(Continued from column 1)

"neutral." RKO representatives on the board include David Sarnoff, Herbert Bayard Swope, M. H. Aylesworth, J. R. McDonough and Paul M. Mazur. Meehan representatives are Peter J. Maloney, Malcolm Kingsburg, Orrie R. Kelly, Edward J. Flynn and J. E. Eddy. The "neutrals" presumably are W. G. Van Schmus, Frank Altschul and Donald David.

While in a numerical vote, Meehan might be outvoted, this is held to be remote in view of the wedge he occupies in the preferred stock setup and the reported disinclination on the part of RKO to further sharpen the issue.

# SHOWMEN DRAFT NEW PICTURE CODE! . . .



## Minnesota Bloc Agrees on 24-Hour Day for Exploiting

# "20 MILLION SWEETHEARTS"

A First National Picture Vitagraph, Inc., Distributors

# IT TAKES GREAT PICTURES TO INSPIRE A WIRE LIKE THIS— AND IT TAKES WARNER BROS. TO MAKE GREAT PICTURES!

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

WESTERN UNION

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

SIGNS
DL = Day Letter
NM = Night Message
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

82MI KL 57DL 24 EXA

MORRIS MINN 610PM APL 24 1934

VITAGRAPH INC

954 1 AVE NORTH MINNEAPOLIS MINN

CONGRATULATIONS TO WARNER FIRST NATIONAL FOR TURNING OUT ANOTHER GEM IN ENTERTAINMENT STOP WE THE UNDERSIGNED PLEDGE OURSELVES TO LET OUR PUBLIC KNOW WHAT A WONDERFUL PICTURE TWENTY MILLION SWEETHEARTS IS CONGRATULATIONS AGAIN

S B J BENFIELD — MORRIS MINN
W D GOWAN — ORTONVILLE MINN
MIKE DEFEA — MILBANK SDAK
BILLIE J BENFIELD — GRACEVILLE MINN
LEO A BACKER — BROWNSVALLEY MINN
HILLER — ALEXANDRIA MINN

## WERE YOU LISTENIN'

**to RUDY VALLEE on the air last Thursday? Here are his very words:**
"Orchids to Dick Powell and Pat O'Brien for a grand job in the Warner Bros. picture, TWENTY MILLION SWEETHEARTS, and to the song writing team of Dubin and Warren for the grand tunes in the picture . . . I envy Dick Powell for the perfect set of tunes he had at his disposal in his new Warner Bros. picture TWENTY MILLION SWEEHEARTS. I only hope if I ever make another movie I have as fine a tune as the feature song of the picture I'LL STRING ALONG WITH YOU."

## WERE YOU READIN'

**in VARIETY last Tuesday? Here are their latest hit-by-hit reports on "20 Million Sweathearts":**
"Off to flying start at Hollywood, Los Angeles." . . . "A smash hit—exciting raves galore at Orpheum, Minneapolis."

**SIGN THE PLEDGE** to give your box-office the support it deserves on this great show.

**FREE COLOR PHOTO** enlargement of Dick Powell is yours if you mail this coupon now!

Warner Bros., Advt. Dept.
321 West 44th Street, N. Y. C.

Count me in with the Minnesota Big Six on that "20 Million Sweethearts" pledge . . . Drag 'em in? I'll *carry* 'em in to see this great production!

*Name* .....

*Theatre* .....

*City* .....

P. S. Don't forget the free photo.

# Overbuying, Protection Curb Widens

(Continued from page 1)

damage suits, anti-trust actions and official investigations.

Those are the views of several distribution executives with no affiliated theatres to consider, who profess a willingness to give the small buyer a break, but have not been in a position to accord him equal treatment with the large circuit buyers because of the latter's ability to dictate the situation.

Where relatively small buyers have felt themselves discriminated against, the distributors' explanation has been that the circuits are entitled to first choice of product, long protection or other preferential treatment because of buying power and because of higher rentals than the small exhibitor has been willing or able to pay.

**How Circuits May Be Affected**

Now that grievance boards have the authority to delve into contracts, it is argued circuits may find themselves in a less fortuitous spot since investigation may reveal that, generally speaking, the chains are not paying the high bracket rentals commonly supposed.

Reports from the field indicate that in instances circuit heads are already evincing a readiness to grant second runs shorter protection. One specific example is cited wherein an exchange manager called to a circuit head's attention the unreasonableness of six months' protection in favor of a first run, whereupon the latter agreed to cut the clearance in half.

Once circuit contracts are laid before the grievance boards and their terms become a matter of record, it is pointed out there will be more such evidences of voluntary compromise and concession, and in the end this cannot but help the "little man."

## *Expect Details on Union Check Today*

Results of the Department of Labor checkup on the percentage of service employes in Loew's and RKO's metropolitan theatres who are members of Local 118, Theatre & Amusement Employes' Union, are expected to be made known from Washington today.

The checkup was completed Wednesday. If the report shows a majority of the service employes to be members of the union, local exhibitors are expected to recognize the organization and negotiate new wage scales with it. Lack of a majority would be sufficient to continue an "open shop" for service employes.

## *K. C. Meetings Are Set*

KANSAS CITY, May 10.—Local boards have announced their meeting schedule as follows: Clearance and zoning, Tuesdays at 1:30 P.M., whenever there is business to transact. Grievance, Wednesdays at 1:30 P.M. Indications are the grievance board will meet weekly as scheduled, while the zoning board will meet only on call after zoning matters now in hand are disposed of.

# *Attorneys' Delay Stirs Ire of Grievance Board*

Several members of the New York grievance board are disturbed over the agreement arrived at by Louis Nizer and Robert R. Rosan to postpone the adjourned hearing of the Rogowsky Brothers' overbuying complaint against Skouras and seven major distributors without their knowledge.

The grievance was heard Tuesday and put over to yesterday by the board when it found that additional evidence was necessary. Rosan, attorney for the Rogowskys, and Nizer, counsel for the exchanges, on Wednesday got together and postponed the adjourned hearing until next Tuesday because Nizer had to go to Washington yesterday on another case.

Board members were notified by mail yesterday of the agreed upon delay, but some of the appointees claim the right to put off cases from one day to another rests with the board and not the defendants or attorneys.

One of the board members who came from Washington to sit on the case did not receive the mailed notice and went to the grievance quarters prepared to sit on the session when told of the postponement. He was so upset about the delay, he stated:

"Who is running this board? The attorneys or the members?"

In Philadelphia on Tuesday, Charles Stieffel, attorney for the Venice, So. Philadelphia, asked for a postponement of the case brought against a theatre by Jay Emanuel.

The board insisted on hearing the evidence, but later adjourned the hearing. At the same time the board issued a "no-postponement ruling."

A similar situation developed in New York Tuesday when attorneys for Skouras and the seven major exchanges involved in the Rogowsky Brothers' complaint asked for a delay. The board insisted the case be heard, and it was.

## Campi Is Expected To Delay Decision

(Continued from page 1)

Ashley Amusement Co., from a decision on April 19 of the Milwaukee grievance board. The Milwaukee board has ruled that 30 Warner pictures must be turned over to Saxe Amusement Co.

The board has 15 days in which to hand down a decision after hearing the appeal. Ben Koenig, secretary of the Milwaukee board, has already submitted minutes of the hearing in addition to exhibits. Attorneys for Saxe, Vitagraph and Ashley will submit briefs today, which will take some time to study.

Up for discussion at the morning session today is a report on the Hollywood situation as a result of Executive Secretary John C. Flinn's and S. R. Kent's visits to the coast. A report will be made on all assessments received from exhibitors. Three code board members who resigned recently will be replaced.

Walter Vincent will act as alternate for Ed Kuykendall, Edward Golden for W. Ray Johnston and Neil Agnew for George J. Schaefer. Schaefer, who was in Chicago yesterday, returns today. Leslie E. Thompson will preside.

For the May 18 session, two appeals are scheduled. One is that of Fox West Coast which was ordered to turn over to the Garfield in Alhambra, Cal., 20 pictures. The second is that of a case tried in Boston earlier in the week.

## *Asks Clarification For Cancellations*

BUFFALO, May 10.—Clarification of the cancellation clause is being requested by Jules H. Michael, chairman of the Western New York zone, MPTO. Distributors should be required to notify exhibitors of each release date, he holds, since exhibitors who live outside distribution centers have no way of knowing and thus cannot give notice within the required 14 days.

## Chicago Case May Be Initial Appeal

(Continued from page 1)

obtaining a Paramount contract the company failed to deliver. James Coston, Nate Wolf, Irving Mandel and Jack Osserman, acting for Charles Reagan, members of the local grievance board, gave no reasons for their rejection of the case.

Bartlestein also has an overbuying complaint against the Schoenstad Bros. which has been set for a hearing next Tuesday. The board is waiting advice from Campi on this.

There is a possibility that Bartlestein will delay his appeal to the national board pending a decision on the overbuying charge, since the thought prevails here that both cases have dovetail angles, with the overbuying decision possibly clarifying both.

## *Clearance Case Hits Frisco Second Runs*

SAN FRANCISCO, May 10.—Granting of Fox West Coast's demand for extension of protection from 56 to 90 days over major second runs which are playing duals will affect all second runs, including the Golden Gate and Nasser houses, it is claimed. The case is scheduled to be heard next week.

The clearance and zoning board has already decided that the Modesto at Modesto, operated by Midland Theatres, Inc., shall have seven days' clearance over the Turlock, operated by E. P. Lawes, provided the Modesto theatres commence exhibition within 35 days of the opening day in San Francisco. The complaint was filed by Lawes.

E. W. Stokes, Eastmont Theatre, Oakland, has filed a complaint against Golden States Theatres' Capitol and Granada charging violation of the clause relating to price cuts and premiums.

Lawes is defendant in a complaint filed by Dan R. Nunan of the New Turlock Theatre, Turlock. Nunan claims Lawes is overbuying.

# Report Delay Brings Threat To Quiz NRA

(Continued from page 1)

Commission and Recovery Administration for digesting because of its length, declaring that it consists of but 6,000 words, according to information given him by Darrow.

Underground gossip at the Capitol today was to the effect that the Darrow report was much stronger even than anticipated and that its publication would give Republicans better ammunition for their attack upon the administration than they have had at any time since President Roosevelt assumed office.

The report is rumored to hold that self-government of industry has been a failure and to recommend much stronger governmental control with equal representation for the government and for large and small business. Even this, it is said, is much less virulent than the original draft of the report but is still too strong for the pleasure of administration officials, and the "digests" which will return from the agencies to which the document has been sent, unless Nye's threat is potent, will gloss over some of the outstanding charges and recommendations of Darrow.

## *Protests on New K.C. Clearance Indicated*

KANSAS CITY, Mo., May 10.—Excitement over the new clearance is in high pitch. Inquiries by independents at the code board office today regarding the period allowed to file protests indicated protests from that source will be forthcoming. The I.T.O. at a meeting today briefly discussed the new plan but deferred its opinion because exhibitors are still unfamiliar with all provisions of the new schedule, copies of which were being mailed to them today.

Zoning board members hold the plan is not a new setup, merely a revision of the old clearance. They say they had full authority to make revisions as price changes since the old clearance went into effect constituted revision in themselves. This view is challenged.

## *Schwartz Asks Rule On Advertising Date*

A. H. Schwartz of the Century circuit has submitted a petition to the New York grievance board asking for a general ruling on the number of days required before a subsequent run can advertise a picture. This is expected to be heard next Tuesday in addition to the adjourned grievances of the Roxy against the Mayfair for cut rate ticket distribution and the Rogowsky overbuying complaint against Skouras and seven major distributors.

## *Zanft Partner of Lesser*

HOLLYWOOD, May 10.—John Zanft has become a partner of Sol Lesser in the production of the series of six George O'Brien features for Fox release.

# Joint Action On Play Dates Is Considered

Eastern exhibitor groups campaigning against next season's unannounced sales policies may consolidate their protest campaign with an Allied-sponsored one which will single out designated play dates as a principal grievance, it was learned yesterday.

The move may materialize at Allied's two-day meeting of directors and regional vice-presidents which opens tomorrow at the Congress Hotel, Chicago. Also to be discussed at the Chicago gathering are methods of financing an independent production deal to be sponsored by Allied. Sidney Samuelson, Allied president, stated yesterday that offers from six independent producers had been received. It is understood that no action will be taken unless the Chicago meeting develops a plan of financing.

### Scheme Held Favored

Consolidation of the sales policy protest campaign with Allied activities is understood to be favored by the eastern exhibitor groups as the best means of giving the movement a national aspect. The decision to concentrate protests on designated play dates and percentage terms is reported to have been made with realization of the futility of campaigning against sales policies before distribution companies have formulated and announced them.

Samuelson declined to comment yesterday on the joint protest probabilities, while Harry Brandt, president of the I.T.O.A., merely made the admission that several of the exhibitors who attended the initial protest meeting at the M. P. Club earlier this week would also attend the Chicago Allied meeting. A number of Allied representatives from New Jersey and Maryland attended the meeting at the M. P. Club, although the bulk of the attendance was comprised of members of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware and the I.T.O.A.

Samuelson, Walter Littlefield, Nathan Yamins, Abram F. Myers, Herman Blum, Edward Ansin and Arthur Price comprise the eastern Allied contingent leaving for Chicago today.

## *Strike in St. Louis Puts House on Duals*

(*Continued from page* 1)

Lowry as master of ceremonies, has resulted in inauguration of dual bills, effective today.

George Tyson says a two-week notice was given to musicians on April 20 when it was planned to drop stage shows May 3. It was found that Lowry could not arrive until the week starting May 4 and a new notice was given on April 26. The musicians wanted to be paid until May 17.

## *DeMille on Film Jury*

HOLLYWOOD, May 10.—Cecil B. DeMille has been named a member of the jury for the International Film Festival to be held in Vienna from June 16 to July 2. Ernst Lubitsch is president of the jury.

# *Who? What? When?*

**Three advisory committees assist the main code boards for New York. One covers Manhattan, Bronx, Staten Island and Westchester. Another covers Brooklyn, Queens and Long Island. The third covers New Jersey. Biographies of members of the latter follow.**

JOE LEE, representing affiliated national distributors, made his first contact with the business about 25 years ago touring with the Joe Lee Stock Co. and talking behind screens in picture houses as off-screen voice which accompanied silent films in those days. Later, he spent several years in the independent field, selling and producing.

In 1915, Lee joined Paramount as salesman for New Jersey and continued with the company for nine years before he left to go over to Fox, where he has been for the past 10 years as New Jersey sales manager. He has held the title of sales manager for the New York exchange since 1932. His new post embraces sales for Greater New York.

EDWARD SCHNITZER, representing unaffiliated distributors, started in the industry in 1922, when he was associated with Sam Seidler. He then worked for Commonwealth Pictures Corp. for one year and joined Producers Distributing Corp. for one year. This was followed by a post with Fox, where he remained eight years as branch manager for New York and Brooklyn territories.

In 1932, Schnitzer joined World Wide as New York sales manager and continued until Fox took over distribution. On March 20, 1933, he joined Columbia as head of the New York exchange.

DON JACOCKS, representing affiliated first run exhibitors, was born May 2, 1896. He began in exhibition as an all-around man at the Garden, New Haven, where he was usher, bill poster and utility man. From this job he trekked to New York to become poster clerk for General Films. Later he returned to New Haven to join M-G-M as shipping clerk and rewinder. His next position was with Paramount in New Haven as shipper, assistant booker and projectionist. A short time after, he rejoined M-G-M in his home town as booker and office manager.

Jacocks then decided to return to exhibition and lined up with the Hoffman Brothers circuit in New Haven as general booker and assistant general manager, a post he held for five years until Warners purchased Hoffman's interests. On July 4, 1931, he was transferred to Warners home office as booker. He left to become assistant to George Skouras in New York. Shortly after he was sent to the Fox West Coast office in Los Angeles as assistant to Charles Skouras.

He quit Skouras to rejoin Warners, where he was made assistant to B. E. Hoffman, general manager of the New England group the latter had turned over to Warners. On Oct. 14, 1932, he was appointed zone manager for Warners' Newark theatres and holds that job today. He is married and has three children.

HARRY K. HECHT, representing unaffiliated first runs, was born in Gal licia, Austria, in 1882. When he came over to this country, he bought a restaurant and continued in this business until 1906 when he added exhibition to his food dispensary. He took over the Nicolette in Paterson as his first house and then became a theatre builder. He erected the Majestic, Paterson, in 1908, with his brother-in-law, Max Gold, and when the outlook became brighter the Hecht & Gold circuit was formed.

In 1914, the company built the Garden, Paterson, now leased to Warners. So much for his experience in Paterson with the exception of the fact that the Plaza, Paterson, also is one of his situations.

The scene now shifts to Passaic where in 1907 he opened the Nicolette, which was followed a year later by completion of the Pleasant Hour. In 1912, he built the City and in the same year the Garden. In addition to these houses, he operates the Rialto and Palace in this city. Hecht owns the Ritz restaurant in Passaic, reputed to be the largest there.

Other theatres owned by Hecht include the Rivoli, Rutherford, which he built in 1920 and leased to RKO in 1930 under a 21 year lease; the Regent, Kearny, which he built in 1916 and in 1930 leased to RKO for 21 years.

He is a director of the People's Bank, one of the largest in Passaic; a member of the National Corp., a holding company in Passaic; he is active in Jewish organization work and local social activities, is a Shriner and an Elk and has three children, Florence, Sidney J., and Harold Lloyd Hecht.

All theatres are under separate corporations of which Hecht is president.

ADOLPH J. RETTIG, representing unaffiliated subsequent runs, attended Seton Hall College in South Orange, N. J., and left there to play professional baseball with Connie Mack's Athletics. A short experience on the diamond and then Rettig became chief of the sales tax division of the U. S. Internal Revenue, Fifth District of New Jersey. He quit this job to take over the management of the Strand, East Orange, N. J., and later dropped the managerial duties to open his own house, the Ormont, on Dec. 1, 1931.

He is a member of Allied of New Jersey and is better known around as "Otto."

LEON ROSENBLATT, second exhibitor representing unaffiliated subsequent runs, dates his start in the picture business as far back as 25 years ago when he acquired the Star on Staten Island. He subsequently acquired the Plaza and Lyceum in Bayonne, N. J.; the Empire, Port Richmond, L. I.; the Orient, Jersey City; Hightstown, Hightstown, N. J.; Maplewood, Maplewood, N. J.; Richmond, Stapleton; Westwood, Westwood, N. J.

All of these houses are operated by him now. He is a graduate of the Vasila Alexandra College in Galatz, Roumania, and has A. B. and B. S. degrees.

He is a member of Allied of New Jersey and the ITOA.

# Church Drive On Bad Films Hits St. Louis

(*Continued from page* 1)

to overseating. They believe the falling off in receipts is a reflection of a substantial segment of the public's dissatisfaction with the type of pictures being turned out in Hollywood. As proof of this fact they point to the growing sale of tickets at places offering other forms of entertainment, such as the St. Louis Municipal Opera.

The Third Order of St. Francis, Catholic organization, is circularizing its membership to join the "Crusade of Decency." Members are urged to mail their pledges in support of the movement to their local theatres or to the M.P.P.D.A. in New York. One exhibitor is said to have received at least 50 of these cards. The signers not only pledge themselves to stay away from theatres showing undesirable pictures but also to do all in their power to arouse public opinion against their exhibition.

Fred Wehrenberg, president of the M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois, said he is personally answering protests as they come in.

## Catholic Periodical Bans Five Features

BUFFALO, May 10.—*The Queen's Work,* Catholic periodical, edited by Father Daniel A. Lord, has blacklisted five features and will continue to ban others "until the producers abide by their own moral code signed in 1930." The five listed to date are: "Riptide" (M-G-M); George White's "Scandals" (Fox); "Glamour" (Universal); "Finishing School" (Radio); "The Trumpet Blows" (Paramount).

Others will meet Catholic displeasure nationally each month by students of the Sodality's Spiritual Leadership movement, the Rev. Alfred J. Barrett, S.J., moderator of the Student Sodality Conference of Western New York, states.

Father Barrett also has requested exhibitors, who, he said, are "compelled to exhibit pictures which are railroaded to them through the monopolistic system of block-booking and blind-selling," to send their protests to him under their own letter-heads. Such letters he said will "be added to a file being collected by Father Lord for presentation to President Roosevelt, in an effort to break the producers' selfish monopoly."

Protestants also are taking up the battle against what are termed evil influences in pictures. The Rev. Frederick D. Raymond, pastor of Roland Avenue Methodist Episcopal Church in suburban Lackawanna, declared:

"The time has come when, in spite of the fact that there are many clean, honorable people engaged in the industry, and some clean pictures are being produced and shown, Christian people should determine the question of their patronage of the motion picture house—not upon the quality of a few decent pictures shown at intervals—but upon the probable results of the activity of the industry as a whole upon the youth of our day and nation."

# "Rothschild" Strong, But B'way Slips

Broadway grosses sagged all along the line, with "The House of Rothschild" in its seventh week at the Astor the only attraction doing real business. The take was $19,600.

Two holdovers were just fair. "Tarzan and His Mate," with a stage show at the Capitol, went down to $25,482 in its second week and "Stand Up and Cheer" took only $61,800 in its second stanza at the Music Hall. The Paramount was down to $22,000 on "The Witching Hour." This falls under the Rivoli mark, $28,440, with "We're Not Dressing."

"Hitler's Reign of Terror" did a fine $12,500 at the Mayfair and was held.

Estimated takings:

***Week Ending April 30:***

**"WE'RE NOT DRESSING" (U.A.)**

RIVOLI—(2,200), 35c-99c, 7 days. **Gross:** $28,440.

***Week Ending May 1:***

**"HOUSE OF ROTHSCHILD" (U.A.)**

ASTOR—(1,012), 55c-$2.20, 7th week, 7 days. **Gross:** $19,600.

***Week Ending May 2:***

**"STAND UP AND CHEER" (Fox)**

RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 2nd week, 7 days. Stage show. **Gross:** $61,800.

**"SHE MADE HER BED" (Para.)**

RIALTO—(2,300), 25c-65c, 7 days. **Gross:** $8,000.

***Week Ending May 3:***

**"TARZAN AND HIS MATE" (M-G-M)**

CAPITOL—(4,700), 35c-$1.65, 2nd week, 7 days. Stage: James Melton, Sisters of the Skillet, Pickens, Sisters, Humbiner orchestra and others. **Gross:** $25,482.

**"AS EARTH TURNS" (Warners)—1 day**
**"TRUMPET BLOWS" (Para.)—6 days**

PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $10,100.

**"WITCHING HOUR" (Para.)**

PARAMOUNT—(3,700), 35c-99c, 7 days. Stage: George Jessel, Ethel Merman and others. **Gross:** $22,000.

**"JOURNAL OF A CRIME" (F.N.)**

ROXY—(6,200), 25c-65c, 7 days. Stage show. **Gross:** $19,100.

**"TWENTY MILLION SWEETHEARTS" (Warners)**

STRAND—(2,000), 25c-$1.10, 7 days. **Gross:** $23,084.

***Week Ending May 4:***

**"LOST PATROL" (Radio)—4 days**
**"BOTTOMS UP" (Fox)—3 days.**

RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $6,200.

***Week Ending May 7:***

**"HITLER'S REIGN OF TERROR" (Jewel)**

MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $12,500.

# Grosses Tumble in Providence Houses

PROVIDENCE, May 10.—Grosses tumbled here during the week with all the houses taking a licking for some reason or other. Even the Paramount found George Raft's popularity unable to cope with general conditions and "The Trumpet Blows" brought in but $4,000, $2,500 under the par figure.

The best comparative business went to Fay's with "Romance in Trinidad" and a revue, "Harlemania," heading the stage offerings.

Total first run business was $31,000. Average is $41,000.

Estimated takings for the week ending May 3:

**"THE TRUMPET BLOWS" (Para.)**
**"TWIN HUSBANDS" (Chesterfield)**

PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $4,000. (Average, $6,500)

(*Continued on page* 13)

# Purely Personal

NED E. DEPINET is en route to the coast for pre-convention conferences on Radio's new season product with B. B. KAHANE and J. R. McDONOUGH and is expected back about June 1.

VINCENTE PADULA, Argentine actor, arrived in New York yesterday aboard the *Berengaria* to play in the CARLOS GARDEL picture being made for Paramount at the Eastern Service plant in Astoria.

GUY ROBERTSON, stage player recently signed by Monogram to star in "King Kelly of the U. S. A.," leaves for Chicago today to open a stage engagement of the play. He is due on the coast about June 10.

JACK HALEY will return from the coast as soon as he is finished in "Here Comes the Groom" for Paramount. He intends to spend the summer at his place near Lake Mahopac.

JOHN STEWART TWIST'S and WILLIAM WORTHINGTON'S play, "The Skeleton in the Closet," has been bought by Mascot. It will be produced on the new season's schedule under the title of "One Frightened Night."

JOSEPH H. HAZEN of the Warner legal department, returned Wednesday on the *Champlain* from a five months' business trip to England and the continent.

E. L. McEVOY, eastern and Canadian sales manager, and CRESSON E. SMITH, western and southern sales manager of Radio, have left on brief trips to their respective territories.

ETIENNE PALLOS, London Film sales manager, arrived yesterday aboard the *Conte di Savoia* for a series of conferences with U. A. executives on new season's line-up.

ELIZABETH ALLAN is on her way to the coast to appear in two M-G-M pictures, "The Green Hat" and "David Copperfield." The former title will undergo a change before release.

COL. E. A. SCHILLER leaves for a Hawaiian vacation today, traveling by way of the Panama Canal to Los Angeles and San Francisco first.

BEN ROSENBERG of National Screen has brought his mother on from the coast to spend the summer in the east.

CLAIRE KUMMER is on her way to New York from the coast. She has just finished an adaptation of "Her Master's Voice" for Paramount.

JOE LEE, Fox sales manager in New York, has gone to Florida for three weeks to recuperate from a recent throat operation.

CELESTE H. FOX, former secretary to GEORGE GERHARD, has joined Norman D. Waters and Associates, publicity firm.

LANNY ROSS leaves for the coast immediately after he closes at the Capitol to start work on "Her Master's Voice" for Paramount.

ED FINNEY is taking a lot of kidding on his summer haircut.

MARY BRIAN is here on a shopping trip.

REGGIE CHILDS and his Hotel Roosevelt orchestra will probably appear in a series of shorts to be made in the East.

IRVING DREEBAN, ad sales manager for the Fox New York exchange, leaves the end of June on a honeymoon vacation trip.

JOHN BUCKLER and CHARLES SABIN, recently signed by Columbia, left for the coast yesterday. BUCKLER went by boat and SABIN by train.

MADELEINE CARROLL, who arrived from the coast yesterday, sails tomorrow for England to resume work for Gaumont British.

JACK LAIT, GEORGE GIVOT, GUY ROBERTSON and ARMAND DENIS were Ampa guests yesterday. It was a stag affair.

JOAN BENNETT and GENE MARKEY, her husband, reach town today. They will sail tomorrow on the *Conte di Savoia.*

BLAND JOHANESON, critic of the *Mirror,* likes Woolworth's ice cream cones.

ERNIE POGANO, Educational writer, returns to the coast today after a brief vacation.

HAROLD RODNER is so set on flying he doesn't intend to travel any other way in the future.

CHARLES L. O'REILLY has returned to his office following a dental operation.

AL DUBIN and HARRY WARREN, Warner songsmiths, are in town from the coast for a two-month vacation.

HARRY BUXBAUM and LOUIS NIZER have started training for their annual handball set-to.

HELEN DOHERTY'S original, "She Calls the Dance," has been taken by Monogram.

AL FRIEDLANDER has gone to Boston on First Division business.

CHARLES SKOURAS hopes to get off to the coast some time next week.

## *Town Aids Opening*

**Kansas City, May 10. — A rare demonstration of community cooperation took place at the opening of the new Davis at Higginsville, Mo. Civis clubs sold out the entire house in advance at $1 a seat. A preacher, chairman of the committee, handed a check for $750, representing as many seats, to the mayor at the opening, and it was presented to John W. Davis, the exhibitor. Many local film men attended. Opening attraction was "Melody in Spring." Admission price is 25 cents.**

# "Tarzan" Omaha's One Draw, $7,000

OMAHA, May 10.—August weather in mid-spring cut into all first run grosses, with "Tarzan and His Mate" at the Paramount the only film beating par. Gross at Blank's ace house with a reversion to single features was about $7,000.

"The Lost Patrol," along with "A Journal of Crime," lasted just six days at the Brandeis. Run was cut short to make room for "Twenty Million Sweethearts," but the dual managed to get about $3,500. Another twin bill at the Orpheum, "The Trum-

(*Continued on page* 13)

# "Rothschild" $15,000 Hit, Kansas City

KANSAS CITY, May 10. — "The House of Rothschild" was the ace attraction, grabbing $15,800 at Loew's Midland against $11,000 average. The Midland hiked the price from 25 cents to 40 cents for the week and got considerable carriage trade.

Bing Crosby's "We're Not Dressing," on a dual program with "You Can't Buy Everything," gave the Newman a big $8,500, over normal by $2,000. Elsewhere business was nothing to write home about.

Total for the week was $37,500. Average is $34,500.

Estimated takings:

***Week Ending May 3:***

**"LOST PATROL" (Radio)**
**"SING AND LIKE IT" (Radio)**

MAINSTREET—(3,049), 25c-40c, 7 days. **Gross:** $4,800. (Average, straight films, $7,000)

**"WE'RE NO DRESSING" (Para.)**
**"YOU CAN'T BUY EVERYTHING" (M-G-M)**

NEWMAN—(1,800), 25c, 7 days, plus Saturday late show. **Gross:** $8,500. (Average, $6,000)

**"LET'S FALL IN LOVE" (Col.)**

TOWER—(2,200), 25c, 7 days, plus Saturday midnight show. Stage: "Rhapsody in Color" revue, featuring Stroud and Dodge, Dave Tannen, the Andresens, Clarence Rand, Al Belasco, m. c. **Gross:** $4,000. (Average, $4,000)

***Week Ending May 4:***

**"THE HOUSE OF ROTHSCHILD" (U.A.)**

MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $15,800. (Average, $11,000)

**"NARCOTIC" (State Rights)**

ROYAL—(810), 25c, 9 days, 2nd week. **Gross:** $1,800. (Average, $2,500)

**"THREE ON A HONEYMOON" (Fox)**

UPTOWN — (2,000), 25c-40c, 7 days. **Gross:** $2,600. (Average, $3,500)

# "Rothschild" Gets $10,000, Montreal

MONTREAL, May 10.—Despite the fact that many Montrealers are engaged in moving to different homes around May 1, the main stem theatres turned in a good week, attractions at two houses being held over for a second week.

The Princess hit a big total of $10,000 with "The House of Rothschild" and "Chance at Heaven," the take being $4,000 above average. The Capitol also registered $11,000 with "Riptide" and "Hold That Girl" and this was well above the line. Loew's was content with $10,000 with "From Headquarters" and vaudeville, while the Palace was able to collect $9,000 with "Wild Cargo" and "Sing and Like It."

Total business was $39,000. Average is $36,500.

Estimated takings for the week ending May 5:

**"RIPTIDE" (M-G-M)**
**"HOLD THAT GIRL" (Fox)**

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $11,000. (Average, $9,000)

IMPERIAL—French operetta.

**"FROM HEADQUARTERS" (Warners)**

LOEW'S—(3,115), 25c-35c-50c-65c-75c, 7 days. Stage: McLellan & Sarah with Sassafras. **Gross:** $10,000. (Average, $10,500)

**"WILD CARGO" (Radio)**
**"SING AND LIKE IT" (Radio)**

PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $9,000. (Average, $11,000)

**"THE HOUSE OF ROTHSCHILD" (U.A.)**
**"CHANCE AT HEAVEN" (Radio)**

PRINCESS — (2,272), 25c-35c-50c-65c, 7 days. **Gross:** $10,000. (Average, $6,000)

Carl Laemmle has the honor to present

Margaret Sullavan

DOUGLASS MONTGOMERY

Fred Kohler, Alan Hale, Mae Marsh, George Meeker, Muriel Kirkland, DeWitt Jennings, Hedda Hopper, Catherine Doucet, Bodil Rosing. From the novel by Hans Fallada. Screenplay by William Anthony McGuire. Directed by Frank Borzage.

# LITTLE MAN WHAT NOW?

A FRANK BORZAGE PRODUCTION

*The greatest Universal picture since "All Quiet on the Western Front"*

# LITTLE MAN WHAT NOW?

## "Tarzan" Omaha's One Draw, $7,000

(*Continued from page 8*)

pet Blows" and "Registered Nurse," brought $6,000.

The World, with "Looking for Trouble" and "Midnight," was under par at $4,000.

Total first run business was $20,500. Average is $21,500.

Estimated takings:

***Week Ending May 2:***

**"TARZAN AND HIS MATE" (M-G-M)**
PARAMOUNT — (2,900), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $6,750)

***Week Ending May 3:***

**"THE TRUMPET BLOWS" (Para.)**
**"REGISTERED NURSE" (Warners)**
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $6,500)

**"THE LOST PATROL" (Radio)**
**"JOURNAL OF CRIME" (F.N.)**
BRANDEIS—(1,500), 25c-35c, 6 days. **Gross:** $3,500. (Average, $3,750)

**"LOOKING FOR TROUBLE" (U.A.)**
**"MIDNIGHT" (Univ.)**
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,500)

### *Casino Closes May 17*

Two different policies have failed to click so the Casino will close May 17. For the first two weeks the house was on a vaudeville policy which was dropped for pictures and five acts of vaudeville. The house will darken after five weeks of operation.

### *AFA Gathers in Phila.*

PHILADELPHIA, May 10.—The first of a series of meetings for the purpose of establishing branches in all key cities was held by the American Federation of Actors tonight at Musicians' Union Hall here.

### *Lawrence on Way Here*

"Laudy" Lawrence, general European manager for M-G-M, is enroute from Paris for conferences with Arthur Loew.

Sam Eckman, in charge of Great Britain, is here conferring with Loew.

### *Gordon in Reliance Job*

HOLLYWOOD, May 10.—Leon Gordon, playwright remembered for his "White Cargo," has been named associate producer of Reliance Pictures. His first assignment will be Dumas' "The Count of Monte Cristo," which United Artists will release.

### *M-G-M "Oddities" Again*

M-G-M will have a series of 13 "Oddities" next season. They will probably be made in Technicolor.

Harmon-Ising will make from six to 12 Technicolor cartoons for next season's program, the first to be a two-reeler.

### *To Show French Films*

John S. Tapernoux will show "Madame Bovary" and "De Wilson a Roosevelt" on the *Champlain* tomorrow night.

### *Can Attach Pay for Fees*

HOLLYWOOD, May 10.—The State labor board has given agents the right to file attachments against clients' salaries for delinquent commissions.

### *M-G-M Signs Miss Laye*

M-G-M has signed Evelyn Laye, British musical comedy star, who will come to America about Sept. 1.

# *Hollywood On Parade*

***By BILL SWIGART***

HOLLYWOOD, May 10.—MITCHELL and DURANT have worked together since they were boys of 14 and 12. Neither has ever had another partner. . . . ALBERTINA RASCH has an unerring faculty of being able to tell whether a girl can dance by watching her walk across a room. Has only missed on three during her long career. . . . WERA ENGELS, now acting in American pictures, was born in Germany, educated in China, makes official home in Paris and is a British subject.

•

VINCE BARNETT said he signed a new 30-year contract with 10 minute options. . . . Now that GEORGE BRENT is unmerged from LADY CHATTERTON, he finds himself at liberty to fly, play handball, badminton, etc. . . . LOU GREENSPAN, torch-bearer for Universal, takes credit for discovering the name of the tune Nero played while Rome burned. It was "Smoke Gets In Your Eyes." . . . They say PAUL LUKAS started out to become a publisher and apparently quit when his father asked him to become a book salesman. Imagine how many books Paul could sell today if he started pushing door bells!

•

JOEL MCCREA is one of the few actors who needs no make-up for the camera, except when he plays society roles, then only a small dash of powder is required. . . . LOUIS FRIEDLANDER, for many years a roustabout around the Universal lot, has established himself as a full-fledged director through direction of "Vanishing Shadow," a serial. His next assignment will be "Tailspin Tommy," another serial centered around aviation of which Louie himself is an authority. . . . Not to be outdone by his contemporaries, CHESTER MORRIS will soon be in New York to fulfill some personal appearance dates before returning to Universal.

•

ROBERT Z. LEONARD gets "The Green Hat" for M-G-M, starring Constance Bennett. Picture was originally slated for GLORIA SWANSON's comeback until she was loaned to SAM GOLDWYN for the feminine lead opposite GARY COOPER in "Barbary Coast." Now she's out of that, too. . . . MARY BOLAND is planning her 29th trip across the Atlantic. . . . ADOLPHE MENJOU nominates SAM HARDY as Hollywood's worst dressed man. . . . MAE WEST continues to be the most sought after sponsor of this, that and the other thing. In one day's mail she received requests to sponsor a new brand of cigar, playing cards, with her picture on the back, and a new kind of fountain drink.

•

One more job of buttling and LEO CARROLL goes on a one-man strike. No sooner had he delivered this ultimatum to M-G-M, the studio assigned him the part of a medico in "The Green Hat."

### *Publix Unit Renamed*

DOVER, May 10.—Publix Virginia, Inc., changed its name in the Delaware State Department here to Lynchburg-Perry Theatres, Inc., New York City. The Corporation Trust Co. was the incorporating company.

The new Lynchburg-Perry Theatres Co. controls the Paramount, Academy and Isis at Lynchburg, Va., which have been operated by Hunter Perry since last September under an agreement with the trustee in bankruptcy for Publix Enterprises which made Perry a managing partner of Paramount for the former Publix Virginia circuit.

### *Cobb May Do a Feature*

HOLLYWOOD, May 10.—Plans are under way at Hal Roach Studios for Irvin Cobb to do a feature providing the series of eight shorts for which he was signed last week are successful. Cobb will pen his own story, if the deal goes through. The first of the two-reeler series goes into production this week, under the title of "Fisherman's Luck." James Parrott is directing.

### *Fox Holds Stock Group*

HOLLYWOOD, May 10.—Following their first chance to display their talent before executives in a group of four plays presented at the studio, Fox is planning to retain 34 stock players under contract.

### *Rosita Moreno Signed*

HOLLYWOOD, May 10.—Fox has signed Rosita Moreno for four Spanish pictures for the new season program.

### *Radio Seeks Revue Idea*

HOLLYWOOD, May 10.—Radio executives are on the lookout for an original idea for their "RKO-NBC Review," which was announced for their program several weeks ago. Staff writers have been mulling the idea over for some time with no definite results. Story ideas will be welcomed from employes or free lance writers.

### *Jungle Troupe at Para*

HOLLYWOOD, May 10.—M-G-M's "Jungle Red Man" unit, consisting of George Seitz, Harold H. Noice and Joe Cook, have arrived at Para at the mouth of the Amazon. Here they will assemble equipment for the 1,000-mile trek up the river to Manaos, thence to Yarawate, 700 miles inland.

### *Miriam Hopkins Better*

HOLLYWOOD, May 10.—Miriam Hopkins, fully recovered from a broken ankle, returns to Paramount this week after a three-week absence that has delayed production on "She Loves Me Not."

### *E. I. Sponable on Coast*

HOLLYWOOD, May 10.—E. I. Sponable, chief sound engineer for Fox in New York, is here. He will stay one week to confer with studio executives and inspect equipment.

### *Dorothy Reid Returns*

HOLLYWOOD, May 10.—Dorothy Reid, absent from independent production for the past two years, has resumed with Monogram and will appear in Vera Brown's story, "The Red Head."

## Grosses Tumble in Providence Houses

(*Continued from page 8*)

**"AS THE EARTH TURNS" (Warners)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

**"ROMANCE IN TRINIDAD" (Fox)**
FAY'S — (1,600), 15c-40c, "Harlemania," revue, on stage. **Gross:** $6,800. (Average, $7,000)

**"WHERE SINNERS MEET" (Radio)**
**"I'LL TELL THE WORLD" (Univ.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $4,500. (Average, $7,000)

**"SORRELL AND SON" (U. A.)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Hal Jerome heading stage bill. **Gross:** $8,500. (Average, $12,000)

**"THE CRIME DOCTOR" (Radio)**
**"SOCIAL REGISTER" (Radio)**
RKO VICTORY—(1,600), 10c-25c, 7 days. **Gross:** $2,000. (Average, $2,000)

### *Allow Cornwell Claims*

ST. LOUIS, May 10.—Claims totalling $410,748 have been allowed against the estate of Frederick L. Cornwell, real estate operator, attorney and former exhibitor, who died in February, 1933. Claimants were bondholders on the 15-story hotel and theatre property he constructed in Moline, Ill.

### *Gordon Hoeye Dead*

DENVER, May 10.—Gordon Hoeye, 46, for four years auditor for RKO exchange, is dead. Death was caused by pneumonia. Hoeye resigned from the company two years ago. He had just returned from a trip around the world and was visiting in Denver while planning a trip to Mexico. His home was in Los Angeles.

### *Todd, Kelly Winding Up*

HOLLYWOOD, May 10.—Thelma Todd and Patsy Kelly will make two comedies in a row for Hal Roach, which winds up their contract with the studio. The first, "I'll Be Suin' You," went into work Monday. As yet there has been no talk of a new ticket for the comediennes.

### *Miss Barnes Misses Boat*

Binnie Barnes, under contract to Universal to appear in "There's Always Tomorrow," missed a boat in Southampton on Wednesday, according to word received at the "U" home office, but will sail on the *Aquitania* tomorrow.

### *Carroll Coming East*

HOLLYWOOD, May 10.—Earl Carroll, accompanied by Bill Pine, Cecil Carle and Tom Rooney, leaves Sunday night on a three-day airplane trip in connection with Paramount's "Murder at the Vanities." They will visit 10 key cities. The trip will end in Boston.

### *Sloman Rejoins "U"*

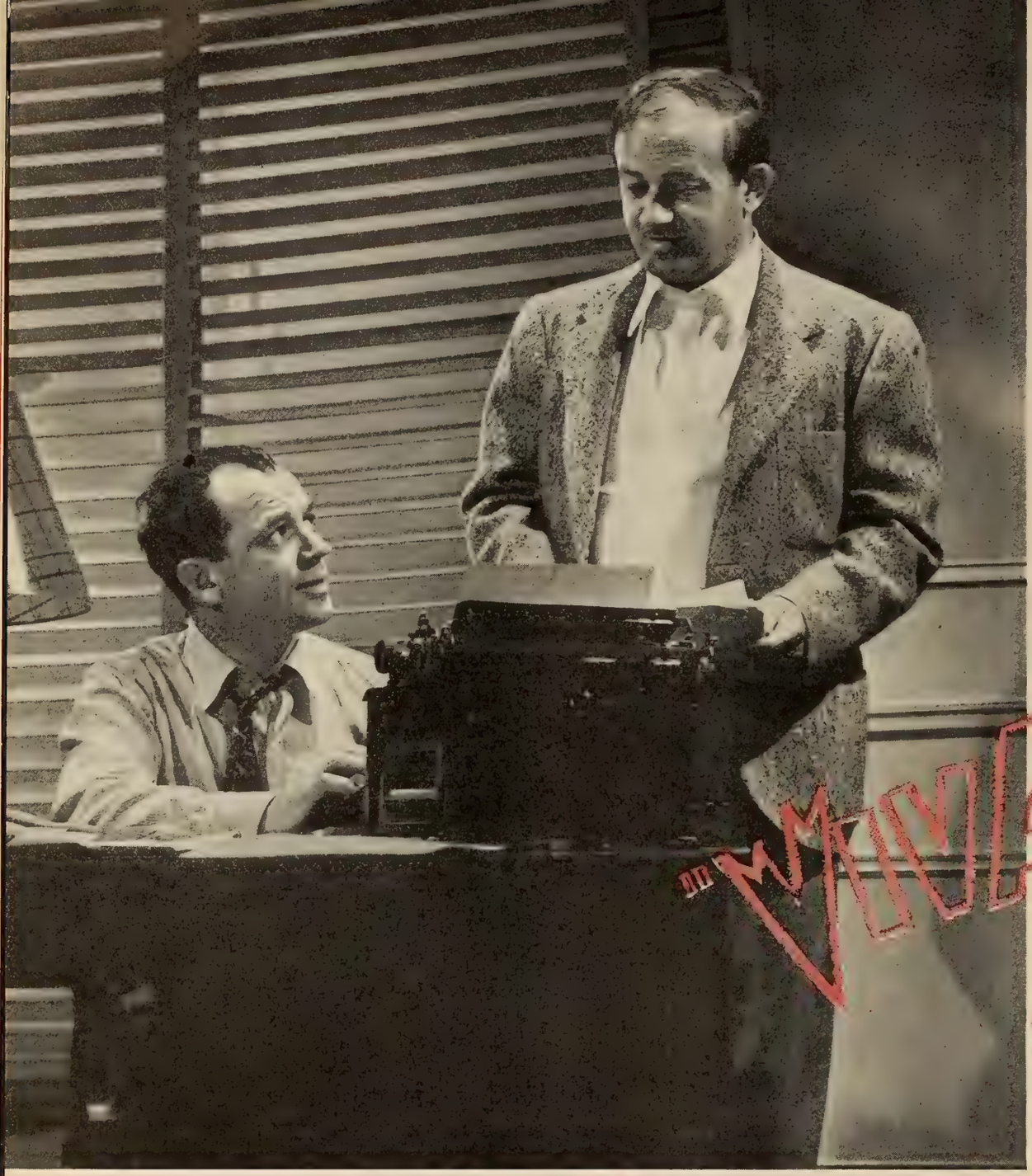
HOLLYWOOD, May 10.—Edward Sloman resumes his career as a director after an absence of more than a year with Universal where he will direct "There's Always Tomorrow," his own original.

### *Vitaphone Open Monday*

Vitaphone Studio, dark for several weeks, will resume production Monday, with Ruth Etting scheduled to go to work in a two-reeler.

### *Maris, Campillo East*

HOLLYWOOD, May 10.—Paramount is sending Mona Maris and Anita Campillo to Astoria for Ben Hecht's "Crime Without Passion."



"UNDERWORLD"

**BEN HECHT and CHARLES MacARTHUR**

***writers and producers***

Hecht and MacArthur are two of the day's most gifted and successful writers of stage and screen plays. Ben Hecht has authored such hits as "Viva Villa", "Underworld", "Scarface", "Topaze", "Design for Living". Charles MacArthur has written such film successes as "Get - Rich - Quick Wallingford", "Paid", "Sin of Madelon Claudet", "Rasputin". Together they have written such stage and screen smashes as "Front Page" and "Twentieth Century".

# PARAMOUNT

announces four pictures to be produced by BEN HECHT and CHARLES MacARTHUR

• The first of these pictures will be . . .

## "CRIME WITHOUT PASSION"

with Claude Rains and a skilled cast of players. The thrilling and melodramatic story of an intellectual "Scarface", who called himself "Champion of the Damned"

**Messrs. HECHT and MacARTHUR** will be assisted by a quartette of technical specialists including Lee Garmes, ace cameraman, whose beautiful photography in "Zoo in Budapest", "Shanghai Express" and "Smilin' Thru" made these productions outstanding; Slavko Vorkapich, Hollywood's cutting genius; Arthur Rosson and Albert Johnson, famed scenic designer.

# Madison Kids Like Action, Fun, Cartoons

MADISON, Wis., May 10.—According to a film survey conducted among 1,100 school children by the Madison Council of Parents and Teachers, westerns, comedies and cartoons, and mystery and murder pictures are preferred by the majority of fifth, sixth and eighth grade pupils.

"Little Women" headed the list in all three grades, with "Spitfire" and "Roman Scandals" rating second and third. "Alice in Wonderland" was mentioned by only seven per cent of the sixth graders among the pictures they had seen recently.

Parents' advice plays a small part in the selection of films, according to the survey. In the eighth grade, this advice ranked with trailers and stills outside the theatres, with four per cent. Sixth graders ranked parents' advice third, with eight per cent, and fifth graders second, with 14 per cent.

The percentage of children mentioning various types of pictures in the various grades follows:

Fifth grade, westerns, 57; comedies and cartoons, 53; mystery and murder, 36; sixth grade, comedies and cartoons, 52; western, 51; mystery and murder, 36; eighth grade, mystery and murder, 45; comedies and cartoons, 40; westerns, 35.

Among other films mentioned by all three groups were "Duck Soup," "George White's Scandals," "Take a Chance," and "Hips, Hips Hooray." "The Ninth Guest" was mentioned among the first 10 of one group. "Gordon of Ghost City," serial, "David Harum," "Tarzan," "Flying Down to Rio," "Return of Casey Jones," and "Dancing Lady," were among the first 10 in one of the three groups.

Types of scenes, according to the frequency with which they were mentioned, were: Exciting but not gruesome, 32 to 42 per cent; amusing and entertaining, 19 to 30 per cent; morbid or gruesome, 14 to 20 per cent; highly emotional (sad), 15 to 16 per cent; musical (singing and dancing), six to nine per cent; romance and sex, four to eight per cent; sports or hunting, five to nine per cent.

About 40 per cent of the children reported they attended once a week, and 11 to 15 per cent, twice a week. The great majority, according to the survey, go with their friends, with 28 per cent of the fifth graders going with their parents and only 14 per cent of the eighth graders going with their parents. Most of them go during the afternoon.

## *Want 8 P. M. Curfew*

**Mexico City, May 10.—The government is considering a petition by the Mexican Actors' Union that film shows after 8 o'clock be banned so that legitimate theatres will get a break. Two more legitimate theatres are considering going to a film policy. Stage shows are exempt from municipal taxes, but film houses are taxed.**

## *Takes Cleveland Theatre*

AKRON, May 10.—H. L. Malone, Akron exhibitor, has leased the Penn Square, Cleveland.

## *Decides Kentucky's Shows Up to Towns*

LOUISVILLE, May 10.—Fourth class cities may, by ordinance, "license, tax, regulate or suppress" film shows either on Sundays or during the week, Assistant Attorney General H. Hamilton Rice has ruled.

This was a ruling on the new state law doing away with that part of the old Blue Laws which prohibits Sunday pictures. At the time of passage of the act the legislature was unwilling to accept amendments which would permit town authorities to prohibit Sunday shows.

## *Theatres Shift in Iowa*

DES MOINES, May 10.—Theatre changes throughout the state continue to be numerous with few closings. Carter & Lambert have taken over the Monte at Monticello. J. Langley is the new manager of the Iowa at Dow City. The Nashua at State Center has reopened under the management of C. G. Hein. Mrs. Lillian G. Hein has opened the Monroe at Monroe, Ia. The Orpheum at Fairfield, Iowa, has changed ownership. L. G. Gaines is the new proprietor.

Two closings reported are the Farmington at Farmington, Iowa, and the Cincinnati opera house at Cincinnati, Iowa, the latter temporarily.

## *Fined for Sunday Show*

WASHINGTON, Pa., May 10.—The manager and six employes of Warners' State were fined a total of $56 when arraigned here for operating on Sundays.

## *Change Robinson Title*

HOLLYWOOD, May 10.—Warners have changed the title of Edward G. Robinson's next from "The Mysterious Mr. X" to "The Man With Two Faces."

# Instigating of Censors Is Hit By Kuykendall

COLUMBUS, Miss., May 10.—Censor-baiters, both exhibitors and publicity men, who exploit sensationally and stir up, sometimes deliberately, the churches, reform elements and club women, are severely condemned by Ed Kuykendall, M.P.T.O.A. president.

Recently, he says, a campaign on a nudist picture in a middle western key city was based chiefly upon the opposition from reform elements, and, as a result, exhibitors are now forced to combat a campaign for city and state censorship.

The public relations department of the M.P.T.O.A., said Kuykendall, has been a great factor in promoting good will and combating outside dangers and will continue to come to the aid of the industry.

## *Alex Gets Third Post*

EAST LIVERPOOL, O., May 10.—A Alex, for some time treasurer of the American and State, has been named manager of the American, in addition to his treasurer duties at the two local houses. George S. Ellis continues as city manager of the two theatres, controlled by A. G. Constant of Steubenville.

## *Krims Get Detroit Spot*

DETROIT, May 10. — The Krim brothers have leased the Vendome, dark for some time, and will reopen it after improvements have been completed. They will call it the Sun.

# *Variety Club Chatter*

## *Albany*

ALBANY, May 10.—Kings for a Day TONY RYAN and RALPH PIELOW were in charge of a large gathering of barkers and their guests at the weekly luncheon Monday at the De Witt Clinton Hotel.

The May issue of the *Barker* was distributed among members.

Judge E. G. ROGAN, surrogate of Albany County, was guest of honor. He enumerated in jocular fashion many of his experiences while presiding as judge in the local police court. Judge ROGAN, who was given the honor of associate member, is also exalted ruler of the Albany Elks.

MIKE KALLET of Oneida, who was scheduled to serve with TONY RYAN as king for a day, was unable to put in his appearance, and RALPH PIELOW, first assistant barker, pinch-hit very capably. PIELOW proved his ability as a monologist. These luncheons are disclosing hidden talent.

Entertainment was provided by JEAN BEDINI and his performers, who are appearing at the Capitol this week. The show was arranged with the cooperation of Barker W. W. FARLEY.

ALEX SAYLES, chairman of the house committee, reports progress on the headquarters in the Harmanus Bleecker Hall, and definite housewarming date has been set for May 26. Plans for a swanky affair are now in the making, which will be climaxed by the presence of Governor LEHMAN. Chief Barker BUCKLEY is now making arrangements to import "name" talent from New York.

Barker JACK SWARTOUT, who has been designated as one of the kings for a day for May 14, has fully recovered from a recent illness. He will be assisted by ED DORWALDT.

Plans are being discussed to hold a golf tournament the latter part of July.

## *Buffalo*

BUFFALO, May 10.—Meetings of the Variety Club have been held in abeyance by the absence of Dave Miller, chief barker and manager of the Universal exchange, whose mother is critically ill in Cleveland.

## *Kansas City*

KANSAS CITY, May 10.—ED KUYKENDALL, M.P.T.O.A. president, honored Ten No. 8 with an unexpected visit. After a short talk at the weekly luncheon, he was invested by Chief Barker Frank Hensler with the title "first honorary member" and presented Card No. 13 (for luck) and the barker pin. Following the initiation, DICK BIECHELE made sure the national prexy got well acquainted with the club rooms the two days he was in town.

COL. RUBY GARRETT, member of the City Council and Chamber of Commerce attorney, reminisced about the World War, and other features made the weekly luncheon interesting, thanks to Kings SAM ABEND and EARL JAMESON of Exhibitors' Film Delivery.

More than the usual quota of visitors at the meeting included: H. M. WILCOX, Erpi vice-president, New York; HUGH OWEN, Dallas, and STANLEY HAND, Chicago, Erpi sales executives; LOUIS HYMAN, Principal Pictures, New York; C. B. SAVAGE, Los Angeles; BYRON SPENCER, former City Councilman and Fox theatres trustee attorney; E. VAN HYNING, Iola, Kan., exhibitor.

Chief Barker FRANK HENSLER called a business meeting for Monday night in the club rooms, followed by a social get-together.

The following names have been posted as accepted for membership: NAT HECHTMAN, Hollywood Advertising; SAM BROWN STOLL, M-G-M; BEN ADAMS, Warner; FRED GREENBERG, Warner; PAUL HANNON, Paramount; JACK RENFRO, RKO; JOSEPH STARK, Paramount; J. ROY YOUNG, Paramount.

HARVEY B. DAY, field representative for Educational's "Terry Toons," was a club visitor and host to a party of friends, including WARD E. SCOTT, Fox district manager, at dinner in the Muehlebach grill.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 111 | NEW YORK, SATURDAY, MAY 12, 1934 | TEN CENTS

# Campi Backs Milwaukee Decision in First Appeal

## Official Text of Decision

**Campi statement supporting the Milwaukee grievance board in the first appeal to reach the highest tribunal under the code:**

**"The following resolution was unanimously adopted by the Code Authority at the meeting held on Friday, May 11, with Messrs. Harold S. Bareford and W. C. Michel not voting.**

**"*Resolved*: That the case of the Saxe Amusement Managagement, Inc., complainant, vs. Ashley Theatre Corp. and Vitagraph, Inc., respondents, came before the Code Authority for a hearing on appeal filed by the Ashley Theatre Corp. and Vitagraph, Inc., and the case was duly heard and new evidence admitted and upon motion duly made and seconded it was voted that the decision of the Milwaukee Grievance Board be and is hereby affirmed and that the legal Committee of the Code Authority be authorized to draft the decision for the Code Authority, said decision to contain proper safeguards to Warner Bros. Distributing Corp. and Vitagraph, Inc., for the faithful performance of the contracts for pictures awarded to the Saxe Amusement Management, Inc."**

## Hope to Scale Para. Claims To 50 Million

### *Total Filed Originally Was $282,000,000*

Expectation that the total creditors' claims provable against Paramount Publix can be scaled down to between $50,000,000 and $60,000,000 was voiced yesterday by the principal protective committee for bondholders of the company.

Total claims filed against Paramount aggregated $282,000,000. Of this amount it is hoped that all will be withdrawn or disallowed except approximately $25,000,000 in bonds,

(*Continued on page* 4)

## Chicago Awaits 25 Leaders of Allied

CHICAGO, May 11.—About 25 Allied leaders will assemble here tomorrow for a two-day meeting at the Congress. Principal topic up for discussion is an independent production tieup. Sidney Samuelson does not intend to appoint the two regional vice-presidents for his national advisory cabinet at this meeting.

## *Iron Pledges to End Coast Duals Go Out*

LOS ANGELES, May 11.—The committee working out plans for the elimination of duals has started circulating pledges among independent

(*Continued on page* 3)

## *Brooklyn Circuits Merge; to Expand*

Two Brooklyn circuits have merged and plans are in view for building of additional theatres in the territory

(*Continued on page* 3)

### *Parsons in a Rush*

**Hollywood, May 11.—Lindsley Parsons, Monogram publicity director, sold his western yarn, "Randy Rides Alone," to the studio, did a screen adaptation, and the picture went into work, all within a week.**

**Cecilia Parker gets the feminine lead opposite Randolph Scott with Harry Fraser set to direct.**

## More Detroit Churches Join Film Campaign

DETROIT, May 11.—Protestant churches here today joined the drive of the Catholic Church against objectionable films when the board of directors of the Detroit Council of Churches passed an approving resolution and decided to secure signatures to a pledge similar to that of the Legion of Decency, launched last Sunday by Bishop Michael J. Gallagher.

Rev. Hugh Chamberlain Burr,

(*Continued on page* 4)

## Second Charge Of Overbuying Is Filed Here

A second overbuying complaint against Skouras has been filed with the New York grievance board and is slated for hearing May 22. In addition to George and Spyros Skouras, defendants named are Theatres Corp., Columbia, Universal, RKO, Fox, Paramount and A. H. Schwartz's Century circuit.

Fred M. DaCosta, Jr., who operates the Strand, Rockville Centre, L. I.,

(*Continued on page* 3)

## *Rosenblatt Will Draw Up Answer to Darrow Report*

WASHINGTON, May 11.—Charges made by the Clarence Darrow board against the code today were before Division Administrator Sol A. Rosenblatt with instructions to prepare an answer which will be made part of a sharp reply to be issued by Administrator Hugh S. Johnson when the report is made public.

Full text of the report, together with the digests which are being prepared by the attorney general, Johnson and Chairman Ferguson of the Federal Trade Commission, will be made public next week, it was promised at the White House.

Original plans to publish only the digests appear to have been abandoned as a result of the storm created at the Capitol, where Senators Nye, Borah and Bailey, the last a Demo-

(*Continued on page* 3)

### *Ruling on Overbuying Requires Transfer Of 30 Features*

Campi yesterday upheld the Milwaukee grievance board in the first appeal to come before the body. The decision, handed down 30 minutes after the hearing had been concluded, affirmed the Milwaukee body's vote in granting the Saxe Amusement Management Co. 30 Warner pictures, to be turned over by the Ashley Amusement Co. and Vitagraph.

Voting were Nathan Yamins, Charles L. O'Reilly, Edward Golden, Charles C. Moskowitz, Neil Agnew,

(*Continued on page* 3)

## Major Donovan Is Campi Coast Agent

Major J. O. Donovan was yesterday named by Campi as its representative on the coast. Campbell MacCullough also had been up for the post, but the board finally decided upon Donovan.

Donovan was recently associated with the NVA and is now on the coast. He takes up his duties immediately.

### *Milwaukee Rezoning Moves Are Started*

MILWAUKEE, May 11.—Plans for revising the clearance and zoning schedule here were discussed at the first meeting of the clearance and zoning board today. The board will meet again May 16. The new schedule will be published as soon as possible, it was stated, in order to give exhibitors a chance to file protests.

### *"Sluff" a Mystery*

**During the first official hearing of the New York grievance board, former Senator George F. Thompson, impartial member, wanted to know what "sluff" pictures meant, the plaintiff having brought out the term while being examined by his attorney.**

**When told, Thompson remarked:**

**"I thought it meant immoral pictures."**

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## CBS Talent Working At Astoria Studios

CBS broadcasting talent is to be kept busy at the Eastern Service Studios. A short with the Eton boys was started yesterday. Next week another will go into work with David Ross, Paul Douglas, Kenneth Roberts, Andre Baruch and Harry von Zell, announcers, and the following talent: Enoch Light and his orchestra, Gypsy Nina and her accordion, Edith Murray and Lloyd Harry.

Pancho and his orchestra will start soon in a color short to be produced by Keller Dorian Color Film Corp.

## Cincy Club Will Dance

CINCINNATI, May 11.—The first dinner-dance to be given by Variety Club will be held at the Netherland Plaza May 19.

The attendance is set at 1,000 as the minimum. Proceeds will be turned over to the NVA and other organizations caring for the needy of the profession.

## Toronto Honors Pickford

TORONTO, May 11.—This city gave Mary Pickford a civic reception on her return here to make a personal appearance at the Imperial. It was a welcome home with parade and dinner and the presentation of a jeweled and engraved plaque by Mayor Stewart. The festivities fitted into the centennial celebration.

## "Baby Stars" to Mascot

HOLLYWOOD, May 11.—Mascot has signed the Wampas "baby stars" to appear in "Young and Beautiful."

# Looking 'Em Over

## "Glamour"

(*Universal*)

A wilful woman, craving romance after her husband has raised her from obscurity to fame as an actress, leaves her husband and child to begin what she thinks will be a new emotional life with a crooner. He, too, craves new conquests, and she returns to the husband after their child has died.

Baldly stated, it does not sound like an unusual story, but it has its moments and is splendidly handled by the three principals—Paul Lukas, as the husband; Constance Cummings, as the wife, and Philip Reid as the crooner.

Sympathy is with the husband throughout. He is a producer and composer. Reid tells him of his love for his wife and quits the show rather than carry on a clandestine romance. Miss Cummings follows him to London and obtains a divorce.

Situations are handled deftly. The dialogue is smart. Reid, as the cabaret singer who becomes famous on both stage and radio, is a tall, dark individual who probably will go over in a big way with women.

It's adult entertainment.

## "In Love With Life"

(*Chesterfield*)

This Invincible production has those sentimental touches that win the hearts of women in neighborhood audiences. Revolving around the theme of a mother's separation from her son, the film has many moments that bring moisture to the eyes, and its story is told simply and acted out with capability, particularly on the part of Onslow Stevens and Dickie Moore. The picture has been splendidly mounted and photographed and well directed by Frank Strayer.

Lila Lee, the mother, returns to her father (Claude Gillingwater), from whom she ran away to marry a rotter, with a plea for forgiveness. Her husband is dead and she is desperately in need. Her father, a man of tremendous wealth, is willing to take in the boy but not the mother, whom he asks never to see the child again. Out of love for the youngster she accepts the bargain. The grandfather lavishes all his affection on the boy.

He hires Stevens as his tutor. Stevens, drawn to Miss Lee, does all in his power to keep relations between mother and son alive. It takes the stock market crash to stir Gillingwater to forgiveness. Sick and faced with ruin, he allows his paternal instincts to get the better of him.

The end sees Stevens and Miss Lee married and all united in a modest household as one happy little family.

*"The Crime Doctor," now current at the Rialto, was covered on March 9 by wire from Hollywood.*

*"Change of Heart," now current at the Music Hall, was covered on May 4 by Hollywood wire.*

*"Thirty Day Princess," yesterday's opener at the Paramount, was covered by wire from Hollywood April 27.*

(*Additional reviews on page 4*)

## Columbia Off One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 25¾ | 25½ | 25½ | —1 | 100 |
| Consolidated Film Industries | 3¾ | 3⅝ | 3¾ | ..... | 100 |
| Consolidated Film Industries, pfd | 15¾ | 15⅜ | 15½ | + ⅛ | 200 |
| Eastman Kodak | 91 | 90¼ | 90¼ | + ¼ | 500 |
| Fox Film "A" | 15 | 14½ | 14½ | — ⅛ | 100 |
| Loew's, Inc. | 31⅛ | 29¼ | 29⅜ | — ¾ | 5,700 |
| Loew's, Inc., pfd | 93½ | 93½ | 93½ | — ⅜ | 100 |
| Paramount Publix, cts | 4⅝ | 4⅞ | 4⅜ | — ⅛ | 1,600 |
| Pathe Exchange | 2¾ | 2½ | 2½ | — ⅛ | 600 |
| Pathe Exchange "A" | 20 | 18⅝ | 18⅝ | — ¾ | 1,600 |
| RKO | 3 | 2⅞ | 2⅞ | ..... | 1,000 |
| Warner Bros. | 5⅞ | 5⅝ | 5⅝ | — ⅜ | 2,900 |

## Technicolor Gains ⅝ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8¾ | 8⅛ | 8¾ | + ⅝ | 200 |
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 100 |

## Warner Bonds Drop ½

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 8½ | 8½ | — ½ | 6 |
| General Theatre Equipment 6s '40, ctf | 8⅜ | 8¼ | 8¼ | + ¼ | 4 |
| Keith B. F. 6s '46 | 68⅛ | 68⅛ | 68⅛ | — ⅛ | 1 |
| Loew's 6s '41, ww deb rights | 100½ | 100½ | 100½ | ..... | 8 |
| Paramount Broadway 5½s '51 | 42¾ | 42¾ | 42¾ | — ¾ | 1 |
| Paramount F. L. 6s '47 | 51 | 50 | 50 | — ½ | 7 |
| Paramount Publix 5½s '50 | 50½ | 49¾ | 49¾ | — ¾ | 11 |
| Pathe 7s '37, ww | 96 | 96 | 96 | + ¼ | 1 |
| Warner Bros. 6s '39, wd | 59 | 58 | 58 | — ½ | 54 |

# Purely Personal

JOHN DETARR HICKS, formerly with DeForest, has been named Pacific Coast sales representative for Hygrade Sylvania Corp. His headquarters will be in Los Angeles.

CLAUDETTE COLBERT and her mother will come to New York as soon as the former finishes work in "Cleopatra" for CECIL B. DEMILLE. They are going to France.

CHARLOTTE GRANVILLE, stage player, has been signed by Paramount for a featured role in "You Belong to Me." She will leave for the coast on Tuesday.

COLONEL CECIL E. VOGEL, city manager for Loew in Memphis, is in town for a vacation accompanied by the wife and daughter.

MARCELLA BENNETT, secretary to DAVID O. SELZNICK, will reach New York early next week on a vacation trip.

HAL HORNE and MONROE GREENTHAL, with U. A. on a five-day week, are spending the week-end in Boston.

CHARLES B. PAINE, Universal's treasurer, is under the weather. Back on the job Monday, however.

JEAN HERSHOLT is due in town today. It's a pleasure trip. LEO CARRILLO is expected in tomorrow.

## Felix Basch Here on Dicker for Producer

Felix Basch, European producer and director, has arrived from Paris and is negotiating for a producer on a feature picture here. He is responsible for the discovery of Emil Jannings and Marlene Dietrich.

While in Europe Basch produced the German version of "All Quiet on the Western Front." He will remain here for about three months and then return to Paris, where he will produce a musical production on the stage. Herman Bernie is handling his affairs here.

## "Daughter" Sales Set

"Enlighten Thy Daughter" has been sold in the following territories: Greater New York, northern New Jersey, Philadelphia, Washington, Ohio, Kentucky, Indiana, Tennessee, northern Illinois, Wisconsin, Upper Peninsula of Michigan, northern New York and Canada.

## Operate on Budd Rogers

Budd Rogers of Liberty yesterday underwent an operation on the left eye at Mount Sinai Hospital. He left the hospital after a short stay.

## Krellberg Improving

Condition of Sam Krellberg, who was hit by a taxicab earlier in the week, was reported improved at Polyclinic yesterday.

## Ben Bernie Recovering

HOLLYWOOD, May 11.—Ben Bernie is recovering at Cedars of Lebanon Hospital from a tonsil operation.

# Campi Backs Board in Its First Appeal

(Continued from page 1)

Leslie Thompson, Walter Vincent and R. H. Cochrane. Harold S. Bareford and W. C. Michel did not vote, as their companies were involved. The vote was unanimous.

Elias Mayer, attorney for Ashley, contended that his clients did not overbuy and that the product it had bought for the season was necessary for the company's three houses in Madison, namely the Parkway, Strand and Orpheum. He also stated that there never was enough product for houses in Madison and that of the 323 pictures bought, 312 were needed for the policies at the trio.

The counselor for Ashley contended that duals at the Ashley houses are not unfair competition.

Mayer then contended that the Milwaukee board had not found out the financial status of the Saxe company when it handed down a decision. He also stated that Saxe had 38 pictures and if given 30 additional could not use all of them.

### Asked to Explain Why

Division Administrator Sol. A. Rosenblatt interrupted at this point and asked Mayer what made him so sure the Capitol in Madison would have too much product. The attorney stated the present season was near an end and if granted the 30 films could not play them all before the new selling period got under way. At this point, Vincent and Yamins asked Mayer questions pertaining to the policy of the Parkway. It was described as a helter skelter and "sluff" house.

I. Levenson, representing Vitagraph, was not so much concerned with the decision of the Milwaukee board as he was with the financial status of the Saxe Amusement Management Co., Inc. During the hearing it was stated that the circuit operates 11 houses and has unqualified credit ratings with all branch managers in Milwaukee.

It was also pointed out that Tom Saxe owns 49 per cent of the common stock of the Capitol Investment Co., which built the theatre involved. A financial statement submitted by E. H. Hallas, attorney for Saxe, showed that during the 10 weeks of operation of the Capitol there has been a total profit of $3,235. Saxe gets two and one-half per cent of the gross, it was stated.

### Says Only 218 of 325 Needed

Hallas pointed out that of the 325 pictures for the Parkway and Orpheum, only 218 films were needed under the policies from Oct. 8, 1933 to Feb. 8, 1934. He stated the Orpheum played 32 single attractions during that period and would require 96, plus a 10 per cent cancellation privilege under the policy. The Parkway, a "B" house, combination policy, played 28 single attractions and had three double feature programs in the four months. He contended that the Ashley company changed the policy of the Parkway when it was learned Saxe was about to open the Capitol.

Several questions anent the management deal of Saxe were raised by Vitagraph, with the result that Levenson asked that his company be protected in any decision the board might hand down. This was done when the body affirmed the grievance findings.

Rosenblatt was more than a casual government observer. He, at various times, interrupted the lawyers and took copious notes. He also objected to objections raised by the attorneys.

Al Kvoole, general manager of the Saxe company, as well as Tom Saxe, were present. They leave for Milwaukee today.

R. H. Cochrane will be chairman of the next meeting, May 18.

# *Rosenblatt Will Draw Up Answer to Darrow Report*

(Continued from page 1)

crat, threatened a senatorial investigation if any white-washing was attempted.

The report of the Recovery Administration is expected to be based, in part at least, upon a study of the board's findings to be made by Rosenblatt and officials responsible for the other seven codes covered in the initial investigations.

That the reading of the report will be no pleasure for Rosenblatt is indicated by statements made during and after the hearings by board members, particularly Darrow, relative to code provisions, the authority and the manner in which the document was negotiated. It is understood Darrow demands Rosenblatt's resignation, revamping of the authority to provide 15 members equally divided among the government, the majors and the independents and elimination or rewriting of a number of provisions relating to the leasing of pictures.

Nowhere in the report, it is said, is any favorable reference to the Recovery Administration to be found, and publication of the document will, it is feared by administration officials, be the signal for a bitter attack upon the NRA.

It is understood the dissolution of the board as soon as possible was desired by administration leaders because of the strong tone of the initial report. However, upon publication of the report the damage will have been done and it is expected that the charges the Review Board will level against the few codes it has investigated will result in a strong demand that it be continued for a study of all other codes.

Responsibility for delay in publication of the report was assumed today by Johnson, who explained he "was on the spot" and asked permission to read the report and prepare an answer.

## *National Board Gets Consolidated Strike*

The labor difficulties of Consolidated Film Industries, Inc., were turned over to the National Labor Board yesterday at Washington.

Fifty workers in the company's plants at Fort Lee, N. J., have been on strike since April over a 10 per cent wage increase which has been approved three times by the Regional Labor Board here. When the company's directors rejected the agreement, the board referred the case to Washington.

Most of the strikers are members of Printing Pressmen's Union, Local 51.

Attempts to secure a statement from Consolidated yesterday were unsuccessful.

## *Uncounted Theatres Delay Union Check*

Omission of a number of metropolitan theatres from the recent checkup of the proportion of service employes in Loew's and RKO houses who are members of Local 118, Theatre & Amusement Employes Union, was given yesterday as the reason for the inability of Division Administrator Sol A. Rosenblatt to make public results of the checkup.

A second meeting will be held Tuesday night at which it is expected the final count will be made known. If the checkup reveals a majority of union service employes in the union, the circuits are expected to negotiate new wage contracts with Local 118.

## More Salary Jumps Opposed in Report

Further increases in salaries for film employes, whether in production, distribution or theatres would be "unbearable," it is stated in a report of a special committee to Code Authority.

The committee was named after President Roosevelt suggested several weeks ago that industries should seek to raise wages further to meet rising price levels. Signers of the report are H. S. Bareford, Charles L. O'Reilly and George J. Schaefer.

The report says there is "no substantial unemployment" in the industry; that the industry has "gone as far as it can go in reducing hours and rasing wages; that any further moves along this line would "reduce production and therefore diminish the supply of available product."

## *Iron Pledges to End Coast Duals Go Out*

(Continued from page 1)

exhibitors which when signed will become so binding that their violation will mean appearance before the grievance board for offenders. Ben Berinstein, chairman of the committee, predicts the support of 90 per cent of independents. These pledges will be thrown into the lap of Charles Skouras upon his arrival here, they have been assured.

Producers will be requested to stage previews in the outlying towns so that singles may be made unanimous in the Los Angeles area.

## *Brooklyn Circuits Merge; to Expand*

(Continued from page 1)

by the combined groups. The Nelson & Renner group of seven houses is now combined with the Small & Strassberg 11 theatres, with Sam Strassberg as general head of the combine.

At least six new houses are to be built in the near future, according to the present program.

# Second Charge Of Overbuying Is Filed Here

(Continued from page 1)

through his attorney, Arnold M. Goldstein, claims that he has a contract with RKO for a number of first runs, but cannot get them because Skouras and Century are "forcing RKO to break the contracts with us." Goldstein yesterday told MOTION PICTURE DAILY that he "charges the defendants with getting together to freeze us out." He added: "This is a conspiracy to prevent us from getting first run product in violation of the anti-trust law."

The Skouras houses involved are the Freeport and Grove in Freeport. The Century theatre is the Fantasy, Rockville Center. Goldstein states he will bring with him a half dozen witnesses when the grievance comes before the board.

Miss Jennie Jelin, operating the Opera House, New Brunswick, N. J., stated yesterday she will shortly file a grievance with the board charging overbuying against one of the major circuits. She attended the Rogowsky-Skouras hearing this week before the grievance board.

Efforts to reach George Skouras and Louis White, his attorney, during the past two days have been unavailing.

## Chicago 15¢ Rates Due for Showdown

CHICAGO, May 11.—A showdown on 15-cent admissions and double bills is scheduled for vote Monday before the local clearance and zoning board. Fireworks in generous proportions loom.

Postponed because of the absence of Judge Hugo Friend, impartial board member, it is expected the session will set loose a local bombshell.

Seven grievances already are on tap for Tuesday's meeting of the grievance board. One is a B. & K. complaint on alleged premature advertising of coming attractions by neighborhood houses which may have a far-reaching effect on the trade here.

## *Premiums Classed Price Cuts in K. C.*

KANSAS CITY, May 11.—Any kind of premiums will be considered a price cut under the terms of the new clearance and zoning schedule promulgated here by the code board. More than one double bill a week also is to be regarded as a price cut of five cents and the house will be set back accordingly.

## *Stern in Advisory Post*

Charles Stern, U. A. district manager in the east, has been named by Campi to succeed Moe Streimer on the Manhattan advisory committee of the grievance board.

## *Boston Offices Opened*

BOSTON, May 11.—New England code board headquarters have been established in Suite 203, Hotel Touraine, Tremont and Boylston Sts.

# More Detroit Churches Join Film Campaign

(*Continued from page* 1)

president of the council, is the chief mover in the Protestant campaign.

BOSTON, May 11.—Objectionable films will be boycotted by the members of the Knights of Columbus in Massachusetts, according to vote of the State Council at its annual meeting at Hotel Somerset. Four hundred delegates attending the session unanimously voted for a resolution and agreed to back a nation-wide movement.

Rev. Russell M. Sullivan, S. J., of Boston College, spoke against pictures having "a serious, detrimental effect on the morals of the younger generation."

"Synchronized so that the eyes may see and the ears hear, these crime-supporting, sexy movies in which the criminal is glorified and nudity flaunted, are being shown over and over again," Father Sullivan said.

Under the terms of the resolution state officers are constituted a central committee whose duty it will be to cooperate with other Catholic organizations.

Block booking and blind buying were also opposed in a resolution.

PHILADELPHIA, May 11.—Gangster films were called "the supporting pillars if not the foundations of the modern school of crime" by Dr. Bernard Sachs, president of the N. Y. Academy of Medicine, speaking here today at a luncheon instituting the Philadelphia Chapter of the M. P. Research Council. The gathering was held at the Bellevue-Stratford.

## Editor Denies Plan To Petition President

ST. LOUIS, May 11.—Father Daniel A. Lord, editor of *The Queen's Work*, today denied he is circulating petitions among exhibitors protesting against block booking with a view to presenting them to President Roosevelt. He stated he is not interested in block booking and his only concern so far as pictures are concerned is the Catholic crusade against objectionable pictures.

He said information has come to him that of 40 recent Hollywood productions 20 are in direct violation of the Will Hays code of morals adopted in 1931 and 1932 which all producers solemnly pledged rigidly to observe. He added he has only sympathy for the theatre owners, for he realizes that under existing conditions they are not able to help themselves and are thoroughly in sympathy with the movement to clean up the screen.

The subject of morals in pictures and theatre advertising was brought up at a conference of clergymen of all creeds and theatre representatives held in the office of Mayor Bernard F. Dickmann yesterday. Another meeting will be held in the near future in an effort to cooperate in eliminating conditions complained of.

## *Fox Holds James Dunn*

HOLLYWOOD, May 11.—Fox has extended James Dunn's contract.

# *Looking 'Em Over*

## *"Three on a Honeymoon"*

(*Fox*)

Pleasant entertainment. Zasu Pitts gets across some good laughs, and there are some moments when the love interest becomes serious that ought to put it over with the younger generation. Also, the picture is staged nicely.

Most of the background is on shipboard with Sally Eilers, spoiled daughter of the president of the line, commended by the captain to the special care of Charles Starrett, second officer. He is one of those serious-minded types with an aversion to spoiled darlings who falls in love in spite of himself. Miss Eillers handles her role well and is charming, but fills a lot of space on the screen.

About the time romance starts to bloom, she visits the stateroom of a blackmailer to get some letters that are hanging over the head of an old friend, Eileen Hervey, who is on her honeymoon with John Mack Brown. Emotional complications develop, but these are straightened out after Sally is injured by a dive into a half-empty pool.

Production value is gained by a cabaret scene at Algiers, one of the stopping places for the ship. Russell Simpson is effective as a dour Scot who falls in love with Miss Pitts, and Henrietta Crosman, as an understanding dowager from Oklahoma, contributes both to the serious and lighter moments.

James Tinling directed with a deft appreciation of comedy values. John Stone was the producer.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Money Means Nothing"*

(*Monogram*)

HOLLYWOOD, May 11.—Using romance between a girl of wealthy parents and a poor shipping clerk as a plot basis, "Money Means Nothing" emerges as fair entertainment.

Gloria Shea, following some gangsters in her auto for adventure, thinks her live is saved by Wallace Ford as his tire truck is held up and hijacked. Despite family objections, she proposes to Wally, and he, sensing her family's dislike of him, accepts her proposal. The married life of the youngsters beset by curious neighbors, the difficulty of making ends meet, the coming of an heir, his loss of job and her sacrifices until skies clear are the highlights.

Miss Shea's performance stands out and her personality augurs well for her future. The cast, including Edgar Kennedy, Betty Blythe, Edward Tamblyn, Richard Tucker, Tenen Holtz and Ann Brody do nicely.

The picture should appeal to family trade, neighborhood houses and on dual bill programs.

## *Hitler Film Moves*

"Hitler's Reign of Terror" moved from the Mayfair to the Columbia, formerly the Central, yesterday. Samuel Cummins, the producer, stated he had leased the house for 13 weeks.

## *Ryan Seeks a Release*

Phil Ryan has arrived here by plane from the Coast to close a deal for the release of the Irvin Cobb feature which he will make with Charles (Chic) Sale.

## *Lesser Planning 4 More*

HOLLYWOOD, May 11.—With eight features already set, Sol Lesser is planning four more, also for Fox release.

## *Consolidated Profit Up*

Preliminary report of Consolidated Film Industries for the first quarter shows net profit of $317,781 after all charges, as against earnings of $265,400 for the similar period of 1933.

## *All Majors Now Closed*

Warners and M-G-M, in accordance with the plans of the other majors, starting today will close their home offices on Saturday in observance of a five-day week. This will prevail for the rest of the summer at least.

## *Detroit RKO Is Closed*

DETROIT, May 11.—The RKO Downtown closed today. It will reopen soon with a new summer policy, according to David M. Idzal, managing director for Fox and RKO houses here.

## *Reunite McLaglen, Lowe*

HOLLYWOOD, May 11.—Fox is reuniting the Victor McLaglen, Edmund Lowe, Raoul Walsh combination for two pictures, the first of which will be "Dames and Dynamite" and the second Damon Runyon's "Service Stripes."

# Hope to Scale Para. Claims To 50 Million

(*Continued from page* 1)

$13,000,000 in bank loans and from $12,000,000 to $20,000,000 of general creditors' claims. Claims standing against the company at this time are estimated to total $88,000,000.

The committee reports that progress vitally helpful to the early submission of a reorganization plan for Paramount is being made, but declined to make any estimate of how soon the plan would be ready. The committee is cooperating with the reorganization group represented by Kuhn, Loeb & Co.

Reports published yesterday that Paramount's earnings for the first quarter of this year would approximate $1,500,000 and that the company's cash on hand aggregates more than $12,000,000, could not be verified inside Paramount.

## *Para. Wins Three Arbitration Cases*

CINCINNATI, May 11.—The first arbitration cases under the voluntary arbitration clause of the standard exhibition contract for 1933-34 were heard here today. Paramount was the plaintiff in each and won all three. The first was against the Park Hall Theatre, suburban, charging failure to play and pay for shorts contracted for. The second was against the Hollywood, also a suburban, for failure to play and pay for features under contract. The third was against the Third Avenue Theatre Co., operating the Rialto, Huntington, W. Va., and charged failure to play and pay for shorts under contract.

The board deciding the first two consisted of Stanley C. Jacques, Radio, and James Grady, Fox, representing distributors, with Willis Vance, head of the Ohio Valley Independent Exhibitors League, and Harold Bernstein as exhibitor representatives. In the third case the board was the same, except for the substitution of Maurice White, Warner-First National, for Jacques.

## *Chase Move Seen as Developing Policy*

The divorcing by Chase National Bank from two of its investment affiliates was regarded in film circles yesterday as an indication of progress in the announced Chase policy of confining itself ultimately to banking business only.

The policy is expected to result within a reasonable time in the disposal by Chase of its entire Fox Film and theatre holdings, which apparently was begun several weeks ago with the sale to the British Fleming interests and the Atlas Corp. of 200,000 shares of Fox Film, and the delivery of options for 400,000 additional shares.

Chase Harris Forbes Corp., a securities affiliate of Chase National, is to be divorced by June 16, under the bank's plans, and the Chase Corp., a holding company for various investments of the bank, will be divorced on June 14.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

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VOL. 35. NO. 112 NEW YORK, MONDAY, MAY 14, 1934 TEN CENTS

## Zukor Decries Criticisms of Cohen's Work

### *Intends to Back Him Up At Studio, He Says*

HOLLYWOOD, May 13.—"Unwarranted criticism" of Emanuel Cohen, Paramount production head, was attributed to the studio chief's refusal to "play Hollywood's politics," Adolph Zukor, head of Paramount, stated on his arrival here today.

"It takes years to become familiar with all angles of production," Zukor said, and recalling that Cohen had been in charge of production only two years, declared that for that reason alone "he should receive all possible

(*Continued on page 7*)

## Detroit Catholics' Ban Hits 63 Films

DETROIT, May 13.—Local Catholic publications currently carry the first list of films which are banned for members of the Legion of Decency, which was organized locally last Sunday by Bishop Michael J. Gallagher in a drive for cleaner pictures.

The following are the pictures banned:

"All of Me," "A Man's Castle," "Blood Money," "Bombay Mail," "Bolero,"

(*Continued on page 3*)

## *Baptists at Tacoma Join Film Campaign*

TACOMA, May 13.—Resolutions condemning objectionable films and commending the movement begun in the Catholic Church have been adopted by the Washington Baptist Convention in session here.

The resolution calls upon parents to keep their children away from "harmful" films.

### *Has a Rothschild*

**A member of the House of Rothschild starts work in Paramount today. V. Henry Rothschild, II, direct descendant of the banker, is assigned to the new legal department being opened in Paramount today by Root, Clark, Buckner & Ballantine to handle litigation for the Paramount Publix trustees in bankruptcy. Samuel S. Isseks of the Root, Clark office is in charge of the department.**

### *Soon in Clear*

**Hollywood, May 13.—Reorganization of Paramount is making "very satisfactory progress," declared Adolph Zukor upon his arrival from New York today. He confidently expects the company to emerge from bankruptcy later this year.**

**George J. Schaefer's most recent promotion is a step toward reorganization of theatre properties, he continued. On reports moving S. A. Lynch into a higher post and N. L. Nathanson into a home-office post, Zukor said he knew nothing.**

## Para. Claim Against FWC Compromised

Settlement of a Paramount Publix claim of approximately $2,000,000 against Fox West Coast under an agreement which replaces defunct leases on five Pacific Coast theatres with new leases, has been completed, it was learned yesterday.

The agreement gives F. W. C. new 10-year leases on the St. Francis, Paramount and California, at San Francisco, and a 10-year Paramount pictures franchise for the houses; a new lease on the Paramount at Oakland and the Paramount at Portland.

(*Continued on page 7*)

## *Seek Kansas Court Ban on Auditorium*

KANSAS CITY, May 13.—Theatre owners of Kansas City, Kan., have taken an appeal to the Kansas Supreme Court in an attempt to prevent

(*Continued on page 7*)

## NRA Pressing For Speed on Code Hearings

### *Board Delays to Be Held Down to Minimum*

No unnecessary delays in hearing and disposing of cases before local clearance and zoning and grievance boards as well as Campi will be tolerated, it is learned. This holds for code board members as well as the government.

Several attempts have been made by litigants in some parts of the country to procrastinate, claiming they have had insufficient time to prepare cases. Code secretaries notify all litigants about a week in advance.

In New York and Philadelphia the boards have posted "no postponement" rulings. The NRA's attitude is that all cases coming before code boards are to be disposed of with all possible expedition and attempts to delay consideration and secure postponements, except for acceptable reasons, will be frowned upon.

Enforcement of codes, it was said at

(*Continued on page 3*)

## *Roselle Merchants Seeking First Runs*

ROSELLE, N. J., May 13.—Local business men are supporting a move to obtain a share of first runs for the Roslyn here and, through the Roselle Business Ass'n., have obtained authorization from the City Council for the appointment of a committee to further the move.

The bulk of the first runs now open at the Park, in neighboring Roselle Park, threatening a loss of local trade the business men declare. Operators of the Roslyn say they will also protest the present first run apportionment to the code grievance board.

## Boards to Set Districts for Premium Votes

### *Code Authority Decides Upon Procedure*

Local clearance and zoning boards will define the areas to which voting will be confined on the subject of exhibitor bans on rebates in the form of premiums. Code Authority decided this at its last meeting by adopting a resolution of the committee on administration of local grievance boards.

The resolution establishes the procedure to be followed in carrying out the code provision under which 75 per cent of the theatres of any territory may vote on abolishing rebates in the form of premiums. On request of exhibitors, the local clearance and zoning board is to define the area to be affected by the proposed vote and file its definition with the local grievance board and advise the petitioning exhibitors of its findings within seven days after the request is made.

Exhibitors may then proceed with the vote on the premium ban, and if

(*Continued on page 3*)

## Milestone, Brown Going to England

By BRUCE ALLAN

LONDON, May 13.—Alexander Korda has signed Lewis Milestone and Rowland Brown to direct two pictures. Milestone will do H. G. Wells' "Shape of Things to Come" and Brown will do "Scarlet Pimpernel"

(*Continued on page 3*)

## *Robinson to Do One Outside Film a Year*

HOLLYWOOD, May 13.—Edwin G. Robinson has signed a new long term contract with Warners which permits him to do one outside picture yearly. The first will be "Four Walls" for M-G-M. Muni was the original selection for this film.

Warners are planning a big Russian picture based on a story idea developed by Muni while he was on a visit there some weeks ago.

## *Showmanship in the Booth*

**San Francisco, May 13.—Here's one that may become a local classic:**

**Toward the tail end of a feature running beyond the usual closing time, a careless operator in an outlying but crowded theatre discovered that he had misplayed the sixth and last reel. Frantically he looked for the last reel as the fifth neared its end. The picture at this stage was crammed with suspense. In almost the last second his bungling fingers picked up an old dust-covered slide used in the primitive days for just such emergencies. Desperately he flashed it on the screen. The slide, depicting a beautiful, romantic moonlight scene, read:**

**"And So This Story Ends. . . . And We Bid You All Good Night."**

**The projectionist is still looking for a job and the suspense of the audience continues unsatisfied.**

### *West in Mid-West*

**A Waldo, Kan., public school pupil recently handed in an arithmetic examination paper signed Mae West. Asked why, the girl replied:**

**"Because I done 'em wrong."**

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## K. C. Royal Is Closed

KANSAS CITY, May 13. — The Royal, small Publix de luxe house downtown, closed Saturday and may be reopened in the fall. Lack of an adequate cooling system is the reason given. The house has been on a policy of sensational and special attractions at 25 cents, and has found a dearth of such product.

## Small Signs Wera Engel

HOLLYWOOD, May 13.—Wera Engel has been signed by Edward Small. He is now looking for suitable stories for her. Her Radio contract was ended a year ago by mutual agreement.

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New York City

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JOHN W. HEATH, *Manager*

# Insiders' Outlook

*Hollywood.*

RALPH A. KOHN, veteran Paramounter who recently resigned his numerous vice-presidencies together with his posts as head of the home-office theatre departments, is not considering any of the offers—some of them pretty important ones—that he has received since leaving Paramount, according to the chatter filtering through to those who should know whereof they speak. The reason? The company's reorganization is not so far off and six of eight highly reputable accounting firms have held Kohn to be blameless for his part, as treasurer of Paramount, in the deals for repurchase of stock issued in the acquisition of theatres. The stock deals are the basis of the suit recently filed against members of the Paramount board in that period. Kohn's resignation was an aftermath of the suit, but after the suit, what? That's the point, exactly. . . .

▼

Somewhat strangely did Hollywood react to the suit. Paramount, having approved and authorized the repurchase of its own stock from various stockholders from September, 1931 to March, 1932, agreed to pay $80 a share to former theatre owners. However, the stock sold much below that on the Stock Exchange in that period. Hollywood, not pronouncedly gifted in the ways of finance although its constituents have been known to do right smartly by themselves, expresses itself in varied mood on the question. . . .

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For instance, one group crystallized its thoughts by comparing the corporate action to the mail clerk who mailed some letters with three cent stamps, forgetting that on that day Jim Farley had authorized the reduction to two cents. Contemplating the fate of the mail clerk, they wondered if he'd be fired or just elevated to higher post. Others, with a motion picture smile, agreed that "a contract is a contract," giving the benefit of the doubt to purchasers. . . .

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Impartial observers concur that if the stock was selling for $100 a share on the exchange at the time Paramount repurchased the shares at $80, the directors now being sued would be hailed as smart operators, big men. After all, they argue, why pick on the celluloid mighty for ignoring or passing up the rumbles of thunder which went into the real thing in October of '29? There were some other industrial giants who did the wrong kind of guessing, too. . . .

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It seems there are too many boleros in Hollywood and that explains current nasty looks exchanged between Lou Brock of Radio and the Warners. The former staged a South Sea bolero dance in "Down to Their Last Yacht," which Paul Sloane is directing. Warners are using a Hawaiian bolero in "Dames" and both are said to be similar, according to local dance masters. And so the Radio producer paid a visit to the Brothers Warner in an effort to get them to cut out the bolero business in their film, but they have other ideas. Brock claims he was 10 days ahead with his bolero and rates priority. This is the sort of thing that precipitates wars—Hollywood style. . . .

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It was months ago when a certain writer completed a script, plus dialogue, for a noted director's current opus now ready. The film is of a kind where this director only could be the cook. Delivering the script to the super show-builder, the writer wore the seat of his pantaloons shiny awaiting the verdict. Then the director called him and the conversation ran something like this: "Your dialogue was marvelous," complimented the director. "I liked it so well that I used several words of it in my revision. Here it is. Read it." Writer discovered the lines, not his own, had been re-concocted a la James Joyce minus punctuation. . . .

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"I can't read this," protested Mr. W. "It doesn't make sense." Replied Mr. D., "That is as it should be. You are not supposed to understand it. This script is not for you, it is for me. This is only the brush with which I will paint a beautiful picture. And as for the dialogue being written without punctuation, I have a very excellent reason for such procedure. I will not have any actor or actress working for me on the set with any preconceived idea of how to speak a line. I will tell them how to speak and how to act." There's Hollywood for you. . . .

KANN

## Film Group Sails

Departures on the *Conte di Savoia* Saturday included Darryl F. Zanuck, Gene Markey and Mrs. Markey (Joan Bennett), Hal Wallis and Mrs. Wallis (Louise Fazenda).

Al Lichtman, Joe Moskowitz, Harry D. Buckley and Hal Horne were among those who saw Zanuck off.

## "U" Signs Colbert

HOLLYWOOD, May 13.—Universal has signed Claudette Colbert for the lead in "Imitation of Life," an August release. John M. Stahl will direct.

## Eastman Off 1¼ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 24⅞ | 24¾ | 24⅞ | — ⅝ | 200 |
| Consolidated Film Industries | 2¼ | 2¼ | 2¼ | ..... | 200 |
| Consolidated Film Industries, pfd | 15¼ | 14⅝ | 14⅝ | — ⅞ | 500 |
| Eastman Kodak | 90 | 88¾ | 89 | —1¼ | 900 |
| Fox Film "A" | 14⅛ | 14 | 14 | — ½ | 500 |
| Loew's, Inc | 29⅝ | 28⅝ | 29⅛ | — ⅛ | 5,200 |
| Loew's, Inc., pfd | 94 | 93½ | 94 | + ½ | 200 |
| Paramount Publix | 4⅞ | 4 | 4¼ | — ⅛ | 10,600 |
| Pathe Exchange | 2⅝ | 2⅜ | 2⅜ | — ⅛ | 2,500 |
| Pathe Exchange "A" | 18⅜ | 17½ | 18⅜ | — ¼ | 2,300 |
| RKO | 2⅞ | 2¾ | 2¾ | — ⅛ | 400 |
| Warner Bros | 5⅝ | 5¼ | 5⅜ | — ¼ | 4,100 |

## Technicolor Loses ½ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | ..... | 200 |
| Technicolor | 8¼ | 8¼ | 8¼ | — ½ | 200 |
| Trans-Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 200 |

## Warner Bonds Off 3 Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅝ | 8¼ | 8½ | ..... | 10 |
| General Theatre Equipment 6s '40, ctf | 8⅛ | 8 | 8 | — ¼ | 4 |
| Keith B. F. 6s '46 | 68⅛ | 68⅛ | 68⅛ | ..... | 5 |
| Loew's 6s '41, ww deb rights | 100¾ | 100½ | 100½ | — ¼ | 7 |
| Paramount Broadway 5½s '51 | 43 | 42¾ | 43 | + ¼ | 2 |
| Paramount Publix 5½s 50 | 49⅞ | 49¼ | 49½ | — ¼ | 6 |
| Warner Bros. 6s '39, wd | 57¼ | 54½ | 55 | —3 | 40 |

NEW MARQUEE LIGHTING AND LETTERS ON BROADWAY
*75% Saving on Current*
The most modern appearing changeable display letter ever seen has been installed at the Roxy Theatre. The alternating color background on the sign is an innovation in Marquee display.
For further information call
WAGNER SIGN SERVICE
COMPANY—COlumbus 5-0735

# Boards to Set Districts for PremiumVotes

(Continued from page 1)

signatures of 75 per cent of the theatres in the defined territory are obtained, the ban must be filed with the local grievance board and becomes effective 90 days thereafter. The completed vote, however, must be filed with the local grievance board within 60 days after the first signature is obtained for the petition in order to be valid.

The official statement on Campi's deliberations, issued Saturday, at its last meeting made no mention of the possibility that non-assentors will be accorded another opportunity to sign.

### Appointment Confirmed

Campi on Saturday confirmed MOTION PICTURE DAILY's exclusive story of appointment of Major Joseph R. O'Donovan as paid secretary for the coast office. O'Donovan starts today with offices at the Guaranty Building in Hollywood. His initial duties will be in connection with organizing the work of the Studio Agency Committee.

As of May 10, exhibitors totalling 3,179 paid $31,755 as the first half of their assessments, it was stated.

The committee on unfair competition composed of Ed Kuykendall, Charles L. O'Reilly and George Skouras was authorized to investigate necessary legal steps to be taken "to safeguard exhibitor interests throughout the country against the practice of baseball parks and other places of popular amusement of giving away premiums such as automobiles and other prizes which is a practice prohibited under the Motion Picture Code."

Application for approval to set up divisional regional or labor agencies to adjust the industry's own labor disputes will be made immediately to the NRA.

### Replacements Made

Charles Weigel, independent exhibitor, has been named to replace John Elliott, resigned, on the Cincinnati grievance board. Harry Nelson, independent theatre owner of St. James, Minn., replaces O. A. Lee, resigned, on the Minneapolis grievance board. Reeves Espy, affiliated exhibitor, has been appointed to replace J. J. Sullivan on the Los Angeles clearance and zoning board. Charles Stern, assistant eastern division manager for United Artists, replaces Moe Streimer on the Manhattan, Bronx and Staten Island advisory board, as exclusively reported in MOTION PICTURE DAILY on Saturday.

Permanent alternates on the coast agency committee were named as follows:

Nat Levine for Trem Carr, Louis B. Mayer for B. B. Kahane, Joseph M. Schenck for Emanuel Cohen, Harry Cohn for Jack L. Warner and Carl Laemmle, Jr., for Winfield R. Sheehan.

## O'Donovan Secretary For Campi on Coast

HOLLYWOOD, May 13.—Major Joseph R. O'Donovan's duties here will be as secretary for the coast Campi office. He will be answerable to John C. Flinn in New York. O'Donovan was appointed Friday by Code Authority. Campbell McCullough was also competing for the job.

No definite instructions have reached O'Donovan up to today as to the form of operation of the coast office, but the expectation here is the sphere of influence will encompass handling of the code as it concerns production and exhibition problems. No staff has yet been set by O'Donovan, who is awaiting appropriations from Campi before he lines up his co-workers.

## Detroit Catholics' Ban Hits 63 Films

(Continued from page 1)

"Catherine the Great," "Come on Marines," "Convention City," "Cross Country Cruise," "Coming Out Party," "Dark Hazard," "Design for Living," "Days of Reckoning," "East of Fifth Avenue," "Easy to Love," "Eight Girls in a Boat," "Eskimo," "Fashions of 1934," "Female," "Four Frightened People," "Finishing School," "Gambling Lady," "George White's Scandals," "Goodbye Love," "Good Dame," "Guilty Parents," "Glamor," "Hips, Hips, Hooray," "Hold the Press," "Heat Lightning," "Jimmy the Gent," "Journal of a Crime," "Lazy River," "Let's Be Ritzy," "Love Birds," "Men in White," "Mandalay," "Manhattan Love Song," "Marriage on Approval," "Midnight," "Nana," "No More Women," "Palooka," "Power and Glory," "Search for Beauty," "Sleepers East," "Success at Any Price," "Sing and Like It," "The Big Shakedown," "The Trumpet Blows," "The Meanest Gal in Town," "The Worst Woman in Paris," "The Son You Gave Me," "The Story of Temple Drake," "This Man is Mine," "Two Alone," "Unknown Blonde," "West of the Divide," "Wharf Angel," "Women in His Life," "Wonder Bar," "Whirlpool" and "When Strangers Meet."

A second re-check of exhibitors resulted in a general statement from them that so far publication of this list and the drive for members of the Catholic legion had not affected their business to any noticeable extent.

## *Mrs. Belmont Hits Films' "Vulgarity"*

PHILADELPHIA, May 13.—Mrs. August Belmont, president of the M. P. Research Council, says American audiences have been given an "absolutely unbalanced diet of vulgarity in the name of recreation."

Mrs. Belmont addressed a meeting at the Bellevue-Stratford where a drive was launched to start a Philadelphia branch of the council.

She asserted that 37 percent of audiences were either children or minors. "No one wants the films brought to the level of the child mind," she stated, "but we are asking the industry that we may go with the children to the theatre and not be shocked or horrified by seeing portrayals of the most despicable side of life.

"The subject matter of films is steadily growing worse," she contended. "Studios today are accepting material that would have been unthinkable three years ago."

## *Block Booking, Topic*

BOSTON, May 13.—Charles C. Pettijohn, theatre contact for the Hays office; George J. Schaefer, Paramount general manager; Nathan Yamins, Code Authority member; Walter D. Littlefield, vice-president of New England Allied; Stanley Sumner, manager of the University Theatre, Cambridge, and Miss Catherine Lyford of the Massachusetts Civic League will discuss block booking before the Women's Republican Club on Wednesday.

## Milestone, Brown Going to England

(Continued from page 1)

with Charles Laughton and probably Ronald Colman or Leslie Howard.

David O. Selznick is here selecting an all-English cast for "David Copperfield." He may produce it here and later do "Oliver Twist."

On May 3, MOTION PICTURE DAILY exclusively reported M-G-M might produce in England. When Arthur Loew returned last week from a tour of Europe, he verified these reports and stated "David Copperfield" in all probability would be the first.

## *Production Up as Allied Heads Meet*

CHICAGO, May 13.—Production and distribution were among the chief topics of discussion of Allied's regional vice-presidents and unit heads as the convention opened yesterday. Sidney E. Samuelson, president, refused to say what production propositions are on the fire, but it is known at least six are on tap, all of which will be discussed.

The presence of J. P. McPherson, district manager for National Screen, indicated his organization is eyeing the possibility of distributing any deal closed.

Leaders of the organization are in sympathy with Allied's program and have been invited to participate in discussions of the code. About 35 are here. Among early arrivals were Samuelson, Abram F. Myers, chairman of the session; Al Steffes, Col. Harry A. Cole, Fred Harrington, Fred McWilliams and Herman Blum.

## *Ontario Exhibitor Parliament Nominee*

TORONTO, May 13.—At the Conservative Party convention, Ernest L. Marks, president of Associated Theatres, Ltd., cooperative exhibitor organization, was nominated as candidate for the riding of South Ontario in elections to be held June 21 for the Ontario Parliament. He will also be the official candidate of the independent theatres.

Marks is proprietor of the New Martin at Oshawa, is prominent with Ontario Allied and also is former mayor of Oshawa.

## *Marquee Damages Go To Court of Appeals*

Whether a theatre marquee can damage adjoining property and whether an adjoining property owner can sue for damage unless he previously has complained to the theatre owner are two questions involved in an appeal to the Court of Appeals.

The case is that of the heirs of the Early Estate, owners of property at 583-584 8th Ave. against the William Penn Amusement Co., owners of the Stanley Theatre, 7th Ave. and 41st St.

## *Marsh, Wilcox Coming*

Hubert T. Marsh, chairman and managing director of British and Dominions Film Corp., Ltd., and Herbert Wilcox, director of productions, will arrive in New York May 31 on the *Bremen*. They will bring a print of "Nell Gwyn."

# NRA Pressing For Speed on Code Hearings

(Continued from page 1)

the NRA Washington office, necessitates the prompt settlement of complaints, and the same absence of legal tactics which the administration demanded during negotiation of codes is to prevail in the operation of code boards.

Division Administrator Sol A. Rosenblatt brought this point home at the appeal hearing last Friday by Campi of the Saxe-Vitagraph-Ashley case in Milwaukee. At least twice he reminded attorneys they were not in a court of law and to eliminate objections on technicalities. He said it would expedite matters if the lawyers would get down to the facts of the case.

Disposition of cases as they are docketed will prevent clogging of calendars and at the same time will hold down legal expenses. In instances where there is a dearth of product, quick discharge of cases may aid complaining exhibitors.

Holding meetings on specified dates is also required by the government. In two instances, New York and Philadelphia, Thursday meetings agreed upon were changed to Tuesday. Some of the board men were not advised. The NRA viewpoint on this is that code bodies setting specific dates must adhere to them, since any sudden changes result in confusion and dissatisfaction.

## *Films to Saxe at Once*

Saxe Amusement Management, Inc., will immediately get 39 pictures from the Ashley Amusement Co. for its Capitol, Madison, Wis., as a result of Campi's decision Friday upholding the Milwaukee grievance board award. it was learned Saturday. Of this number 30 are Warner-First National films and the balance are divided among other distributors, including Paramount and Columbia.

## *Rosenblatt West in June*

Division Administrator Sol A. Rosenblatt has advised Campi he plans to leave for Hollywood the end of June to do some more work on the code.

## *Hanson for Theatre Protest on Charges*

TORONTO, May 13.—Oscar Hanson of Ontario Allied has sent out a second letter to all exhibitors in Canada on score charge agitation. This time he is asking that personal protests be sent direct to Col. Cooper, president of the M. P. Distributors, and to film exchange managers against the continuance of the extra levy after July 1.

Independents are complaining over the delay in calling a meeting of the M. P. Distributors' Ass'n. to consider the demand.

## *Gets All "U" Serials*

HOLLYWOOD, May 13.—Ansel Friedberger, former assistant director at Universal, has been elevated to associate producer in charge of serials for that concern.

Carl
Laemmle
presents
STEP OUT
WITH
UNIVERSAL

# fairs of a Gentleman

*Starring*

## PAUL LUKAS

*with*

## LEILA HYAMS·PATRICIA ELLIS

### Phillip Reed • Onslow Stevens

**Dorothy Burgess, Lillian Bond, Joyce Compton, Richard Carle, Dorothy Le Baire. Produced by Carl Laemmle, Jr., from a play by Edith and Edward Ellis. Directed by Edwin L. Marin. Associate Producer, Edmund Grainger.**

●

**new kind of murder mystery! Ask your fans who killed Victor Gresham!**

**y one of his former flames could have committed the crime. Who *did?***

# Boston Adds Another Dual Spot to List

BOSTON, May 13.—Another Boston first run has joined the "double feature bill" ranks, this time the RKO Boston. Vaudeville has been supplanted with a twin feature bill, making three of the first runs now operating on that policy. If grosses warrant, this policy may be continued indefinitely.

This leaves Loew's State the only first run showing vaudeville, while the Metropolitan continues alone with stage shows.

Metropolitan with "We're Not Dressing" tops the week's grosses with $6,000 above average and with Magician Thurston as the stage attraction. A well arranged tieup between the press and Thurston helped to roll up the totals.

"Catherine the Great" at RKO Keith's was good for $4,000 above par, closely followed by Loew's State with "Sorrel and Son," the old favorite coming back in talking form to the tune of $3,500 above average. RKO Boston, with its new policy, was up $3,000.

Total first run business was $111,000. Average is $95,000.

Estimated takings for the week ending May 3:

**"THE CRIME DOCTOR" (Radio)**
**"FINISHING SCHOOL" (Radio)**
BOSTON—(2,900), 25c-50c, 7 days. **Gross:** $19,000. (Average, $16,000)

**"AS THE EARTH TURNS" (Warners)**
**"THREE ON A HONEYMOON" (Fox)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,000. (Average, $9,000)

**"CATHERINE THE GREAT" (U. A.)**
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $20,000. (Average, $16,000)

**"SORREL AND SON" (U.A.)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaude. **Gross:** $19,500. (Average, $16,000)

**"WE'RE NOT DRESSING" (Para.)**
METROPOLITAN — (4,350), 30c-65c, 7 days. Thurston and Magic. **Gross:** $34,000. (Average, $28,000)

**"AS THE EARTH TURNS" (Warners)**
**"THREE ON A HONEYMOON" (Fox)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000)

# "Stand Up" Pulls $9,400 in Buffalo

BUFFALO, May 13.—"Stand Up and Cheer" did the only real business here last week, taking $9,400 at the Hippodrome. This tops par by $1,400.

"Manhattan Melodrama," aided by a stage show, reached $16,800 at the Buffalo.

Total first run business was $37,700. Average is $36,300.

Estimated takings for the week ending May 11:

**"MANHATTAN MELODRAMA" (M-G-M)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: "New Revue," with David & Hilda Murray, Slate Bros. Jean Boydell, Lottie Mayer, Jr., and Lottie Mayer with her Water Ballet. **Gross:** $16,800. (Average, $15,000.

**"JOURNAL OF A CRIME" (Warners)**
**"YOU'RE TELLING ME" (Para.)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,500. (Average, $6,000).

**"STAND UP AND CHEER" (Fox)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $9,400. (Average, $8,000).

**"THE ROAD TO RUIN" (First Division)**
HOLLYWOOD—(300), 25-40c, 4 days, 5th week. **Gross:** $200. (Average, $800).

**"THE CROSBY CASE" (Univ.)**
**"IN THE MONEY" (Invincible)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,800. (Average, $6,500).

# *'Gambling Lady,' Aided by Show, Swell in Portland*

PORTLAND, Ore., May 13.—"Gambling Lady," augmented by and with heavy plug for J. C. Flippin's "World's Fair Follies" packed Hamrick's Music Box during the first three days. The gross was $5,000, against a normal of $3,000.

"House of Rothschild" in its second week at United Artists had a take of $6,000, or $1,000 over average.

The other first runs were average and below.

Total first run business was $24,000. Average is $23,000.

Estimated takings for the week ending May 3:

**"DEATH TAKES A HOLIDAY" (Para.)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $6,000)

**"GAMBLING LADY" (Warners)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. Stage: "World's Fair Follies." **Gross:** $5,000. (Average, $3,000)

**"LET'S BE RITZY" (Univ.)**
**"WHARF ANGEL" (Para.)**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,000. (Average, $2,000)

**"TRUMPET BLOWS" (Para.)**
**"WHIRLPOOL" (Col.)**
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

**"ONE YEAR LATER" (Allied)**
PANTAGES — (1,700), 15c-25c, 7 days. Stage: Don Ramond. **Gross:** $2,000. (Average, $2,000)

**"HOUSE OF ROTHSCHILD" (U. A.)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

## *K. C. Unit in Combine*

KANSAS CITY, May 13.—Consolidated Film Distributors here has formed a buying combine with Capitol Film Exchanges of Omaha and Minneapolis, which will give both companies greater buying power. Deals with producers are to be made for the three territories. Consolidated now handles Amity, Goldsmith and other independent product.

## *Frank Harris With Lloyd*

Frank Harris has been named by William Frazer as general manager of the Harold Lloyd Corp. to handle supervision of all sales on "The Cat's Paw" at the Fox home office. Les Whelan will assist Harris.

## *Dorothea Wieck Leaving*

HOLLYWOOD, May 13.—Dorothea Wieck will leave for Germany within a week. Her contract with Paramount expired recently. She will be accompanied by her husband, Ernst Von Der Decken.

## *Fire in Billboard Plant*

CINCINNATI, May 13.—Fire, which started in the mailing room of the *Billboard,* destroyed paper stock, office equipment and back number files, in addition to damaging the building. The loss is estimated at $15,000.

## *Plan Cincy Golf Play*

CLEVELAND, May 13.—Variety Club is discussing a picnic and a golf tournament. Frank Drew, M-G-M manager, and H. M. Addison, Loew division manager, are in charge of the arrangements.

## *To Reissue 'Oliver Twist'*

Monogram will reissue its production of Dickens' "Oliver Twist" next season with new prints and accessories.

## *Drop 19 Checkers*

**M-G-M's New York exchange has dropped 19 checkers employed on percentage engagements during the last and current season in Greater New York. All checking is now being handled by Ross Federal Checking Service.**

# "Rothschild" Leads Coast In 5th Week

LOS ANGELES, May 13.—"House of Rothschild" was still going strong in its fifth week at Grauman's Chinese with $16,460, over normal by $2,460.

A combination of "Double Door" and Ted Lewis and his orchestra also was in the money at the Paramount with $21,000, up by $3,000. The only other attraction to show any strength was "20 Million Sweethearts," playing day and date at Warner's Downtown and Hollywood. It was up by $1,000 on a $15,000 take at the Hollywood and was average at $12,000 in the Downtown.

Total first run business was $81,110. Average is $85,450.

Estimated takings for the week ending May 9:

**"HOUSE OF ROTHSCHILD (U. A.)**
CHINESE—(2,500), 50c-$1.65, 5th week, 7 days. Sid Grauman prologue. **Gross:** $16,460. (Average, $14,000).

**"THROUGH THE CENTURIES" (State Rights)**
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $500. (Average, $2,650).

**"STAND UP AND CHEER" (Fox)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $10,550. (Average, $14,000).

**"DOUBLE DOOR" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Ted Lewis and his orchestra, F. & M. revue. **Gross:** $21,000. (Average, $18,000).

**"WHERE SINNERS MEET" (Radio)**
RKO—(2,700), 25c-40c, 7 days. **Gross:** $3,100. (Average, $8,000).

**"SORRELL AND SON" (U. A.)**
UNITED ARTISTS—(2,100), 30c-55c, 5 days. **Gross:** $2,500. (Average, $12,800).

**"20 MILLION SWEETHEARTS" (F. N.)**
WARNER BROS. (Hollywood)—(3,000). 25c-55c, 7 days. **Gross:** $15,000. (Average. $14,000).

**"20 MILLION SWEETHEARTS" (F. N.)**
WARNER BROS. ((Downtown)—3,400). 25c-55c, 7 days. **Gross:** $12,000. (Average, $12,000).

## *Big in Milwaukee*

MILWAUKEE, May 13.—"House of Rothschild" grossed $8,050 for the first week at the New Garden. The run, from early indications, will break all records at this house.

## *"Rothschild" Holds Up*

"House of Rothschild" in its eighth week at the Astor grossed $18,000.

## *Landi on Fourth Novel*

HOLLYWOOD, May 13. — Elissa Landi's fourth novel will be published June 6. It is called "The Ancestor."

# "Rothschild" Phila. Smash With $23,000

PHILADELPHIA, May 13. — "The House of Rothschild" was the outstanding news here last week, setting a new record for the Aldine Theatre with $23,000. When compared to the previous record of $16,000 for "Roman Scandals" and to the weekly average of $7,000, the figure is a real standout.

That the picture looks good for about five more weeks is shown by the steady pickup. The last day of its first week was better than the first.

"Such Women Are Dangerous" brought $15,500 to the Fox. The Earle, though not so big as other recent weeks, beat its average with "Success at Any Price."

Total first run business was $78,200. Average is $63,560.

Estimated takings for the week ending May 3:

**"THE HOUSE OF ROTHSCHILD" (U.A.)**
ALDINE — (1,300), 40c-55c-65c, 6 days. **Gross:** $23,000. (Average, $7,000)

**"GEORGE WHITE'S SCANDALS" (Fox)**
(3rd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,700. (Average, $2,400)

**"MELODY IN SPRING" (Para.)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $9,500. (Average, $12,000)

**"SUCCESS AT ANY PRICE" (Radio)**
EARLE — (2,000), 40c-55c-65c, 6 days. Stage: Georgie Price, Harold Woods Orchestra, May Questel. **Gross:** $14,000. (Average, $12,000)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage: Benny Meroff and revue. **Gross:** $15,500. (Average, $12,000)

**"COUNTESS OF MONTE CRISTO" (Univ.)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,000. (Average, $3,500)

**"20 MILLION SWEETHEARTS" (Warners)**
STANLEY—(3,700), 40c-55c-65c, 2nd week, 3 days. **Gross:** $4,500. (Average, 6 days, $12,000)

**"THE TRUMPET BLOWS" (Para.)**
STANTON—(1,700), 30c-40c-55c, 7 days. **Gross:** $7,000. (Average, 6 days, $7,000)

# "Rothschild" Tops Denver a 2nd Week

DENVER, May 13.—"House of Rothschild" was still 100 per cent over normal in its second week at the Aladdin. The take was $6,000. It was held for a third stanza.

Other first runs suffered. Weather for outdoor activities was ideal and the Elitch Amusement Park opened.

Total first run business was $25,000. Average is $27,000.

Estimated takings for the week ending May 10:

**"HOUSE OF ROTHSCHILD" (U. A.)**
ALADDIN—(1,500), 25c-35c-40c, 7 days, 2d week. **Gross:** $6,000. (Average, $3,000).

**"THE WITCHING HOUR" (Para.)**
DENHAM—(1,500), 25c-40c, 7 days. **Gross:** $4,000. (Average, $5,000).

**"STAND UP AND CHEER" (Fox)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $7,000).

**"A VERY HONORABLE GUY" (F. N.)**
ORPHEUM—(2,600), 25c-35c-55c, 7 days. Stage show. **Gross:** $7,000. (Average, $9,500).

**"LAUGHING BOY" (M-G-M)**
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $600.

**"THREE ON A HONEYMOON" (Fox)**
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,400. (Average for week, $2,500).

# Zukor Decries Criticisms of Cohen's Work

(Continued from page 1)

cooperation and support instead of opposition. And I am going to see he gets it," Zukor added.

"Cohen is a very capable individual," he said. "He is an honest, sincere and hard worker. I believe he has done well and is the right man for the position."

Zukor intimated that Cohen's refusal to play Hollywood's politics was sufficient ground for arousing opposition to him in this community. He said his current studio visit will strengthen Cohen's status, and declared his intention of remaining here until September.

"I have always kept an eye on production," he said "and am able to do so more extensively now because Paramount's affairs are in a condition now that permits me to spend increased time at the studio."

Zukor will attend the company's sales convention here next month and said that the session would take up exhibition and production problems as well as those of distribution, "because we want our men to be familiar with phases of all three."

He expressed the belief that one major convention would be more advantageous than the several divisional meetings held in the past, but indicated that Paramount may hold regional meetings following the national one. He was enthusiastic over "The Scarlet Empress," which opened in London late last week and which will have its New York premiere about June 15.

# Para. Claim Against FWC Compromised

(Continued from page 1)

with Paramount franchises for both houses.

On the three San Francisco theatres, Fox is to pay to Paramount $114,299 in back rent for the period from Dec. 1, 1932, to Feb. 28, 1933. Additional rent from that date to April 30, 1933, is to be adjusted on the basis of the net income of the houses for the period. The new 10-year leases are retroactive to May 1, 1933, and call for an average annual rental of $98,000 for the Paramount; $75,000 for the St. Francis, and $41,000 for the California. In addition, Paramount is to receive 37½ per cent of the net earnings of all downtown San Francisco houses in which West Coast has an interest during the period from May 1, 1933, to June 30, 1943.

### Form New Corporation

A new corporation is to be organized to take over all the F. W. C. interests in downtown San Francisco houses including the three under lease from Paramount to carry out this part of the agreement. In the event losses are sustained by this corporation, Paramount receives no payment in addition to rent until such time as the losses have been recouped out of subsequent net earnings.

In the case of the Paramount, Oakland, the landlord withdraws a claim of $2,211,500 filed against Paramount Publix for breach of lease on the house and receives, in consideration, a new lease from Fox. Title to the furnishings and equipment in the house is transferred to Paramount by Fox and, in accordance with the agreement, Paramount is to sell the title to Solano Theatre Corp., a West Coast subsidiary, for $390,000. Fox receives a 15-year Paramount franchise for the house.

The Oakland Paramount was constructed for Paramount in 1930 and was equipped and furnished by Paramount before being sub-let to West Coast. The landlord is the Broadway & Twentieth St. Corp., whose petition put Paramount Publix into equity receivership in Jan., 1933.

Under the agreement, Fox also pays Paramount $35,030 in defaulted rent on the Paramount and Rialto, Portland, and the Paramount, Seattle. The Rialto has been repossessed by the landlord and is not included in the new leases involved in the present agreement.

### Fox-Paramount to Share Stock

A new corporation to be known as the Paraport Theatre Leasing Corp. takes over the Paramount, at Portland, on a new lease. Fox will own 75 per cent of the capital stock of the new corporation and Paramount the remaining 25 per cent. Fox gets a 10-year Paramount franchise for its Portland and Seattle houses in connection with the arrangement. The Liberty, at Portland, is also to be controlled by the new Paraport Leasing Corp.

In the readjustment of the Paramount, at Seattle, new arrangements are to be made with the First National Bank of Seattle, in return for which all claims against the theatre will be withdrawn by the bank. Operation of the house has not been settled yet.

The Paramount claim against F. W. C. is an outgrowth of defaults by the latter in its agreement for leasing the theatres involved from Paramount. The original leasing agreement between the two was made in 1930.

Also involved in the settlement of the Paramount claim is a Fox agreement to renew Famous Players Canadian notes which it holds, in the event a request for renewal is made by Famous on the maturity of the notes, next July 8. The notes aggregate $693,000 and represent the balance of a $1,155,000 purchase of Fox properties in Canada in 1931.

The settlement is contingent upon Federal court approval, which will be sought May 21 by Charles D. Hilles and Eugene W. Leake, Paramount trustees in bankruptcy. Trustee Charles E. Richardson took no part in the settlement because of his former association with Fox.

## *U. A. Exchange Closes*

First local exchange to close Saturdays is United Artists, which Saturday declared a working holiday except for the shipping force. Warners-First National starts next week and other branches are expected to follow shortly.

## *Bell Loses His Mother*

Edward Bell, New Jersey branch manager for Paramount, lost his mother Friday. Services were held yesterday and the funeral is scheduled for this morning.

## *Fox to Roadshow 'World'*

HOLLYWOOD, May 13.—Fox will roadshow "The World Moves On" following a Broadway showing at $2 top.

# *Purely Personal*

LESTER COLEMAN, chief accountant for Paramount in Omaha, has been transferred to the home office, working out of headquarters as visiting auditor. GLENN KENYON has been moved up to fill his place in Omaha.

LEE BLUMBERG, IRVING WINDISCH and ARNOLD ALBERT, members of the home office publicity and advertising staff, get back to town today from a tour of exploitation on "20 Million Sweethearts."

E. D. EBELE, associate production manager for 20th Century, will reach New York on the *Santa Paula* tomorrow. He is accompanied by MRS. EBELE.

CARL LESERMAN, GRADWELL SEARS' assistant at Warners, has returned to his desk after a minor operation that kept him at the New Rochelle Hospital two weeks.

GRADWELL SEARS, in charge of southern and western distribution for Warners, leaves today on a week's business trip to Chicago and St. Louis.

CHARLES LAUGHTON left by plane for the coast yesterday to work in his first M-G-M picture.

CHARLES STERN, assistant eastern division manager for United Artists, is in New Orleans on business.

BEN ATWELL of Columbia is in the hospital recovering from an infected tooth.

BETTY BOYD gets in tomorrow on the *Santa Paula* from the coast.

## *Seek Kansas Court Ban on Auditorium*

(Continued from page 1)

the Wyandotte County Soldiers' Memorial trustees from leasing the auditorium for wrestling matches.

The appeal is from a ruling by Judge E. L. Fischer in the District Court at Kansas City, Kan., who denied an injunction against the trustees on the ground the wrestling exhibitions are not a commercial enterprise. Petition for an injunction was filed in the name of Paul F. Rodenbeck, a taxpayer. The American Legion, which sponsors the matches Tuesday nights, was made a defendant along with the trustees. After the suit was filed, the Veterans of Foreign Wars inaugurated wrestling at the memorial on Thursday nights. The matches are put on by professional promoters, the veterans' organizations receiving a share of the proceeds.

Several years ago the Supreme Court issued a restraining order preventing the showing of commercial films in the memorial auditorium, and it has acted similarly in the case of Hiawatha and Independence memorial buildings.

## *Closes Japanese Deal*

Norton Ritchey, executive director of Ritchey Export Corp., Monogram's export subsidiary, has closed a deal for all Monogram product in Japan, Korea and Formosa. Japanese subtitles will be introduced.

## *New Warner Contracts*

HOLLYWOOD, May 13.—Warners have renewed the contracts of Frank MacDonald, dialogue director, and Peter Milne, writer.


*Spot News from Columbia*

Trade and daily press goes wild about the year's outstanding comedy smash! John Barrymore in "20th Century" with Carole Lombard, Walter Connolly, Roscoe Karns. A Howard Hawks Production. From the notable New York stage success by Ben Hecht, Charles MacArthur and Charles Bruce Milholland. "A pushover at the box-office!" —*Film Daily*.

Chosen as one of April's six best photoplays by Mae Tinee, Chicago Sunday Tribune. Elissa Landi in "Sisters Under The Skin" with Frank Morgan, Joseph Schildkraut, Directed by David Butler. Coming soon to Radio City Music Hall.

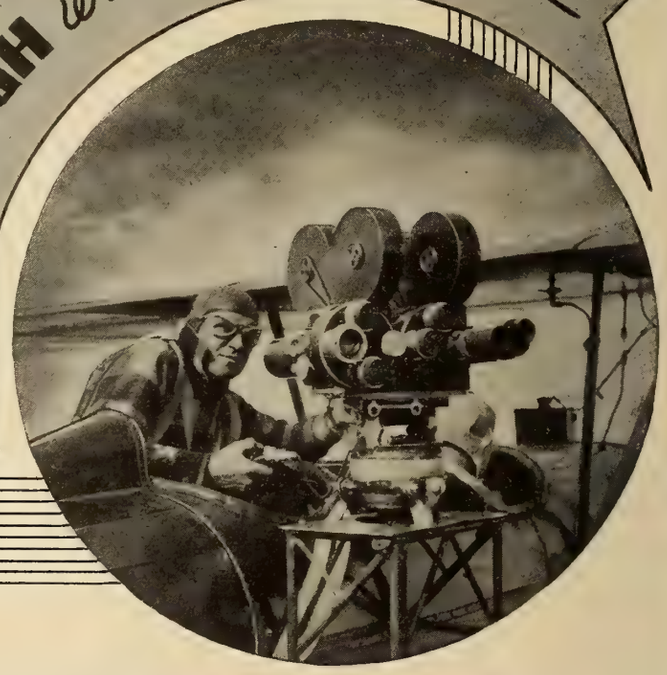
A thrillingly powerful drama of a woman who lost a great love — only to gain a still greater love. "Most Precious Thing In Life" with Jean Arthur, Donald Cook, Richard Cromwell. From the McCall Magazine story by Travis Ingham. Directed by Lambert Hillyer.

Hilarious! Uproarious! Side-splitting! The fun begins in the first reel and ends in the last of "The Party's Over" with Stuart Erwin, Ann Sothern, Arline Judge, Chick Chandler, Patsy Kelly. From the stage comedy hit by Daniel Kusell. Directed by Walter Lang.

Photographed by Elmer G. Dyer for M. G. M's "Night Flight." Altitude 22,000 feet. Du Pont Red Sensitive film; exposure, one three hundredth of a second; E22 filter with wide open lens.

When Elmer G. Dyer, ace air cameraman of Hollywood, goes aloft to get those rare air scenes which make "box office," he doesn't think about retakes. He simply loads up with Du Pont film. He knows he can rely upon its dependability.

FLYING HIGH with Elmer Dyer



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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 113 | NEW YORK, TUESDAY, MAY 15, 1934 | TEN CENTS

## Cantor Says Academy Must Be Destroyed

### *Is "Company Union," He Tells Actors' Guild*

HOLLYWOOD, May 14.—Eddie Cantor last night flayed the Academy as a "company union" which, he said, must be destroyed because its one purpose is an apparent attempt to divide the ranks of the actors. His denunciation was made at a meeting of the Screen Actors' Guild at which he was reelected to the presidency.

The Academy's supplemental contract for artists, he said, was granted producers by a committee without

(*Continued on page* 4)

## St. Louis Houses To Be Sold June 7

ST. LOUIS, May 14.—Nelson Cunliff, special master, in charge of the St. Louis Properties Corp. receivership proceedings, will sell the Ambassador, Grand Central and Missouri theatre buildings and the furnishings and equipment of the three theatres at the Civil Courts Building at noon June 7.

This foreclosure sale paves the way for early action on the reorganization plan urged for the houses by Allen Snyder and Harry Koplar, who have a tentative deal with Fanchon & Marco to manage them.

## New Plan Set for Para. Coast Bonds

Plans of reorganization for two Paramount Pacific Coast theatre bond issues have been completed by trustees in bankruptcy for Paramount Publix and petitions asking Federal court authorization for the plans were filed yesterday with Referee Henry K. Davis.

The issues aggregate approximately

(*Continued on page* 4)

### *Warners Set Dates For Two Regionals*

First of a series of four Warner-F. N. sales conferences on new product and sales policies will be held May 28 and 29 at Montreal and will be followed June 4 and 5 by a second eastern division meeting at Atlantic City.

A. W. Smith, Jr., eastern and Canadian sales manager, will preside at

(*Continued on page* 3)

## *Laemmle Hits National Plan, "Ruthless Rule" on Doubles*

HOLLYWOOD, May 14.—Declaring he fails to see how double features can be disposed of by any national plan or by "ruthless rule of thumb," Carl Laemmle today put Universal on record with a policy of selling or not selling twin features as individual situation dictates.

Carl Laemmle

In one of the strongest statements made so far from any major company source, the veteran Universal president, excoriated "brash statements," hinted at attempts to "browbeat" him and concluded what he had to say with a refusal to attempt to "crush" any exhibitor in the business.

"A good deal of nonsense has been written and said on the double feature problem," he said.

"Exhibitors and producers and distributors have been equally guilty of making brash statements. They are going to run the other fellow's business if it kills them. The spirit of the hour seems to be, 'I'm going to have my way, even if I wreck the other fellow. I'm all right and he's all wrong.'

"I can't see it that way. I can't see the double feature as a matter

(*Continued on page* 4)

## Allied Tieup For Producer Is Undecided

CHICAGO, May 14.—Whether or not Allied will make a tieup with a producer rests in the hands of a committee consisting of Ed Ansin, Abram F. Myers and Sidney Samuelson.

This was the decision reached at the week-end conferences of Allied leaders here. None of those present would discuss the prospects, the explanation being: "We are not tipping our plans, or taking the chance of putting on

(*Continued on page* 4)

### *Russian Arrives to Discuss Film Deals*

Reciprocal distribution deals between American film companies and the Soviet picture trust to increase the markets for the product of both will be discussed by M. Usievitch, head of Soyuzkinoexport, the combined Soviet film industries, who arrived on the *Europa* last night.

Usievitch will be here several weeks studying prospective outlets for

(*Continued on page* 3)

### *Carroll to Produce 2 for Fox Release*

HOLLYWOOD, May 14.—As a result of negotiations between S. R. Kent, Fox Film head, and J. E. Otterson, Erpi president, and Earl Carroll, the latter will produce two dramatic

(*Continued on page* 4)

## K.C. Protest On Clearance Change Filed

KANSAS CITY, May 14.—John McManus, Loew's Midland manager, has filed the first protest on the new clearance schedule with the zoning board. No grounds for appeal were stated.

Other protests are expected from M-G-M and from a number of suburban independents dissatisfied with clearances and restrictions on double bills and premiums. These protests may force the reopening of the new

(*Continued on page* 3)

### *Schlaifer Quits U. A.; No Successor Named*

L. J. ("Jack") Schlaifer, western division manager for United Artists, has resigned. No successor has been appointed by Al Lichtman, general sales manager. Schlaifer will announce another connection shortly.

At the same time, Bernard Simon has resigned from the publicity department. William Sully of the studio publicity force also has resigned to join Columbia.

### *Hepburn-Radio Bury Hatchet; Sign Anew*

Katharine Hepburn has signed a new Radio contract calling for three pictures at a substantial increase in salary. The deal was handled by the Leland Hayward office in New York.

(*Continued on page* 4)

## No Slash in Code Levies Planned Now

### *May Re-Allocate Later, Campi Announces*

No cuts in code assesments for the first half of 1934 are in prospect for exhibitors. Numerous complaints have been received from theatre owners by Campi, its members and board appointees. They charge the levy is excessive, but apparently nothing can be done about it for the first six months.

The committee working on the taxation plan has tried various plans, but finally decided upon the one adopted as the best for the time being. The total of $180,000 representing the exhibitors' half of the total freight

(*Continued on page* 3)

## Settlement Talked For Rogowsky Case

An attempt will be made today to settle the Rogowsky Brothers' complaint against Skouras and seven major distributors before the New York grievance board meets. The Rogowskys claim overbuying on the part of Skouras, operating the Capitol, Port Chester, in opposition to the Embassy, same town.

Louis Nizer, secretary of the local film board and counsel for the distributors involved, will act as intermediary. The case was heard last Tuesday

(*Continued on page* 3)

### *Authority Takes No Action Upon Assents*

No action was taken by Campi at its last meeting looking toward consideration of assents signed after March 10. A report was submitted to the members that various groups, including exhibitor organizations, would like to sign compliances and derive full benefits of the code.

The matter will be brought to the attention of the board again Friday, when R. H. Cochran sits as chairman.

### *Kentucky May Enact 3 Per Cent Sale Tax*

FRANKFORT, Ky., May 14.—A three per cent general sales tax, which appears likely to be passed by the legislature this week, faces the amusement industry in Kentucky. Gov. Ruby Laffoon's special session, called

(*Continued on page* 4)

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## Krellberg Doing Well

Sam Krellberg of Amusement Securities Corp. is gaining ground steadily following serious injuries inflicted by a taxicab last week. He is still confined to the Polyclinic Hospital.

HOLLYWOOD, May 14.—Fred S. Meyer, Wisconsin exhibitor leader, is gaining ground steadily following a serious illness.

## Monogram Pays Dividend

Monogram has paid a one and one-half per cent dividend on its capital stock. This is a regular quarterly dividend declared at the annual convention in Atlantic City last month.

## Booked in Two Cities

HOLLYWOOD, May 14.—Patricia Ellis leaves for Detroit Tuesday. She is scheduled to make personal appearances there and in Chicago.

## M-G-M Film for Rialto

Arthur Mayer has booked "The Hollywood Party" for the Rialto. The M-G-M picture opens in about a week.

## Peggy Fears All Set

HOLLYWOOD, May 14.—Peggy Fears arrives here June 1 from New York to go to work for Fox.


NOW BOOKING ENTIRE COUNTRY

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# Insiders' Outlook

Hollywood

*THE colony has its stooges, tipsters and feeders who funnel facts to various sources, all depending. Stooges are of a strange ilk, ranging from comics to snoopers. . . .*

▼

Not too long ago, one studio accused another of planting stooges on its lot. The defendant studio retorted it had to protect itself against stooges placed on its own terrain by the plaintiff. . . .

▼

A New York executive recently took on a stooge with instructions to check and double check, then airmail, the lowdown on one of his studio executives. After reading the reports, the New Yorker hurried west, huddled with the stooge who suggested the guillotine for the executive under fire. . . .

▼

Up on the carpet, the executive, sensing something was out of focus, dollied right up to New Yorker. "If you're getting reports on me, and it looks as if you were, they're phoney. Let's go over the record. You admit I'm competent, honest and loyal. What are you after? Who doesn't like the way I part my hair or who wants my job?"

The counter-attack stymied New Yorker. He stalled. Then checking better sources, more first-hand, he got the lowdown. The stooge ferreted out the facts, but supplied New Yorker something else. The reason had to do with a run-in somewhere along the line between executive and stooge. . . .

▼

New Yorker, by that time, had learned, then asked the stooge who might be a good replacement for the executive on the spot. He mentioned a former business associate with whom, the suspicion goes, he was still in business. Espionage is not peculiar or exclusive with Hollywood or films. It's part of the big business scheme, international style. . . .

▼

The summer here looks like the most active in many. Major studios are arranging their schedules to avoid the customary shutdown between seasons. This reminds of the inside report, current in Hollywood a few weeks ago, by private advices, the NRA had requested—this was the word—the studios to sidestep dark days by staggering production and thus maintain whatever their level of employment happened to be. Subsequently, nobody ever admitted and such word had emanated from Washington. Now comes the plan to keep stages busy right through the warm weather. . . .

▼

Hollywood is losing out on some of Walter Winchell's gossip about Hollywood. His stuff runs daily here in the *Herald-Express*, Hearst-owned, but the sheet has been known to edit out or forget many paragraphs which run in New York. Therefore, Hollywood eyes, usually primed wide to catch this and that, are missing out, unless they scan the *New York Mirror*. Outstanding instances: The "If I were the Roosevelt of Hollywood" column which discoursed on stars, critics, supervisors, agents. . . .

▼

Among the wall decorations in Harry Cohn's office, a handbill. The text:

"Mr. Rubinstein is the best piano man in his line and he would rather play than eat. And the same can be said about Mr. Cohn—only that he is a singer that can sing and he is not backward about it. Admission 5 cents."

The theatre was the Claremont, 174th St. and 3rd Ave, in New York. The "Rubinstein" is Harry Ruby, now of Kalmer and Ruby. Close by on the same wall is a shot of Mussolini, autographing his best to the Columbia president. . . .

▼

Joe Von Sternberg set out to make a pageant when he launched "The Scarlet Empress." He succeeded. . . . Dorothea Wieck leaves Hollywood, presumably for Germany. That's on the surface of the news. Were those recent stories tying her sympathies directly with the Nazi cause responsible? That's the moot question not on the surface. . . . Boy drives by girl. Girl drives by boy. As they pass, big smiles and expansive hellos. Thereafter, boy discovers he doesn't know girl; likewise, in reverse. The conclusion seems to be that nobody in Hollywood likes to pass up anyone else. It might mean offense to someone of no account Monday, but of much account Tuesday. . . .

KANN

## Columbia Up One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 25⅞ | 24½ | 25⅞ | +1 | 1,000 |
| Consolidated Film Industries | 3⅝ | 3½ | 3½ | — ¼ | 1,000 |
| Consolidated Film Industries, pfd | 15 | 14¾ | 15 | + ⅜ | 400 |
| Eastman Kodak | 90¼ | 87½ | 90¼ | +1¼ | 1,200 |
| Eastman Kodak, pfd | 135 | 135 | 135 | —1 | 10 |
| Fox Film "A" | 14¾ | 13⅝ | 14⅝ | + ⅝ | 900 |
| Loew's, Inc. | 30½ | 28¾ | 30⅛ | +1 | 5,500 |
| M-G-M, pfd. | 25½ | 25½ | 25½ | — ⅜ | 200 |
| Paramount Publix | 4½ | 4 | 4⅛ | — ⅛ | 8,600 |
| Pathe Exchange | 2⅞ | 2¼ | 2¼ | — ⅛ | 1,600 |
| Pathe Exchange "A" | 18⅞ | 17⅜ | 18⅞ | + ½ | 2,700 |
| RKO | 2¾ | 2⅜ | 2¾ | ..... | 2,100 |
| Warner Bros. | 5½ | 5⅛ | 5½ | + ⅛ | 6,100 |

## Technicolor Off 5/8 on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8¼ | 7⅝ | 7⅝ | — ⅝ | 1,700 |
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 200 |

## Paramount Publix Bonds Off 2¼

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8¾ | 8½ | 8¾ | + ¼ | 11 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | — ⅛ | 3 |
| Loew's 6s '41, ww deb rights | 100½ | 100½ | 100½ | ..... | 21 |
| Paramount Broadway 5½s '51 | 43 | 43 | 43 | ..... | 2 |
| Paramount F. L. 6s '47 | 48 | 48 | 48 | ..... | 5 |
| Paramount Publix 5½s '50 | 48½ | 47¼ | 47¼ | —2¼ | 15 |
| Warner Bros. 6s '39, wd | 55½ | 54 | 54 | —1 | 52 |

## Purely Personal

C. C. PETTIJOHN, ROY NORR, SAM ECKMAN, ARTHUR LOEW, HOWARD DIETZ, SI SEADLER, WILLIAM SCULLY, LOUIS FRISCH, SAM RINZLER, PHIL REISMAN, EARLE SWIGART, HENRY RANDELL, BUDD ROGERS, HARRY ASHER, KELCEY ALLEN, E. H. GOLDSTEIN and HERMAN GLUCKMAN among those at the M. P. Club yesterday for lunch.

FRANK LAWTON, who has been appearing in "The Wind and the Rain" here, leaves for the coast today to make two pictures for Universal.

GENE RAYMOND is in town for a brief vacation.

GEORGE DEMBOW is back from the coast.

WILLIAM GOETZ didn't accompany DARRYL ZANUCK to Europe after all.

HAL HORNE and his stooges will be guest chairmen of the Ampa Thursday.

## Cooper-Radio Riddle May Be Solved Today

HOLLYWOOD, May 14.—Merian C. Cooper spent the week-end conferring with J. R. McDonough on his future status with Radio. Authoritative sources have it that he and the studio will arrive at some agreement as to whether he resumes entire charge of production or produces a series of four or six independently for Radio. General opinion is Cooper is inclined to shake off studio detail and concentrate on his own productions. A decision is expected tomorrow.

# No Slash in Code Levies Planned Now

(Continued from page 1)

was proportioned according to theatres assenting.

The fact that complaints would follow was not overlooked. It was felt that remedies can only be made as an outgrowth of protests. Where exhibitors find the tax excessive they must file complaints with grievance boards. These boards, in turn, recommend changes, if any, to Campi.

From various recommendations by boards and suggestions from exhibitors, Campi members will sit down again in the near future and re-allocate the assessments. Suggestions along these lines are being invited for guidance, but for the present the first half assessment stands.

Method of raising the $180,000 production-distribution half of code cost has not yet been worked out.

## Two Cases Are Heard By Board in Capital

WASHINGTON, May 14. — Gift nights, passes and premature advertising were up for discussion as unfair trade practices in two cases before the grievance board today.

Robert Smeltzer presided, with Sam J. Flax substituting for Sam A. Galanty, who was out of town.

A complaint of Max Cluster, operating the Cluster, against Moe Kohn, operator of the Elite, both in Baltimore, on charges of indirect price cutting through passes, was heard. Another Baltimore complaint was that of Louis Tunick, Brooklyn Theatre, against Al Kahn, Pennington Theatre, for the alleged running of gift nights. A decision in the Cluster-Kohn case will be rendered tomorrow.

CHICAGO, May 14.—The showdown on 15-cent admissions and double bills here which had been scheduled for vote today will have to wait several days, the clearance and zoning board having deferred its meeting to Thursday. This is the second postponement of the meeting.

CINCINNATI, May 14.—The clearance and zoning board here held its first meeting today, with Maurice White of Warners as chairman. The gathering discussed zoning, but no schedule was set up and no vote taken. The next meeting is May 22.

CLEVELAND, May 14.—The grievance and clearance boards took up permanent headquarters in Room 441, Statler Hotel, effective today. Mrs. Georgia Moffett is secretary.

INDIANAPOLIS, May 14.—The grievance board will hold hearings each Monday afternoon and the clearance and zoning board will convene on Tuesday afternoons.

### Asked to Resign

Willard C. Patterson has been asked to resign from the code labor committee, which also has on it Charles L. O'Reilly and Leslie E. Thompson. Patterson, until recently handled labor for Warners and joined Publix in Detroit.

## Theatre Acquisition Up to Campi Friday

In the first case of its kind to come before the body, Campi will act as jury Friday on the complaint of John T. Rennie against Felstein & Dietrich in the matter of acquisition of the Oxnard, Oxnard, Cal.

Rennie claims the defendants signed a lease for the theatre while he was negotiating for the house. He declares such action is contrary to the code. Affidavits by both parties have been submitted.

Fox West Coast's appeal from the Los Angeles grievance board which ordered 20 pictures turned over to the Garfield, Alhambra, has been set for the Campi session after May 28, which will probably be June 1. Principals in the case are coming to New York to appear before the board.

## Cleveland First Run Plaint Up on Friday

CLEVELAND, May 14.—Upon request from Judge Keough, representing Loew's Ohio Theatres, and Nat Wolf, representing Warner Theatres, the clearance board meeting has postponed to Friday hearing of the case of the Cedar-Lee Theatre Co., against Loew's Ohio Theatres, involving the Stillman, Park and Granada, and against Warners, involving the Lake, Uptown and Variety. The Cedar-Lee Theatre Co., in a petition filed with the clearance board, asks that first run protection at the houses named, be reduced. Claim is made that when the present protection policy was adopted, all first runs played single features and charged admissions in excess of admissions at subsequent run houses.

## Settlement Talked For Rogowsky Case

(Continued from page 1)

and was adjourned for further evidence.

Other cases on the calendar today are: the Roxy against Walter Reade of the Mayfair on alleged distribution of cut rate courtesy tickets, the Roxy against the Casino for alleged misrepresentation in advertising, and the complaint of the Little Picture House against the Windsor, charging that pictures are advertised as coming to the Windsor while playing the opposition.

## Russian Arrives to Discuss Film Deals

(Continued from page 1)

Soviet films in America and obtaining ideas for increasing the popularity of Soviet pictures here. Coincident with his arrival, announcement was made here that Vladimir I. Verlinsky, formerly associated with the import and export departments of the Soviet film trust in Russia, had been made president of Amkino, American representatives of the Soviet film industries. Verlinsky arrived last week.

## Warners Set Dates For Two Regionals

(Continued from page 1)

both eastern sessions, which will be attended by home office executives and district and branch managers only. Gradwell Sears, western and southern sales manager, will set dates and meeting places for two additional meetings on his return from Chicago.

## Recommendation in On Jersey Dispute

Having heard the protest of the Washington, Washington, N. J., against Wilmer & Vincent, in Easton, Pa., on alleged unfair clearance, the New Jersey advisory board on clearance and zoning yesterday submitted a recommendation to the main board which meets Thursday.

Earle Swigart, branch manager for Paramount; Ben Appelgate of M-G-M, and Robert Mochrie, Warner branch manager in Philadelphia, appeared before the board and stated they were not interested in the case because the Wilmer & Vincent account pays anywhere from $400 to $800 for a picture while the Washington house pays around $25.

Fred V. Green, Jr., appearing for the Washington, asked that the Easton protection be cut, but J. D. Egan, acting for Wilmer & Vincent, stated his theatre is not being served by New Jersey exchanges but by Philadelphia.

Al Suchman, head booker and buyer for Consolidated Amusements, asked that the protection by Loew's against the Forum, Fleetwood and Luxor be changed because the Loew house is not in competition with the trio. David Loew and Eugene Picker appeared for Loew's. The Manhattan, Bronx, Westchester and Long Island advisory group meets tomorrow to draft a recommendation to the main board.

Joseph Lee of Fox and Harry Hecht were absent from the New Jersey board, while Charles Stern and Jack Steinman were missing from the Manhattan board.

## New Haven Grievance Hears First Cases

NEW HAVEN, May 14.—The local grievance board heard its first complaints today. One was that of the Pequot Theatre against the Dreamland, on a charge that free admittance is given Tuesday evenings to women accompanied by men. Another was that of the Whalley Theatre, also in this city, which charged Paramount with forcing shorts.

The Pequot also has on file with the clearance and zoning board a complaint charging the Garden, Lyric and Strand, competing houses, with extending Sunday matinee prices into the evening.

## Flinn Confers Today With 10 Secretaries

Code secretaries from 10 eastern cities meet with Executive Secretary John C. Flinn at Code Authority headquarters today, winding up the third and last session. Because the New York grievance board meets today, Lillian Silver will be absent.

Attending will be Benjamin Strosberg, Albany; Olive Bursiel, Boston; Jane Holloran, Buffalo; Harry Lander, New Haven; Emaline Fineberg, Pittsburgh; Basil Zeigler, Philadelphia; James B. Fitzgerald, Washington; Florence Abramson, New York; Love B. Harrell, Atlanta; Mrs. Georgia Moffett, Cleveland.

### Casino Switches

The Casino yesterday adopted a dual feature and vaudeville program, at the same time droping from a first run to a combination second run program.

# K.C. Protest On Clearance Change Filed

(Continued from page 1)

schedule at a general hearing here, or the board may forward them to Campi for a review of the entire matter.

The appeal procedure and the time allowed for filing protests will be decided by the clearance and zoning board tomorrow. The tentative ruling is that protestants have 30 days to appeal.

The clearance and zoning board tomorrow will hear complaints by H. L. Dunnuck, of the Madrid, Atchison, Kan., and O. F. Sullivan, West Theatre, Wichita, charging distributors allow Fox Midwest prior runs excessive protection, in some instances said to be 180 days, over unaffiliated subsequents. Dunnick withdrew his original complaint with the grievance board charging that Fox Midwest had overbought. He is unable to obtain product, he says, and may file a new complaint on overbuying after the clearance matter has been decided.

Independent suburbans at a meeting this afternoon drafted a protest against the new clearance.

## Mrs. Walton Quits MPTO

MEMPHIS, May 14.—Mrs. Alma Walton resigns tomorrow as secretary of the M. P. T. O. of Arkansas, Mississippi and Tennessee and the Memphis Film Board, having been informed by Campi she cannot hold these posts and remain as secretary of the local code boards.

ONCE to EVERY BACHELOR

with

MARIAN NIXON
NEIL HAMILTON

Aileen Pringle — William Austin
Raymond Hatton — Bradley Page

"Well spiced comedy-drama of a madcap honeymoon, with a hired bride and a millionaire bridegroom the central figures. William Nigh directed this laughter-and-tears story, suggested by Eleanor Gates' 'Search for the Spring.' A tonic for any box-office."

1934 LIBERTY PICTURES 1935

## Allied Tieup for Producer Undecided

(Continued from page 1)

the spot any persons with whom we may be working."

With this disposed of, the conferees departed this afternoon for a regional meeting in the Syracuse Hotel tomorrow. Another session will be held in New York on June 13.

Most of the talk here centered about a program for a campaign on block booking, duals, clean pictures and the development of opposition to a trailer monopoly for major distributors.

As part of the public appeal, a resolution was passed and made available to newspapers stating that Allied is in sympathy with the M. P. Research Council's fight on block booking "which makes it impossible for independents to refuse to show filthy pictures."

Another angle in what Samuelson terms the building of a "technical organization that can put on the pressure" was the appointment of Samuelson, Myers, Walter Littlefield and Arthur Price to take any action deemed necessary on the Darrow report covering the findings of the National Recovery Review Board. Another committee which includes H. M. Richey, Al Steffes and Col. H. A. Cole was named to study the sound equipment situation.

The conference attitude on double features was in favor of voluntary arrangements by exhibitors in any situation. A definite stand was taken against arbitrary fixing of minimum prices as part of contracts.

## Kentucky May Enact 3 Per Cent Sale Tax

(Continued from page 1)

late last week to consider new revenue measures, has proposed nothing to date which affects the industry, with the exception of this general sales tax.

CHARLOTTE, May 14.—Business men throughout the state are cooperating in a campaign to elect a sufficient number of representatives to the new state legislature to obtain repeal of North Carolina's three per cent general sales tax next year.

## Technicolor Nears New Peak-Kalmus

Dr. Herbert T. Kalmus, president of Technicolor, yesterday stated his company has booked for the latter part of the year more footage than at any time since the peak of color.

"Every important producer will be represented with Technicolor's three-color process next season and every cartoon producer of importance is negotiating with us for color work next season," he said.

The annual stockholders' meeting will be held May 21 with election of officers and directors to follow a day or two later. Kalmus expected the administration which has been guiding the destinies of the company during the past to be continued.

## Film Notables Arrive

"Laudy" Lawrence, European representative for M-G-M; Felix Ferry, theatrical producer, and Lillian Ellis, Viennese actress enroute to Hollywood, arrive today on the *Paris*.

# Laemmle Hits National Plan, "Ruthless Rule" on Doubles

### "Never Any Leak"

**Chicago, May 14.—Following the conference of Allied leaders here, Sidney Samuelson said: "It is a matter of pride with us that there is never any leak in Allied's plans."**

## New Plan Set for Para. Coast Bonds

(Continued from page 1)

$1,600,000 and constitute liens on the California, San Francisco, and the Paramount, Seattle. Under the plans filed the Paramount trustees enter into agreement with the bondholders' protective committee for the San Francisco property and the First National Bank of Seattle, as trustee under the bond issue of the Paramount there, by which the bondholders agree to withdraw pending claims and accept bonds in an equal amount from new companies to be organized in accordance with the agreement.

Reorganization of the two issues is essential to the completion of a plan for settlement of Paramount Publix claims against Fox West Coast arising out of alleged non-performance of lease obligations by the latter. The San Francisco and Seattle theatres are two of seven houses on the west coast leased to F. W. C. by Paramount.

Referee Davis set May 21 for a hearing on the reorganization plans.

## Rent Claim Allowed By Para. Trustees

An order authorizing Paramount Publix trustees to proceed with the settlement of an $85,250 rent claim on the Riviera, Anderson, Ind., filed against the company by Anderson Amusement Enterprises, was signed yesterday by Referee Oscar W. Ehrhorn. The trustees are scheduled to submit a plan of settlement for approval within the next few days.

Other claims set for early hearings are those of St. Louis Properties Corp., for a rent claim of $43,333 on the Missouri, St. Louis, to be heard May 17; a claim of the Indemnity Insurance Co. for $229,842, to be heard May 28; a claim of $816,666 by the Citizens' National Trust & Savings Bank, Los Angeles, on two notes of Paramount Land Corp., to be heard June 13; two additional claims by the same bank for $28,550 in connection with Paramount property at Third and Broadway, Los Angeles, to be heard May 28, and a claim of $58,749 by the First National Bank of Boston, for the same date.

## J. P. Kennedy Injured

Joseph P. Kennedy, former head of Pathe, is recovering at his home from injuries received recently when a horse he was riding on a Westchester bridle path fell. Kennedy's right leg was broken and his left ankle sprained.

## Theatre Sale Postponed

Sale at auction of the Lincoln Square has been postponed to some time in July.

(Continued from page 1)

which can be handled nationally or by ruthless rule of thumb. I can't see that anyone in this industry has any right to rule anyone else out of business.

"As far as Universal is concerned, we intend to deal with double features with a good deal of sympathy and plenty of facts.

"I am going to consider just two things in each and every local situation. First, the welfare of Universal's customers and the welfare of Universal. Second, the needs of Universal's customers and the needs of Universal.

"I cannot be much more candid. I am well aware of the fact that much of the loud shouting against double features is being done by the very people who practice it in one territory and not in another.

"There are so many thousands of exhibitors situated in so many different circumstances that it is foolish to try to establish one law or one rule to fit them all. What is food for one is poison for another.

"If I find that I am hurting more theatres than I am helping by selling on a double feature basis, I shall not sell on that basis. But if, on the other hand, I discover situations where my customer simply has to have double features and in selling him on that basis I am saving his life and not killing off someone else, I shall sell double features till the cows come home."

## Pathe Exchange Net On Quarter $14,168

Pathe Exchange, Inc., showed a net profit of $14,168.61 for the three months ending March 31 and cut its deficit by that amount, according to figures just made public. This compares with a net of $17,849.50 for the same period in 1933.

Application of the net to the deficit cut the total in that column from $4,971,405.61 to $4,957,237.

A profit of $14,938.81 from laboratory operations was cut by a depreciation item on other properties and an item of $1,708.62 for selling and administrative expenses, producing a net loss from this source of $1,708.62. This was offset by dividends from Du Pont Film Mfg. Corp.

Capital surplus on March 31, carried to balance sheet, was $7,571,865.78. Total assets are given as $7,100,458.23.

## Signs Six Players As Starring Fodder

Columbia has signed six young players who will be groomed for stardom. The sextette includes: George Murphy, Yale athlete; Florence Rice, daughter of Grantland Rice, sports writer; John Buckler of "Electra" and "Late One Evening"; Charles Sabin of "Billie" and "Sinister Melody"; Robert Allen, who has appeared in a number of Broadway plays; and James Blakely, scion of a social family.

Leo Bulgakov, stage director, goes to the coast for the company some time this week.

## Academy Must Be Destroyed—Cantor

(Continued from page 1)

submitting it to its membership for approval. The guild will proceed to negotiate a fair minimum basic agreement through the five-five committee of the code, which has promised to get into action soon, he told members, numbering more than 2,000.

"We have been patient," he added, "but if these promises are not carried out we will invoke the other collective bargaining provisions of the code."

Robert Montgomery, Ann Harding and James Cagney were named vice-presidents. Kenneth Thomson will continue as secretary. Others elected were Richard Tucker, assistant secretary; Lucille Gleason, treasurer, and Jean Hersholt, assistant treasurer. Named to the board were George Arliss, Mary Astor, Arthur Byron, Cagney, Berton Churchill, Dudley Digges, Leon Errol, C. Henry Gordon, Hersholt, Miriam Hopkins, Boris Karloff, Jeanette MacDonald, Noel Madison, Ralph Morgan, Allan Mowbray, Edward J. Robinson, Ivan Simpson, Spencer Tracy, Tucker, Arthur Vinton and Warren William.

## Carroll to Produce 2 for Fox Release

(Continued from page 1)

musicals for Fox release, using the General Service Studios here. Carroll's deal with Paramount was for one picture.

Earl Carroll arrived in New York from Hollywood yesterday.

## Hepburn-Radio Bury Hatchet; Sign Anew

(Continued from page 1)

This is construed as marking "finis" to the long-standing differences between the company and the actress over salary.

## Flash Reviews

*Laughing Boy*—. . . simple tale with many touching moments. . . .

*Friday the 13th*—. . . as entertainment probably will be something less than satisfying to American audiences. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## Laughton Reaches Coast

HOLLYWOOD, May 14.—Charles Laughton, arrived from the east by plane today. Accompanying the Laughtons was Harold Rogers, secretary. The English star, under contract to Paramount, has been loaned to M-G-M for two pictures.

## Preview for "Bengal"

Harry Schenck's "Beyond Bengal" will be given a preview showing to an invited audience at the Gaiety tomorrow night at 7:45 o'clock by D. J. Mountan, president of Showmen's Pictures, who is distributing it.

## Rowland-Columbia Set

HOLLYWOOD, May 14.—William Rowland's first of two musicals he will make for Columbia will be "The Girl Friend." Al Santell moves over from Radio where he just finished "Virgie Winters" to direct.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 114 NEW YORK, WEDNESDAY, MAY 16, 1934 TEN CENTS

# Pending Bills May Open New Industry Financing

## Allied Sees Plot to Kill 10-15¢ Spots

### *Leaders at Syracuse Aim Attack at Hays, Too*

SYRACUSE, May 15.—Fear that distributors are "plotting" a movement to establish a 20-cent minimum admission scale to "kill" houses now operating at 10 and 15 cents was expressed here today at a session of the New York State Allied unit, which met simultaneously with Allied directors from the Atlantic Coast states from Maryland to Maine. At both sessions Will Hays, objectionable films and block booking were subjected to sharp criticism.

Sidney Samuelson, president of Allied, assailed Hays as "the jokester

(*Continued on page 7*)

## Coast Production Pace Is Unchanged

HOLLYWOOD, May 15.—Production last week remained the same as the preceding week with a total of 37 features and 11 shorts in work. Features in final stages of preparation totaled 35, while 39 were reported in the final

(*Continued on page 3*)

## *Instructed to Make Gross in June Peak*

The Fox sales force has been instructed to make June revenue maximum. Prior to his recent departure for Hollywood, John D. Clark, general sales manager, issued this order:

"The big job before every man is to liquidate, to completely eliminate any delinquencies that may exist in bookings and to make certain, before he leaves for the convention, that June revenue will be maximum."

The sales parley is set for New York May 31-June 2.

## *Reported Goldhar to Be Lichtman's Aid*

DETROIT, May 15.—Jack Goldhar, United Artists district manager in this territory, is reported to have been named an assistant to Al Lichtman in New York.

Efforts to reach Al Lichtman for a statement last night failed. Others at the U. A. home office declared they had heard nothing about the Detroit report.

## First Ruling on Overbuying Here Up Today

New York's first overbuying case will be decided today by the local grievance board when it meets to deliberate on testimony, completed yesterday. An effort to settle the Rogowsky grievance against Skouras and seven major exchanges failed yesterday when Edward Peskay failed to show up at Louis Nizer's office after having been invited to attend a meeting.

Before the hearing opened yesterday, Louis Weber, counsel for

(*Continued on page 6*)

## *Answer to Darrow Started by Johnson*

WASHINGTON, May 15.—Administrator Hugh S. Johnson today began the writing of his answer to the Darrow report on the film and seven other codes. Meanwhile, it was indicated at the White House that publication of the National Recovery Review Board's analysis of the Recovery

(*Continued on page 6*)

## *Another Overbuying Plaint Up Locally*

Harry Suchman, attorney for Harman Yaffa, has filed a complaint against Springer & Cocalis and local major distributors charging overbuying.

The complaint claims that the Gem and Majestic in Manhattan are being

(*Continued on page 6*)

## *Detroit Worried*

**Detroit, May 15.—Local exhibitors, who last week declared they were unworried over the local Catholic move against obscenity in pictures, have had a change of heart. They are feeling the ban, although they say only slightly so far, but fear its extension.**

**Signatures supporting the "League for Decency" total 325,000 to date in this diocese.**

## Omaha Indies Seek Release From the Code

OMAHA, May 15.—Independent exhibitors in this territory who are not members of the M. P. T. O. have wired Executive Secretary John C. Flinn of Code Authority requesting permission to withdraw their code assents and asking that they be relieved of further financial responsibility in connection with the code.

The move is the result of protests over the appointment of only M. P. T. O. members to code boards. Calvin

(*Continued on page 6*)

## *Capital Board Puts Ban on Free Passes*

WASHINGTON, May 15.—Issuance of free passes and display of advertising matter in subsequent run theatres in advance of houses having prior

(*Continued on page 7*)

## *Direct Loans, Federal Reserve Discounts Are Provided*

WASHINGTON, May 15.—New avenues of financing for the industry may be opened by legislation now pending in Congress, which has been given the approval of the President. It authorizes the RFC to make loans direct to industry and the Federal Reserve Banks to rediscount long-term paper.

Measures providing for both types of advances have been passed by the Senate and have been combined into an omnibus bill in the House.

Under the Federal Reserve bill industrialists would seek long-term

(*Continued on page 7*)

## New Saenger Setup Ready in Few Days

The Saenger Theatres reorganization plan, ending the receivership of the large southern circuit, will be finally completed early next week, it was stated in Paramount yesterday.

E. V. Richards, operating head of the circuit, who retains that post under the reorganization, is here working on final details of the plan with the Paramount Publix trustees in bankruptcy and will remain until the plan is completed.

## *Brock to Return to Radio in New Deal*

HOLLYWOOD, May 15.—After a four-week European vacation Lou Brock will return to Radio on a two-year ticket calling for three features yearly. Brock had planned to return as an independent in the event a new deal with the company were not successful.

## *Sales Tax Campaign Started in Kansas*

TOPEKA, May 15.—Kansas exhibitors will have a sales tax proposal to worry about when the next session of

(*Continued on page 3*)

## *Score Charges Up to Theatre Men—Cooper*

TORONTO, May 15.—That the removal of score charges demanded by exhibitors is a matter for individual

(*Continued on page 7*)

## *Non-Lightman Suburbans Drop Memphis Zone Fight*

MEMPHIS, May 15.—In a surprise move non-Lightman neighborhood exhibitors have withdrawn their protest against a new zoning schedule drafted by the clearance and zoning board.

Most of those concerned are reluctant to talk, but one suburban showman has admitted to MOTION PICTURE DAILY that such action has been taken. This is a complete reversal of action taken last week at a meeting in M. A. Lightman's office when a unanimous vote to protest was recorded and it

(*Continued on page 7*)

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*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## *Usievitch Recovering*

M. Usievitch, head of Soyuzkino-export, the combined Soviet film industries, who is here to discuss deals for an interchange of American and Russian films, retired to a midtown hotel on his arrival aboard the *Europa* to recuperate from the after effects of seasickness.

"Mr. Usievitch will not be available for interviews for a few days," the Amkino office replied to inquiries yesterday.

## *Publicity Staffs Shift*

Changes in publicity personnel of Fox, Paramount and United Artists have Morris Halpern of Fox switching to United Artists, succeeding Bernard Simon. Charles Wagner of the *Mirror* joins Fox in Halpern's post.

Jeanette Sauer has replaced C. N. O'Dell at Fox. O'Dell has joined the Paramount studio publicity department on Long Island.

## *NVA Fund Awaits Check*

The total receipts of the NVA Drive, held last week throughout the country, will not be available for another week, according to the office of the treasurer of the drive. The west coast and southern returns are expected to be in by then.

## *Consolidated Dividend*

A 50-cent dividend on the preferred stock of Consolidated Film Industries, payable July 2 to holders of record June 8, was voted yesterday.

## *Waite on Exchange Tour*

Stanley Waite of Paramount is on a two-week tour of exchanges in the south.

# *Insiders' Outlook*

*Hollywood*

OVER on Gower Street where is housed the Columbia plant and around the luncheon table one day recently developed a discussion on double features, although there is nothing unusual in that. The question continues to intrigue Hollywood, which has ideas, some strange, on what should be done and how to do it. . . .

▼

Geared up high now as a result of the smashing success of "It Happened One Night," the Columbia bunch deplored the circumstance which combines its big baby with features of admittedly inferior grade. It happened elsewhere and on plenty of nights with other important pictures from other important studios, but that's the other studios' worry. Spoke Frank Capra, the capable director whose record as a picture-maker is recognized and hailed far and wide here by friends, of course, but what's more to the point, by competitors as well. . . .

▼

He thinks the smaller theatres ought to recognize progress and make way for the larger houses. Granting that were true, we attempt to point out the smaller houses won't view it that way at all; that they have as much right to their business existence as the de luxe first runs. We get over our point without difficulty, which is strange for us. Capra has an idea the more representative houses might veer away from doubles and toward singles, but we tell him what's been happening at producer-owned or affiliated theatres everywhere to disprove his observation. . . .

▼

Having argued it back and forth with Bobby North, Felix Young, Jack Holt, Sam Jaffe, Hubert Voight and Vic Shapiro dipping oars in and out, the argument on doubles remains where everyone has left it, which is nowhere. "Good pictures have no trouble at the box-office," says Capra, who has made them and so is qualified to speak his mind. "The main trouble today is mass production of mediocrity. Studios should cut down on their cheap pictures or 'cheaters' and theatres should abolish block booking, which enables producers to put out 'cheaters.'" . . .

▼

Capra is being told now that, if some exhibitors had their say, block booking would go. Others—many others, too lazy, too indifferent and, by lucky breaks, too confident that their luck will continue—would oppose any such idea if they had their say. Sales managers and sales organizations, well-oiled and well-experienced under the block selling plan, won't agree with Capra and will put down what he says as another Hollywood man talking—through his hat. "I am for unit production of fine pictures," continues Capra. "One year's output of quality would do away with censorship and all kindred ills that our business is heir to." The final quotation may leave the result it argues for in some doubt, but on the former there remains little doubt but that the way to make them is in units and not in mass formation. . . .

▼

Not all of interest is to be found in the modest studio dining room, however. Harry Cohn's office with its generous windows overlooking the patio, the patio's tinkling fountain and the writers' building beyond is something. Harry has, beyond all question, the most complete desk in Hollywood, which means elsewhere as well. It has a battery of phones, but that's not unusual. It has compartments that swing out from all corners; they are apt to floor the innocent bystander if he doesn't watch out. One contains scripts. Another the requisites for hard liquor. A third, a hidden phone. A fourth, books. Piped for practically everything, only hot and cold running water are among the missing. . . .

▼

When Harry wants to confer with the writers, time is saved by yelling across the office to patio to writers' building, but not before the fountain and its gurgling are turned quiet long enough for the message to get through. On his desk is a curious metal arrangement, and nearby, buttons. Cohn may, by going through the proper button pushings, learn what's happening on any and all sets. He can even hear a director or a lead swear at him. He can even press more buttons and yell back. . . .

▼

This is the office where much Columbia business goes on. This is the office where supervisors and key men on the lot meet every Thursday night to wrangle back and forth on how this or that might best be handled. Here is the scene where the boys match Cohn's lung power, his arguments and his desk-pounding. They treat him as they would each other, arguing for what they hold best for the company and not for Cohn, although that to a large extent is one and the same thing. Harry is president of Columbia. Make no mistake about it, he's president only six nights a week. Never on Thursday. . . .

KANN

## *Eastman Leads Rise on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 27 | 27 | 27 | +1⅛ | 100 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | + ¼ | 100 |
| Consolidated Film Industries, pfd | 15½ | 15½ | 15½ | + ½ | 400 |
| Eastman Kodak | 93⅛ | 90 | 93⅛ | +2⅞ | 300 |
| Eastman Kodak, pfd | 135 | 135 | 135 | ..... | 10 |
| Fox Film "A" | 15 | 14 | 14½ | — ⅛ | 1,000 |
| Loew's, Inc. | 30¾ | 29¾ | 30⅝ | + ½ | 4,200 |
| Paramount, cts. | 4⅜ | 4⅛ | 4¼ | + ⅛ | 2,900 |
| Pathe Exchange | 2¾ | 2⅜ | 2¾ | + ½ | 2,200 |
| Pathe Exchange "A" | 20¼ | 18¾ | 19½ | + ⅝ | 6,300 |
| RKO | 3 | 2⅞ | 2⅞ | + ⅛ | 700 |
| Warner Bros. | 5¾ | 5⅜ | 5⅜ | + ⅛ | 4,300 |

## *Technicolor Up ⅝ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 8¼ | 8¼ | 8¼ | + ⅝ | 100 |
| Trans-Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 100 |

## *Paramount Publix Bonds Up 1¾*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅞ | 8⅞ | 8⅞ | + ⅛ | 1 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 2 |
| Loew's 6s '41, ww deb rights | 100½ | 100½ | 100½ | + ½ | 7 |
| Paramount Broadway 5½s '51 | 44½ | 44½ | 44½ | +1 | 1 |
| Paramount F. L. 6s '47 | 47 | 47 | 47 | ..... | 3 |
| Paramount Publix 5½s '50 | 49 | 49 | 49 | +1¾ | 15 |
| Warner Bros. 6s '39, wd | 57⅜ | 55½ | 57 | +2½ | 67 |

## *Find Erlanger Deficit*

A deficit of $552,270.48 in the Abraham L. Erlanger estate is indicated in a report of Referee Philip J. Dunn approved by Surrogate James A. Delehanty. The claims against the estate total $1,857,647.77 and the assets are $1,305,377.29, including $124.50 cash on hand.

## *F. & M. Seek the Fox*

Fanchon & Marco have made the receivers of Fox, Brooklyn, an offer to lease the house starting from Sept. 1. Sydney Cohen has been operating the house for the bondholders, who will have to approve the F. & M. deal before it can materialize.

## *Mascot Sets Coast Deal*

Mascot Pictures Corp. has closed a deal for its entire list with the Mel Hulling and Sam Berkowitz exchanges for Los Angeles and San Francisco.

## *Para. Signs Joe Penner*

Joe Penner, radio comedian, has been signed by Paramount for a role in "The Big Broadcast of 1934."

# London Films Will Limit Future List

With a maximum of six features for United Artists release on its new season schedule, London Films, producers of "The Private Life of Henry VIII" and "Catherine the Great," will continue a policy of turning out a limited number of pictures in the hope of attaining quality product, Etienne Pallos, general sales manager for the company, said yesterday.

Pallos, who is here from London to complete talent arrangements for the company's new schedule, related that following the success of London Films' first two productions, company heads had to wage a battle with their bankers to retain the "fewer and better" pictures policy. The bankers, he said, reasoned that if two pictures made the profit they did, a schedule of 25 for next season would return a profit that much greater.

Pallos estimated that "Henry VIII" has grossed $1,000,000 in the United Kingdom and $300,000 in Germany to date. No estimates are available on the American gross as yet, he said.

### First for 1934-35 Set

London Films' first release of the new season will be brought here in September by Douglas Fairbanks. It will be "The Private Life of Don Juan," with Fairbanks starred. Following it on the schedule are "The Scarlet Pimpernel," for which either Ronald Colman or Fredric March is being sought. A Hollywood director will be signed for this picture, with all American talent arrangements to be completed by Pallos before his return to London in two weeks.

Lewis Milestone has been signed to direct H. G. Wells' "100 Years to Come," third on schedule. The fourth will be Robert E. Sherwood's "The Marshal," with Maurice Chevalier. Alexander Korda, London Film head, will direct. Charles Laughton is set for a Frederick Lonsdale story and the company has signed Elizabeth Bergner, star of "Catherine the Great," for one picture. This, however, may be deferred to the following season's schedule if Miss Bergner's arrangements for American stage and screen work interfere. In that event, Rene Clair, French producer, would make one picture for the company.

The complete London Films deal with United Artists is for 16 pictures, to be made in accordance with whatever schedule is set by the British company.

Pallos stated that he did not believe that Nazi Germany's ban on "Catherine the Great" would be rescinded, due to the fact that it was banned because of public disturbances at its exhibition.

## *City Tax Bill Passed*

The Board of Aldermen yesterday passed Mayor LaGuardia's city tax program placing a levy of one-twentieth of one per cent on the gross earnings of general business and corporations and one-tenth of one per cent on gross receipts of brokers.

## *"Dawn to Dark" Sold*

DuWorld Pictures have sold "Dawn to Dark" to New England Film Exchange, Sack Amusement Enterprises and Elliott Film Co. for New England; Texas, Oklahoma and Arkansas; Minnesota, North and South Dakota, respectively.

# *Looking 'Em Over*

## *"He Was Her Man"*

(*Warners*)

Gangster revenge motivates the story, but its application is varied by something bordering on martyrdom when James Cagney goes back to save the girl, Joan Blondell, from the men who are pursuing him.

Cagney, fresh from jail, charges two cronies $15,000 for opening a safe, and before starting the job tips off the police. It's his revenge for their failure to split on a previous job. A policeman is killed.

Fleeing from gangster revenge, Cagney appears in a San Francisco hotel, but is recognized by a racetrack tout who tips off the gang. In a weak moment Cagney falls for a streetwalker who is distraught because she can't get south to a fishing village where her prospective bridegroom, Victor Jory, is waiting for her. Cagney pays her way and goes with her. The day before the wedding she can't make up her mind to run away with Cagney or stay and get married. Cagney solves the problem by departing, but at a bus station learns the girl is in danger. He goes back.

In the closing sequences she is married and he is walking down a cliff followed by two men with drawn guns.

Jory's work as the prospective bridegroom is splendid. Sarah Padden is surprising as a Spanish mother with an accent. Cagney is his alert, peppery self at all time.

## *"Murder in Trinidad"*

(*Sol M. Wurtzel-Fox*)

Good mystery drama with enough of action and suspense to satisfy audiences that favor productions of the kind. The story is well constructed, motives for the murder are logically established and suspicion is placed on enough members of the cast to conceal the real murderer until the last. With a setting for a large part of the story in tropical swamps outside of Trinidad, South America, the plot is enhanced by a sinister atmosphere.

Nigel Bruce, as a detective, is brought from London by the governor of Trinidad to apprehend the leader of a gang of diamond smugglers operating through the island. Bruce's aide is murdered when he comes upon a clue to the secret hiding place of the gang—an island in the heart of a treacherous swamp. Soon after, the governor is murdered and the trail leads Bruce and his new aide, Victor Jory, to the gang's hideout. The subsequent shooting of the leader there reveals that he had an accomplice close to the governor in Trinidad. A trap is set and the accomplice reveals himself in stepping into it.

Bruce turns in a fine performance as the detective. Others in the cast, which includes Heather Angel, J. Carrol Naish, Douglas Walton and Francis Ford, satisfy.

## *Flash Reviews*

### *"The Merry Frinks"*

(*Warners*)

HOLLYWOOD, May 15.— . . . With an over-abundance of laugh cracks, the film is good program material and should do well. . . .

### *"Call It Luck"*

(*Fox*)

HOLLYWOOD, May 15.—Produced undoubtedly as a programmer for neighborhood houses and subsequent runs, "Call It Luck" achieves the producer's intent. . . .

### *"Once to Every Bachelor"*

(*Liberty*)

HOLLYWOOD, May 15.—An interesting story . . . well-rounded general audience entertainment . . . strong program attraction. . . .

### *"Midnight Alibi"*

(*Warners*)

HOLLYWOOD, May 15.— . . . interesting, melodrama . . . should fare nicely. . . .

### *"Romance in Budapest"*

(*Du World*)

Light and gay and full of charm . . . provides delightful diversion.

*Reviews of these films will appear in full in an early issue of* MOTION PICTURE DAILY.

# Coast Production Pace Is Unchanged

(*Continued from page 1*)

editing stages. There were 16 shorts preparing and 25 editing.

Paramount continued to lead the field with eight features in work, four preparing and four editing; M-G-M had six working, nine preparing and one editing; Fox had five, four and three; Warners, four, six and 10; Radio, three, two and seven; Columbia, two, two and three; Universal, two, one and three; United Artists, zero, two and zero, while the independents registered a total of seven, five and eight.

The short subject reports showed M-G-M with two working, two preparing and four editing; Roach, one, two and four; Warners, two, two and zero; Universal, zero, one and two; Columbia, zero, one and three, while the independents reported a total of five, six and eight.

## *B. F. Keith Losses For 1933 $580,387*

BOSTON, May 15.—Net loss of $580,387, after taxes, depreciation amortization of capital assets, interest, loss on investments and capital assets and provisions for losses of affiliated companies, is reported by the B. F. Keith Corp. and subsidiaries (controlled by Keith-Albee-Orpheum Corp.), according to a report filed with the secretary of state. This compares with net income of $209,782 in 1932, which was equal to 52 cents per share for 400,000 no-par shares of capital stock.

The balance sheet as of Dec. 31, 1933, shows current assets of $766,077; current liabilities of $42,141, and working capital of $344,836, compared with working capital of $221,575 at the close of the previous year.

## *Fascist Film Goes To Cummins for U. S.*

Samuel Cummins stated yesterday he had acquired American distribution of "The Black Shirts," produced in Italy under direct guidance of Premier Mussolini. The picture, as it now stands, is in 13 reels.

"Forgotten Men" will follow "Hitler's Reign of Terror" at the Columbia which Cummins has under lease for 13 weeks with "The Black Shirts" and a film dealing with world revolutionary movements spotted in thereafter.

Cummins alleged yesterday the Nazi Government had set aside $3,000,000 to propagandize its cause in the United States and is making efforts to block his Hitler picture.

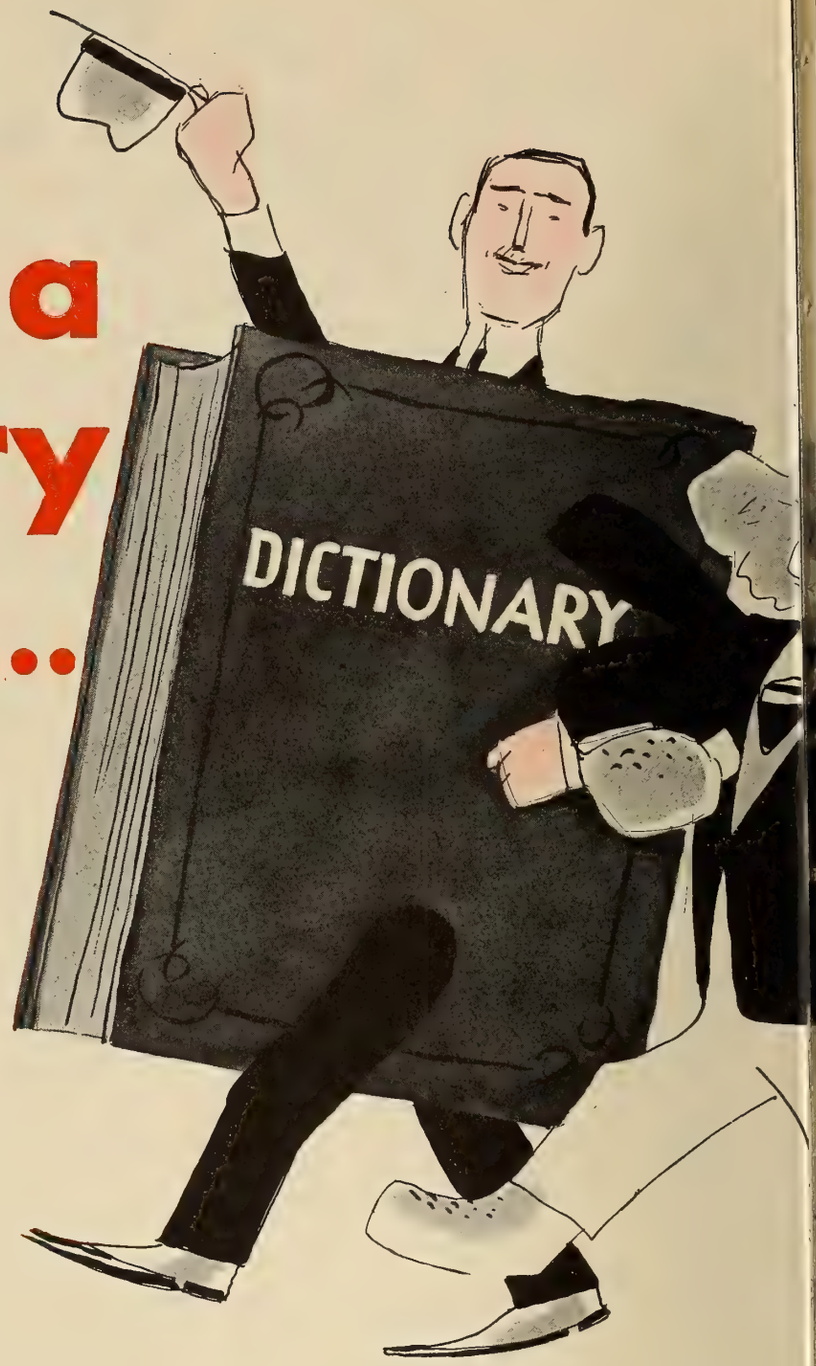
## *Sales Tax Campaign Started in Kansas*

(*Continued from page 1*)

the state legislature convenes, it appears from early agitation for such a measure.

Proponents of a sales tax for the benefit of Kansas schools are building a strong lobby with an eye to the next session. Because of inadequate returns from the school levy on real estate, it is considered entirely possible a general sales tax will be advocated.

# "Did you ever see a Dictionary walking... well we did!"



**Leo marches on! One hit follows another! Happy Leo!**

# "THIN MAN"

# gets Fat Words!

## *Oh, what a hit! Coast Preview sensational!*

HOLLYWOOD REPORTER *says:*

"A smart honey. A sophisticated wow. This picture will have millions of customers well satisfied and with that well-fed look. A murder story with a brilliant cast, brilliant script, brilliant direction and photography that tells story in no mean terms. Let it be shouted from roof-tops that writing, acting and direction all spell movie with capital M. So let us hasten good work of handing out bouquets. Wm. Powell has time of his life, elegant detective who never finds himself sober enough to have it interfere with his work. Powell is great and your patrons will revel with him. Myrna Loy makes positive the fact that she should stick to being a comedienne."

COAST VARIETY *says:*

"'Thin Man' is sure-fire ace entertainment. Rating is cinched for all type houses by top names, class production, expert direction, outstanding performances and smart balance of humor and murder mystery in a story which holds suspense in masterly fashion. It is perhaps screen's best approximation of that brand of exciting mystery which has given this type of tale sustained vogue in literary field and for this achievement Hunt Stromberg deserves big share of credit. Wm. Powell gives strikingly human and suavely humorous performance. Myrna Loy is superb."

MOTION PICTURE DAILY *says:*

"Smartly concocted for big audience reactions with a confident tempo and sly, boisterous humor, 'The Thin Man' is one of the finer mystery melodramas. Adapted from Dashiell Hammett's widely publicized novel, the film attains a nonchalant unfoldment, carefree surface action with volcanic smouldering underneath. W.S. Van Dyke's direction is a model of plot movement and laughter. Hunt Stromberg's production is topnotch. All together, it is a swell, satisfying show."

**March on with the M-G-M Lion! Year after year!**

# First Ruling on Overbuying Here Up Today

(Continued from page 1)

Skouras, introduced into the record a denial of MOTION PICTURE DAILY's story of the attempted settlement. Skouras, it is understood, would not consider any settlement, preferring to have the case decided by the board.

Weber brought Sam Rinzler of the Randforce circuit and Joseph Seider of the Prudential circuit before the hearing to give their opinions on duals. Both agreed doubles were necessary in some situations, depending on the calibre of pictures purchased and booked. Peskay stated that 75 per cent of the country's houses today are showing duals.

Edward Schnitzer, branch manager for Columbia, testified that after his first negotiations with Skouras had failed, he offered the company's product to Rogowsky, but couldn't get together with him on price. He then sold Skouras and later entered into a contract with Rogowsky for a number of pictures Skouras may not play.

Herbert Rogowsky introduced contracts with RKO, Columbia, Universal, Warners and Paramount for 1931-32, showing he bought 158 films for that season.

### Bought 160 Pictures

For the season following, Rogowsky introduced contracts showing he had purchased 160 pictures, but stated that for the current 1933-34 season all companies, with the exception of Paramount, had refused to do business for first runs with him before selling Skouras. He stated he managed to get about 64 films from the various major companies, 32 of which were from Paramount.

Moe Streimer, manager of the U. A. branch, testified that the Proctor Theatre was in Port Chester before Rogowsky's Embassy.

In summing up his case, Nizer stated Skouras had not overbought and that if the board determined to transfer distributors' contracts by rendering an award in favor of the plaintiff, the contract "is not worth the paper it is written on." He added there was nothing illegal in playing duals in opposition to a competitor and concluded it was not the function of the board to parcel out product of distributors to an exhibitor who has not bought it.

I. Levenson, attorney for Vitagraph, asked that if the board decided to grant Rogowsky relief, provision should be made for paying and playing Warner pictures. He referred to MOTION PICTURE DAILY's official text of Campi's decision in the appeal of Ashley Amusement Co. against Saxe Amusement Management, Inc., where Code Authority stated provision for payment of Warner pictures will be provided.

Weber stated Rogowsky "was a wolf in sheep's clothing" and that Skouras needed the 303 pictures bought.

Robert R. Rosan, attorney for Rogowsky, in summing up, stated that the board was the only one which could give him relief and every attempt to deal with major exchanges, except Paramount, for first run output has failed because of the Skouras "buying power."

The board took under advisement three other cases. The first was the Roxy complaint against the Mayfair on distribution of cut rate courtesy tickets, the second that of the Roxy against the Casino for advertising four stars on "Finishing School" when the *Daily News* only gave it two, and the last complaint was that of the Little Picture House against the Windsor for advertising "Carolina" while the picture was playing at the plaintiff's house. No one appeared before the board to defend the last grievance.

Decisions will be handed down today.

John J. O'Connor of Radio was chairman.

## Cullman Apologizes

**Howard S. Cullman, receiver for the Roxy, personally apologized to the New York grievance board yesterday for his letter to Division Administrator Sol A. Rosenblatt in which he stated the local body was unable "to intelligently interpret" the cut rate provisions of the code. Cullman said he did not think the board would be slighted, but since it had taken this attitude he was sorry about the letter.**

**The Mayfair, defendant in the case, will be ordered today to stop the cut rate practice in its present form.**

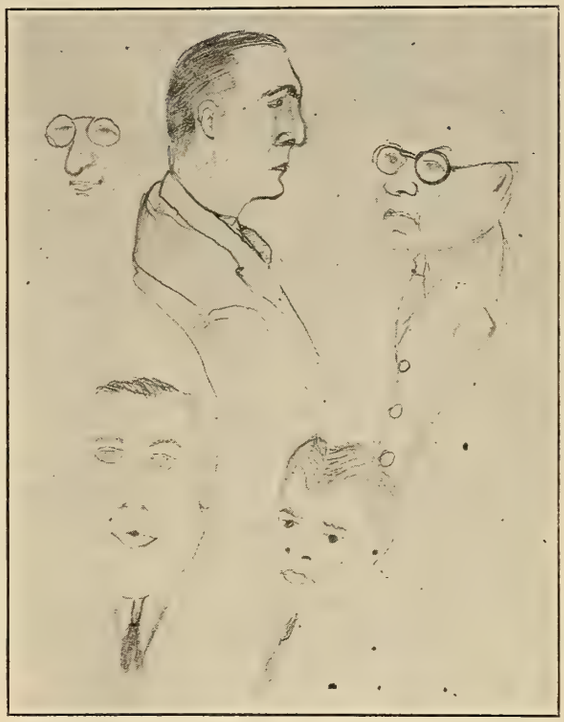
## Another Overbuying Plaint Up Locally

(Continued from page 1)

deprived of first run product of the major companies which it has been playing for the past 12 years. The S. & C. house involved is the Lane, recently acquired. Also contained in the complaint is the charge that the two theatres have only 72 pictures for the season. The complaint is slated to come up next Tuesday before the grievance board.

## Delay FWC Hearing

SAN FRANCISCO, May 15.—A hearing on the Fox West Coast protest against a proposed 56-day first run clearance scheduled for tomorrow before the clearance and zoning board has been postponed for two weeks.



**What a busy pencil produced during yesterday's hearing before the New York grievance board of the Rogowsky complaint against Skouras and local distributors.**

**Top row, left to right: Milt Kusell of Paramount; Edward Peskay of Skouras; Robert R. Rosan, attorney for Rogowsky.**

**Bottom: Harry H. Thomas of First Division and Louis Weber, attorney for Skouras.**

**Louis Nizer, attorney for the eight defendant distributors, was the artist.**

## Allied Asks Cutts Quit

PORTLAND, May 15.—William Cutts, member of the clearance and zoning board, has been asked by Allied to resign. It is said Allied may reconsider the request, however, because of the absence of a number of members of the board of directors from the meeting at which the action was taken.

## Nizer-Thompson in Clash on Contracts

A heated argument started yesterday between Louis Nizer, attorney for seven major distributors, and ex-Senator George F. Thompson, impartial member, when the latter insisted on the Skouras contracts with exchanges and the Fox franchise with the circuit.

Nizer held that introduction of the contracts and franchise would make public Skouras confidential dealings and that exchanges would be given an opportunity to know what prices Skouras was paying for film.

Thompson contended that the board had a right to know all the dealings in the case. The windup was that if the contracts and franchise were necessary for deliberations, they would be produced for the private scrutiny of board members only.

## Portland Offices Open

PORTLAND, May 15.—Ruth Doyle, secretary of the code boards, has opened offices in the Pantages Building. Weekly meetings of both boards will be held.

# Omaha Indies Seek Release From the Code

(Continued from page 1)

Bard, chairman of the old NIRA committee, is leading the protest.

The independents' telegram reads: "We request permission to retract our approval of the code and ask that we be relieved of its financial obligations, but we will remain under the blanket code of the industry and abide by all its labor provisions."

Bard says his group comprises 80 per cent of the independents in the territory.

Executive Secretary John Flinn of Code Authority says there is no provision in the code allowing anyone to withdraw an assent. He had not received the Omaha wire up to late yesterday, he said.

## FWC, U. A. Circuits Named in Complaints

LOS ANGELES, May 15.—Two more grievances have been filed here for hearing Thursday.

Frances Wright Mellinger, operating the Maywood Egyptian, charges Fox West Coast with buying all major product from the Farwest Exchange to run at its Alcazar at Bell, forcing the complainant to play 28 days after the opposition. It is also charged the circuit house instituted a widespread advertising campaign when its scale was cut to 15 cents. Major distributors declared they would refuse the Egyptian service if it lowered prices to 10 cents for front row seats.

The other complaint was filed by G. L. Smith and Lloyd Beard, operating the Cosmo, Glendale, against United West Coast, United Artists circuit, charging buying up of all major product for four runs. The complainants say the circuit cannot use all the product, while they cannot get any until 63 days' clearance has elapsed.

The case of Harry Popkin against three Main Street theatres charging five cent admission was held over until Thursday for further investigation.

## Answer to Darrow Started by Johnson

(Continued from page 1)

Administration would be delayed in order that attack and reply might be made public simultaneously.

As he began the writing of his defense, Johnson had before him the views of Division Administrator Sol A. Rosenblatt and other officials who participated in the negotiation of the codes attacked by the Darrow board. Faced with the first crucial test to which the NRA has been subjected, Johnson must either so justify the actions of his subordinates as to disarm criticism or be the target of a bitter attack by Congress.

## Board Seeks Comments

HOLLYWOOD, May 15.—Comments on the work of the zoning board have been invited from any exhibitor or group of exhibitors. Suggestions also are sought.

# Allied Sees Plot to Kill 10-15¢ Spots

(Continued from page 1)

czar of the movies." Declaring the NRA was no assistance in elevating the tone of pictures, he blamed the heavy loss in theatre patronage on "dirty" product, promising a country-wide war on "sexy" films. He charged block booking with being the cause of Hollywood's dwindling number of producers and praised the M. P. Research Council for doing "a swell job."

The state unit approved the "clean screen" resolution promulgated at the Chicago Allied meeting over the week-end and was addressed by speakers, including Nathan Yamins, head of New England Allied.

"We are surveying the field to see how much revenue can be derived throughout the country for the production of pictures with a standard of decency the public wants," Samuelson said in an interview this afternoon. "If we get the right answer and prospects of enough return to cover the cost, we will go into production before the end of 1934. There will be no hookup with any producer now in the field. We will start fresh. If and when we start, financial backing will be ready to see us through."

## Capital Board Puts Ban on Free Passes

(Continued from page 1)

right to exhibition were declared unfair practices by the local grievance board in a decision yesterday upholding Max Cluster, operating the Cluster, in his complaint against Moe Kohn, operator of the Elite, both in Baltimore. The board ordered the practices discontinued.

The next meeting of the grievance board will be on May 28. The clearance and zoning board meets on May 22.

## C. E. Williams Quits Omaha Zoning Board

OMAHA, May 15.—Charles E. Williams, veteran president of the M. P. T. O. in Nebraska and western Iowa, late yesterday resigned from the clearance and zoning board due to poor health.

The board expects to begin a series of daily meetings to continue until the territory is zoned as soon as Williams' successor has been appointed.

## Agency Body in Parley

HOLLYWOOD, May 15.—The agency code committee will meet tomorrow for its first actual work with the subcommittee appointed to establish a code of fair practice. Major Joseph R. O'Donovan has been appointed to an administrative and secretarial position with the committee.

## "NRA" Nights Stopped

NEW HAVEN, May 15.—In its first decision the grievance board ordered the Dreamland Theatre to stop its "NRA" nights on which women are admitted free when accompanied by a man. The complaint was brought by the Pequot Theatre.

# Non-Lightman Suburbans Drop Memphis Zone Fight

(Continued from page 1)

was decided to draw up a formal complaint.

It had hardly been filed when owners not affiliated with Lightman held a second meeting and decided to withdraw their names from the formal complaint.

"We realize this gives unprecedented protection to first run circuit houses," said one exhibitor who refused to allow the use of his name, "but they deserve protection. The chief trouble of the single-theatre suburban exhibitor here has been his inability to compete with Lightman's buying power. He has had to wait not only on downtown theatres, but on all of Lightman's suburban houses before he has secured product. The new setup gives downtowns an added advantage, but at the same time makes it possible for subsequents to get the same break that Lightman gets. Admission price, not buying power, is the chief factor under the new setup. We did not realize this until the complaint had been filed."

This bears out MOTION PICTURE DAILY's original Memphis code story that the chief squabbles here would be Lightman and anti-Lightman.

Directors of the M. P. T. O. of Arkansas, Mississippi and Tennessee today drafted zoning and protection plans which they consider fair and will present to the zoning and clearance board with the request they serve as a substitute for the arrangement recently announced.

R. X. Williams of the Lyric, Oxford, Miss., was named secretary of the organization, succeeding Mrs. Alma Walton, who has resigned to become code secretary here.

R. McDougall, Monticello Ark., and Charles Mensing of the local Orpheum have replaced respectively T. W. Sharp of Little Rock, Ark., and Roy Pierce, former Orpheum manager, on the local clearance and zoning board.

## Eastern Secretaries In Parley With Flinn

Code secretaries from 10 eastern cities were instructed in code affairs and duties in a routine meeting with Executive Secretary John C. Flinn at Code Authority headquarters yesterday. The meeting was a replica of others conducted with the field secretaries throughout the country by Flinn in recent weeks.

Attending yesterday's session were Benjamin Strosberg, Albany; Olive Bursiel, Boston; Jane Holloran, Buffalo; Harry Lander, New Haven; Emaline Fineberg, Pittsburgh; Basil Zeigler, Philadelphia; James B. Fitzgerald, Washington; Florence Abramson, New York; Love B. Harrell, Atlanta, and Mrs. Georgia Moffett, Cleveland.

## Subsequents in K. C. Act on New Clearance

KANSAS CITY, May 15.—Independent subsequents today took decisive measures to scrap objectionable portions of the new local clearance schedule promulgated by the clearance and zoning board last week.

A scorching protest signed by 22 independents was adopted at a protest meeting yesterday. At a meeting this afternoon a committee was named to draft a schedule to be presented to the board incorporating the demanded changes. The committee consists of Stanley Schwartz, chairman; William Parson, Mrs. A. Baier, W. D. Fulton and E. S. Young.

## Dime Scales Figure In Cleveland Cases

CLEVELAND, May 15.—Dime admissions were ordered stopped in one case before the grievance board and decision was reserved for three days in another. Six cases have now been heard by the board and none are on file.

In the case where dime scales were ordered ended, Max Kaplan, Grand Central Theatre, charged Morris Israel, Erie, with violating the 15-cent minimum provisions of his contracts. He admitted it.

In the other case Frank Gross, Grand Amusement Co., against Sam Barck, Market Square Theatre, Inc., Barck was accused of maintaining a 10-cent bargain hour from 6:30 to 7:30 P. M. He claimed he played only independent product during this period.

H. C. Bissell, Columbia branch manager, presided.

## Clears Extras' Complaints

HOLLYWOOD, May 15.—All extras' complaints, numbering 50, have been disposed of by the extras' code committee, which is now engaged in deciding who shall be among the 1,500 permanent extras to be retained under code requirements. This list will not be ready for several weeks.

## Sutherland Returns

HOLLYWOOD, May 15. — Edward Sutherland returned from Panama today fully recovered from a long illness. He will start work soon directing Joe Cook's picture for Fox.

## Another Rental Protest Parley

**A second meeting between independents to discuss protest of high rentals and preferred playing time will be held at the M. P. Club Friday. The move is sponsored by the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware.**

**At the next session, exhibitors from as far west as the Mississippi are being invited. The first session, also held at the M. P. Club, included only eastern exhibitor leaders.**

# Pending Bills May Open Up New Financing

(Continued from page 1)

loans from their usual banking connections, which could rediscount the paper with the reserve banks.

Under the RFC plan the corporation would be authorized to advance money on promissory notes, acceptances or other collateral until Jan. 31, next, to any established industrial or commercial business to enable it to obtain working capital, reduce or refinance its outstanding indebtedness, or make plant improvements or replacements.

Under either method the loans might run for as long as five years.

## Dubinsky Row First To Arbitration in K.C.

KANSAS CITY, May 15.—This city's first arbitration under the code will be Ed Dubinsky's dispute with the local operators' union. Arbitration was agreed upon today. Dubinsky withdrew his demand that a Federal judge be the impartial third member of the arbitration board. The union accepted his suggestion that A. W. Dubirney, special assistant U. S. attorney general in charge of the NRA here, be the impartial member.

The argument is over Dubinksy's demand for a reduction in manpower at his two local houses from seven to five operators. He wants the same consideration given other subsequents in the same price classification.

Dubinsky denies the St. Louis Regional Labor Board ordered him to reinstate operators and stagehands at his St. Joseph theatres at salaries in force last November. He says the National Labor Board instructed the regional board to modify the original ruling ordering reinstatement of the I. A. T. S. E. men pending arbitration. He adds that the national board ruled he did not have to reemploy men adjudged guilty of violence.

## Score Charges Up to Theatre Men—Cooper

(Continued from page 1)

exchanges and companies in Canada to deal with and is not the direct concern of the M. P. Distributors of Canada was asserted here today by John A. Cooper, its president, following a meeting of the organization.

He said that in the case of various Canadian companies all contracts have to be submitted to the home offices in New York for approval, a procedure which, he asserted, gives producers there final say in the elimination of score charges after July 1, as has been urged. It was added that each company would have to consider the demand as affecting its private business arrangements.

The admission was made by Cooper that the distributor organization as well as exchanges were receiving many communications from exhibitors on the subject.

## Meyer, Nolan Improving

HOLLYWOOD, May 15.—Fred Meyer and John Nolan continue improving at the Cedars of Lebanon Hospital.

# "Rothschild" Holds Top in Philadelphia

PHILADELPHIA, May 15.—Though it dropped from its first sensational week, the Philly standout was still "The House of Rothschild," with $16,000 at the Aldine. The Fox also did well with "Now I'll Tell," grossing $15,500.

The sudden heat wave at the beginning of the week cramped all business. After a good week-end, receipts took a drop on Monday and didn't come back until Wednesday. "Viva Villa" suffered at the Boyd, getting only eight days despite rave notices. "Tarzan and His Mate" also disappointed at the Stanley.

Total first run business was $78,200; average, $73,900.

Estimated grosses week ending May 10:

**"HOUSE OF ROTHSCHILD" (U. A.)**
ALDINE—(1,300), 40c-55c-65c, 6 days. 2nd week. **Gross:** $16,000. (Average, $7,000.)

**"THE SHOW OFF" (M-G-M)**
(2nd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,700. (Average, $2,400.)

**"VIVA VILLA" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 8 days. **Gross:** $13,000. (Average, 6 days, $12,000.)

**"UPPER WORLD" (Warners)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Frances Arms; Garner, Wolf and Hakins; 3 Stewart Sisters; Oscar Lorraine; Mazzone and Keene Revue. **Gross:** $13,500. (Average, $12,000.)

**"NOW I'LL TELL" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage: Sally O'Neill, "Town Topics" Revue with Mills, Gold and Raye. **Gross:** $15,500. (Average, $12,000.)

**"LET'S BE RITZY" (Univ.)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,800. (Average, $3,500.)

**"TARZAN AND HIS MATE" (M-G-M)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $12,000.)

**"I'LL TELL THE WORLD" (Univ.)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,700. (Average, $7,000.)

## *"Bengal" Clicks*

CINCINNATI, May 15.—"Beyond Bengal," which had its "world premiere" at Neth's Hartman, Columbus, a fortnight ago to a $9,000 week, moved into the Shubert, local "legit" house, where it did an estimated $14,000 last week. It is being held over, with a $9,500 week predicted for the second stanza. The picture is being shown on a grind basis. Prices are 35 and 44 cents all day, including 10 per cent state tax. A barrage of 24 sheets, 1,000 three-sheets, 500 one-sheets and 1,000 window cards were spotted here.

## *To Lecture on Sound*

A lecture-demonstration on the advances in the field of theatre and stage sound reproduction will be given tomorrow morning at 10 o'clock at the Palace by C. C. Aiken of the RCA Victor Co.'s service department. It will be repeated Friday at midnight in the same place.

## *Hoffman Changes Title*

HOLLYWOOD, May 15.—M. H. Hoffman of Liberty Pictures has changed the title of "The Mad Honeymoon" to "Once to Every Bachelor."

## *Closing on Saturdays*

The home office of First Division will close on Saturdays through the summer, starting this week.

# *Purely Personal*

CHARLIE CURRAN, ARTHUR JEFFRIES, IRVING WINDISCH and PHIL LAUFER, Warner's Metropolitan Theatres exploitation department, have moved their offices to the Strand Building.

MRS. NATE BLUMBERG and the offspring—LOUIS and "DODO"—plan a California trip via the Canal some time next month. The head of the family may follow for a few days.

HILDA LESSER, secretary to E. M. SAUNDERS of M-G-M, will become MRS. S. LEE RICKLES shortly after Labor Day.

RALPH SPENCE'S story, "People Will Talk," has been purchased by Paramount as a co-starring vehicle for CHARLIE RUGGLES and MARY BOLAND.

A. E. W. MASON'S and IAN HAY'S current stage success, "A Present from Margate," has been bought by Warners.

HARRY ASHER is visiting from Boston. Yesterday he conferred with HERMAN GLUCKMAN and E. H. GOLDSTEIN of Majestic.

LAWRENCE WEINGARTEN has returned to the M-G-M studios. He spent a week here looking at new plays.

LUCILLE BALL, whose next appearance will be in EDDIE CANTOR'S "The Treasure Hunt," is here from the coast on a short vacation.

HARRY SCHENCK, producer of "Beyond Bengal," came in from Cincinnati yesterday to attend the opening of the feature at the Gaiety today.

BOB SISK returns from the coast by plane Saturday.

HELEN WERNER sails for London shortly to join the English end of Kay Kamen, distributors of Mickey Mouse accessories.

PAULINE LORD leaves for Hollywood today to start work for Paramount in "Mrs. Wiggs of the Cabbage Patch."

ERLE STANLEY GARDNER'S "The Case of the Curious Bride" has been bought by Warners.

EARLE SWIGART, Philadelphia branch manager for Paramount, was in town the other day.

PAT GARYN is back in town from a long sales swing around the country. He was gone about six weeks.

MARY, the important half of the MIKE SIMMONS menage, is heading east from Hollywood on a visit.

PERCY PHILLIPSON of General Register stayed indoors yesterday nursing a cold.

MARTIN BECK took a wetting in order to chat with friends on Broadway in the rain yesterday.

DAN MICHALOVE arrived yesterday from Los Angeles after a windup of some Fox West Coast business.

JOE PLUNKETT was a symphony in brown about the Bond Building yesterday.

BERNARD MCCARTHY, Radio branch manager in Des Moines, is in town with the wife on a vacation.

LOUIS DE MARCO is managing the Roxy baseball team composed of ushers.

ARCHIE MAYERS is in Philadelphia on DuWorld business.

## *"Rothschild" Gets Indianapolis Lead*

INDIANAPOLIS, May 15.—"House of Rothschild" piled up $6,000 at the Palace, over normal by $1,500.

"A Very Honorable Guy" took second honors, helped by a stage show at the Lyric, where the $7,500 gross was up by $1,500.

Total first run business was $21,500. Average is $16,500.

Estimated takings week ending May 13:

**"STAND UP AND CHEER" (Fox)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $3,000. (Average, $2,500.)

**"WE'RE NOT DRESSING" (Para.)**
CIRCLE—(2,800), 20c-40c, 5 days. **Gross:** $2,500. (Average, $3,500.)

**"MASSACRE" (F. N.)**
**"CRIME DOCTOR" (Radio)**
INDIANA—(3,100), 20c-40c, 7 days. **Gross:** $2,500.

**"VERY HONORABLE GUY"**
LYRIC—(2,000), 20c-40c, 7 days. Stage show. **Gross:** $7,500. (Average, $6,000.)

**"HOUSE OF ROTHSCHILD" (U. A.)**
PALACE—(3,100), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500.)

## *Green Back to Fox*

HOLLYWOOD, May 15.—Paul Green, playwright who speculated much on the ways of Hollywood in an article which appeared in the dramatic section of the *New York Times* several months ago, has returned to the Fox scenario department. His first assignment will be the adaptation of Sinclair Lewis' story, "A Work of Art."

## *Casino Switches Friday*

Starting Friday the Casino drops vaudeville for a double feature second run policy.

## *St. Louis Curious About Film Confab*

ST. LOUIS, May 15.—There is considerable speculation here as to the possible effects of the conference called by Mayor Bernard F. Dickmann between clergymen and theatre men in an effort to head off a concerted campaign against films and their advertising.

Discussion was warm at times, but the conferees parted in a friendly manner.

Fred Wehrenberg made a good impression by declaring that the M. P. T. O. A. is campaigning against smut in films.

As a result of the fact that one minister pointed out that "Catherine the Great" is being advertised as "Woman of many loves—17 lovers, to be exact" it is expected theatre ads will be toned down.

## *Second Aid for Laemmle*

HOLLYWOOD, May 15.—A second assistant, additional to Joe Weil, has been engaged by Carl Laemmle. He is Julius Klein, veteran newspaperman and author, who will handle and develop story ideas.

Another addition at Universal is Jerry Sackheim, formerly with Radio, who will serve as story editor, thereby restoring a post abolished some time ago, and relieving Leonard Spigelgass, scenario editor, of much detail.

## *Radio Now in Denmark*

Radio has closed with Gloria Films, of Copenhagen, for the distribution of its 1933-34 product in Denmark.

# "Rothschild" Is Cleveland Hit, $15,000

CLEVELAND, May 15.—"House of Rothschild" was a sensation in its first popular priced showing here at the RKO Palace. The $15,000 take was over normal by $5,000.

"Stand Up and Cheer" was also a big draw, going to $9,000, up by $4,000, at Warner's Hippodrome.

Total first run business was $38,800. Average is $34,500.

Estimated takings for the week ending May 11:

**"COUNTESS OF MONTE CRISTO" (Univ.)**
ALLEN—(3,300), 25c-35c, 7 days. **Gross:** $2,000. (Average, $3,000.)

**"STAND UP AND CHEER" (Fox)**
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $9,000. (Average, $5,000.)

**"MURDER IN TRINIDAD" (Fox)**
**"STOLEN SWEETS" (Chesterfield)**
WARNER'S LAKE—(800), 30c-40c, 7 days. **Gross:** $1,800. (Average, $2,500.)

**"TWENTIETH CENTURY" (Col.)**
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $8,000. (Average, $10,000.)

**"HOUSE OF ROTHSCHILD" (U. A.)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 day. **Gross:** $15,000. (Average, $10,000.)

**"MELODY IN SPRING" (Para.)**
**"THE FIGHTING RANGER" (Col.)**
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,000. (Average, $4,000.)

## *Boston M. P. Group Gets More Officers*

BOSTON, May 15.—Mrs. James B. Ayer, chairman of the Boston chapter of the M. P. Research Council, has announced appointment of an executive committee as follows: Mrs. J. Tucker Burr, Mrs. Barrett Wendell, vice-chairmen; Henry R. Atkinson, Mrs. Arthur H. Brooks, Robert Cutler, Herbert V. Ehrmann, Roger Ernst, Rev. C. Leslie Glenn, Bartholomew F. Griffin, Mrs. Herbert Lyman, Mrs. Maurice M. Osborne, Mrs. Charles A. Rheault, Mrs. Eva Whiting White.

District supervisors or directors so far named include Mrs. Harriette Brazzelle of East Boston, Mrs. Pope Parker of Hingham, Mrs. Frederick L. Emery of Lexington, Mrs. F. B. Twitchell of Natick, Mrs. V. H. Richards of Norwood, Mrs. Robert R. Ames of Wayland, Mrs. John C. Lee of Wellesley and Mrs. J. T. Baldwin of Wollaston.

## *Earl Carroll Visits K.C.*

KANSAS CITY, May 15.—Earl Carroll, accompanied by Bill Pine, Cecil Carle and Tom Rooney, hopped off for St. Louis today after a brief stop here to screen "Murder at the Vanities" for members of the press.

## *Ray Lewis Candidate*

TORONTO, May 15.—Ray Lewis, editor of the *Canadian M. P. Digest*, is running for the provincial Parliament on the Liberal ticket in Bellwoods Riding. The election will take place June 21.

## *Delay Brooklyn Closing*

The Paramount, Brooklyn, has deferred closing until May 25. The house was scheduled to close Friday, but business during the current week has picked up.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 115 | NEW YORK, THURSDAY, MAY 17, 1934 | TEN CENTS

# New Code Setup Asked In Review Board Report

## Michael Shea Dies Suddenly In Buffalo, 75

### *Long Ill—Showman for Half Century*

BUFFALO, May 16.—Michael Shea, pioneer exhibitor who last year observed his golden jubilee in the show business, died suddenly at noon today of a complication of diseases after a lingering illness. He celebrated his 75th birthday April 1.

Shea was head of the Shea Theatres, Inc. The houses under his control were Shea's, Toronto; Shea's Buffalo, Hippodrome, Century and Great Lakes, Buffalo first runs; Shea's Bellevue, Niagara Falls, N. Y., and Shea's Riviera, North Tonawanda, N. Y. In Buffalo he also operated the Bailey, Elmwood, Kensington, North Park and Seneca, all neighborhoods.

Born in 1859 in this city, Shea spent his boyhood on the docks, winning

(*Continued on page 8*)

## *Ex-Governor Bumps Ohio 10% Film Tax*

CINCINNATI, May 16.—Decrying the imposition of the 10 per cent admission tax, Meyers Y. Cooper, former governor of Ohio, in an address before the local Variety Club, said there was less excuse for this taxation than for any of the other levies assessed by the state.

"If additional revenue is needed, it is obtainable from other sources of just taxation, rather than from admissions," he declared.

He characterized the lack of state funds, which had forced special taxes, as the result of unnecessary expenses in state government.

## *Comerford, Mullin New Para. Advisors*

M. E. Comerford, head of the Comerford Circuit, and Martin J. Mullin, operator of Paramount New England Theatres, were named yesterday to Paramount's national theatre advisory committee by Sam Dembow, Jr., vice-president of the home office theatre company. M. B. Comerford was

(*Continued on page 7*)

## *Columbia May Hold Two Regional Meets*

While Columbia has reached no decision, probability is the company will hold two regional sales conventions this year. One is contemplated for Chicago and the other for Los Angeles.

## *Rogowskys Get 22 Films From Skouras Allotment*

In the first overbuying case to come before the New York grievance board, Rogowsky Brothers won against Skouras Theatres Corp., which operates the Capital, Port Chester, in opposition to the independents' Embassy.

According to the unanimous decision, the Embassy will be granted two pictures a week from Skouras until the total reaches 22, which, it was figured by the board, will keep the Rogowskys supplied with sufficient first run product until the new season gets under way.

Further, Rogowsky and Skouras will agree between themselves what two pictures will go to the Embassy every week. In the event they disagree, the grievance board will make the decision.

All companies but Paramount are affected. Despite Fox's 10-year

(*Continued on page 7*)

## Public Bodies Being "Used," Says Schaefer

BOSTON, May 16.—Speaking before the Women's Republican Club here today, George J. Schaefer, vice-president of Paramount, warned that efforts are being made to "use public groups as catspaws for interested trade factors."

"The latest slogan that has been handed to those with a cause to serve," he said, "is 'compulsory block booking must go.' The fact of the matter is

(*Continued on page 4*)

## Union Count Low; Strike Talk Flares

A strike of service employes in a selected list of Loew's and RKO houses here may be called today by Local 118, Theatre & Amusement Employes Union, following disclosure yesterday of the results of a checkup showing only a small percentage of the local's membership among the circuit's employes.

The union stated yesterday through Charles Levey, secretary, that the

(*Continued on page 6*)

## *Loans $50,000,000; Losses Zero, Giannini's Balance*

By RED KANN

HOLLYWOOD—For years it was Broadway and 41st St., New York. Now the goings on are the same, only the address is 7th and Spring, Los Angeles.

Large and small, from the days when Herman Wobber, now a power in the Fox organization, became California distributor for Geraldine Farrar in "Carmen" and Mabel Normand in "Mickey" down the line have film men turned to A. H. Giannini with their troubles and their financing. "Doc," as he is known to customers and employes alike, for years has been a sort of father confessor to a large and important segment of the production business and likes the job.

Fifty millions, which is plenty of money, have been passed through the wickets of Giannini banks on both coasts to wend their way to studios that have turned out many important pictures. "Doc" has gotten it all back, at legal rates of interest, nary the loss of a solitary cent. That's been his experience in this industry.

This chap Giannini, who long held forth in California before he went to

(*Continued on page 4*)

## *Equal Representation Is Urged—Block Sales Draw Criticism*

WASHINGTON, May 16.—Reorganization of the Code Authority and local boards, elimination of block booking and extension of code privileges to non-signers are among 10 recommendations made by the National Recovery Review Board in its report on the film code, it was learned authoritatively today.

Administrator Hugh S. Johnson's reply to the Darrow board's charges is now in the hands of the President, but the report will probably not be made public for several days, it was learned at the White House.

Meanwhile, despite all efforts of administration officials to keep the

(*Continued on page 6*)

## Campi to Receive Ideas on Charges

Constructive suggestions from exhibitor associations and individual theatre owners for re-allocation of assessments on a fair and equitable basis and which will not overtax any theatre are being requested by Campi from complainants.

Recently the M.P.T.O. of Connecticut inquired about a reduction of assessments adopted by Campi and

(*Continued on page 6*)

## *Indies to Test Dual Ban in Sales Pacts*

PHILADELPHIA, May 16.—Independent exhibitors, together with a number of independent exchanges, met here today with Ben Golder, who has

(*Continued on page 6*)

### *Daily Tells Weigel*

**Cincinnati, May 16.—Charles Weigel, new appointee to the Cincinnati grievance board, replacing John Elliott, was notified of his appointment by *Motion Picture Daily*. The trade was notified at the same time.**

**Everyone concerned was lavish in praise of this service, which constituted the first notice received here of the appointment.**

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *Freuler Is Awarded Title*

Freuler Film Associates have been awarded the title "Marriage on Approval" by Justice Aaron Steuer in the N. Y. Supreme Court. Right to the title was challenged by Michael Kallesser, who wrote a play under that name which was produced in 1928, The Freuler film was based on a newspaper serial first published Oct. 31, 1927.

## *"U" Theatres to Pay*

Universal Chain Theatres Corp. has declared a liquidating dividend of $2.50 on the preferred. The circuit is in receivership.

## *Ball League to Meet*

The M. P. Baseball League holds its first meeting of the 1934 season tonight at the NBC offices in Radio City.

## *Denies Goldhar Report*

Al Lichtman denied yesterday Jack Goldhar, district manager of the Detroit territory, will be appointed one of his assistants.

## *Cullman Reports May 28*

Howard S. Cullman expects to file his report with Federal Judge Francis G. Caffey for the last six months' operation of the Roxy on May 28.

## *Krellberg Well Now*

Sam Krellberg yesterday left Polyclinic hospital and is on his feet again after being struck by a taxi last week while crossing 8th Avenue.

## *Carroll Flies Film To Waldorf Showing*

Earl Carroll's swift cross-country airplane trip with his Paramount musical, "Murder at the Vanities," landed a print of the feature at the Le Perroquet Room in the Waldorf-Astoria at 10 o'clock last night.

Nearly 100 press representatives, company officials, and others in the entertainment field saw it screened and attended a dinner afterward Among the entertainers were Lanny Ross, Gordon & Revel, Burns & Allen, and Borris Morros with the Paramount Theatre talent, including the orchestra.

Carroll, accompanied by William Pine and others, left the Coast Sunday and has been showing the picture in two and three cities a day, including Salt Lake City, Denver, Kansas City, St. Louis, Omaha, Chicago, Detroit, Cleveland and Pittsburgh. The Pittsburgh showing was early last night and the plane arrived at Newark in two hours. The next stop is Boston, with the party scheduled to leave at 11 o'clock today.

CINCINNATI, May 16.—Earl Carroll arrived from Detroit at noon in a private plane in charge of Paul Mantz, with Bill Pine, Teet Carle and Tom Rooney of the Paramount, Los Angeles. Fifty were entertained at luncheon as guests of Irving Waterstreet. Carroll broadcast over station WLW and left for Pittsburgh at 3 o'clock. No screening was given here because of limited time.

## Earl Carroll-Fox Deal To Run Several Years

Earl Carroll's new deal to produce two pictures per year for Fox release will have several years to run, Carroll stated last night on his arrival from Hollywood. The deal has not been signed, but agreements have been reached all around, he disclosed.

Carroll said the pictures would be "girl shows" with substantial plot and story values built around them. He plans to start the first in July, with all production centered at General Service Studios, Hollywood, under an arrangement with Erpi.

## *Amity Darkens Saturday*

Amity has joined the major companies which will operate on a five day week during the summer.

## *All German Theatres Now Under Goebbels*

BERLIN, May 16.—In a law promulgated last night by the cabinet all theatres in Germany were placed under the direct guidance of Dr. Paul Goebbels, Nazi Minister of Propaganda and Public Entertainment.

Goebbels is now empowered to open and close theatres, appoint or dismiss directors and stage managers, ban plays or order performances. The law applies to all theatres, regardless of ownership, and empowers Goebbels to control the Prussian state theatres which heretofore have been under the jurisdiction of General Hermann Goering.

## *Entertain Ampa Today*

A flock of entertainers will be on hand at the Ampa luncheon today at the M. P. Club. They will include Block and Sully, Mack Gordon and Harry Revel, Bob Murphy and his Rascals; Kenyon Nicholson, co-author of "Sailor Beware," with members of the cast; the Three Cubanolas, Charles Winninger, Jimmie Savo, Lou Brown and Lillian Ellis. Hal Horne will be guest chairman.

## *K-A-O Profit $167,522*

Net profit of $167,522.49, without provision for Federal income tax, was reported yesterday by Keith-Albee-Orpheum Corp. for the first quarter ending March 31. This compares with a loss of $76,742 for the same period of last year.

## *Against Star Reviews*

NEW ORLEANS, May 16.—Opposition to the star system of reviewing has been voted by directors of the Gulf States Theatre Owners' Ass'n. They also have gone on record against daylight saving time.

## *Sheldon Off for Europe*

HOLLYWOOD, May 16.—E. Lloyd Sheldon left last night for Europe, returning to Paramount Sept. 1.

## *M-G-M May Pick A. C.*

M-G-M may hold its eastern regional meeting in Atlantic City some time next month.

## *Cohen Closes Wallack*

Max Cohen has closed the Wallack on West 42nd St.

## *Trading Light on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 26½ | 26½ | 26½ | — ½ | 200 |
| Consolidated Film Industries, pfd | 15⅞ | 15⅞ | 15⅞ | + ⅜ | 100 |
| Eastman Kodak | 94½ | 93 | 93½ | + ⅜ | 200 |
| Eastman Kodak, pfd | 135 | 135 | 135 | ..... | 20 |
| Fox Film "A" | 14½ | 14 | 14 | — ½ | 700 |
| Loew's, Inc. | 30⅞ | 29⅝ | 30 | — ⅝ | 2,100 |
| Paramount Publix | 4¼ | 4 | 4¼ | ..... | 1,600 |
| Pathe Exchange | 2⅞ | 2⅝ | 2¾ | ..... | 1,400 |
| Pathe Exchange "A" | 20 | 20⅜ | 19¾ | + ¼ | 1,300 |
| RKO | 3 | 2⅞ | 2⅞ | ..... | 1,100 |
| Warner Bros. | 5¾ | 5½ | 5½ | — ⅛ | 3,200 |

## *Trans Lux Up ⅛ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Trans Lux | 2 | 1⅞ | 2 | + ⅛ | 200 |

## *Pathe Bonds Off 1½*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 68 | 68 | 69 | ..... | 13 |
| Loew's 6s '41 ww deb rights | 100½ | 100 | 100½ | ..... | 8 |
| Paramount Broadway 5½s '51 | 45 | 44 | 44 | ..... | 2 |
| Paramount F. L. 6s '47 | 46¼ | 46¼ | 46¼ | — ¾ | 3 |
| Paramount Publix 5½s '50 | 47½ | 47½ | 47½ | — ½ | 1 |
| Pathe 7s '37, ww | 94 | 94 | 94 | —1½ | 4 |
| Warner Bros. 6s '39, wd | 58½ | 57 | 57 | — ¾ | 45 |

# Fox Met. Set For Sale to Bondholders

Acquisition of Fox Metropolitan Playhouses by bondholders at a foreclosure sale is provided for in the reorganization plan just completed by the committee representing holders of 6½ per cent convertible gold notes and 6½ per cent sinking fund gold debentures, it was learned yesterday.

The committee represents more than 85 per cent of the bondholders of Fox Metropolitan, or $10,000,000 of the approximately $13,000,000 of the company's bonds. The committee is prepared to bid the full amount of the bonds held by it against any outside bidder, it was learned, thus making it necessary for any other bidder to put up approximately $13,000,000 in cash in order to acquire the circuit at foreclosure. It is reliably stated that the committee's stand has the effect of shutting out all other prospective bidders, of whom there are known to have been three, at least.

Irving Trust Co., receiver for Fox Metropolitan, reported yesterday that it had received inquiries from Warners and Walter Reade as to the operating results of the circuit during the two years of receivership, the inquiries ostensibly being made for the purpose of arriving at a bidding price for the properties at such time as they might be sold at foreclosure.

### Third Bidder Revealed

David W. Kahn, downtown attorney, representing undisclosed interests, has revealed to the bondholders' committee what is apparently a third bidder for the properties at foreclosure. Declining to identify his clients prior to the sale of the properties, Kahn has stated that they are prepared to offer $3,000,000 in cash for Fox Metropolitan assets, constituting leaseholds in approximately 75 theatres.

Under the bondholders' plan Skouras and Randforce would continue to operate the circuit, as they have done for the receiver. The plan, which is now awaiting approval of the U. S. District Court here, provides for sale of the assets at foreclosure and their purchase by the noteholders. A new company would be organized which would exchange new debentures for 50 per cent of the outstanding bonds and would issue 20 shares of new common stock for each $1,000 of Fox Metropolitan debentures.

In this way both the stock and debentures of the new company will be held together so that in order to obtain control of the new company any outside interest would be obliged to buy up the debentures as well as the stock.

Unmortgaged cash of Fox Metropolitan would be pro-rated among the $1,000-bond holders under the reorganization. A board of voting trustees is provided for in the plan, to be composed of Sidney R. Kent, president of Fox; Herbert Howell, president of the Commercial National Bank & Trust Co., and Richard C. Hunt, investment banker. They, with the president of the new company, would be members of, and would control, a new board of directors of seven members. The new company would sublet the theatres to Skouras and Randforce.

# What "CONVENTION CITY" did for me

**CONVENTION CITY:** One of the best comedies we ever played. Seldom a comedy gives general satisfaction, but this one did in a big way. People laughed at this that had not grinned in years. And it gave 100 per cent satisfaction. Played Jan. 28.—Bert Silver, Silver Family Theatre, Greenville, Mich. Town and country patronage.

## and me

**CONVENTION CITY:** A comedy knockout. Fast and furious from start to finish. Just one continuous laugh. Wish we could get more like this one. You can bet on Warner Brothers this year.—Fred M. Elkin, Carolina Theatre, Lexington, N. C. General patronage.

## and me

**CONVENTION CITY:** Excellent entertainment for both young and old. A wonderful program picture that will appeal to all and should go over good in the small towns as well as in the large ones. Plenty of stars in this one and it is sure to please everyone who sees it. Played Jan. 22-23.—J. J. Medford, Orpheum Theatre, Oxford, N. C. General patronage.

## and me

**CONVENTION CITY:** Delightful comedy. Pleased without exception. Excellent trailer brought them in and the picture did the rest. Don't overlook this one. Played Jan. 12-13. —M. R. Williams, Texon Theatre, Texon, Texas. Small town patronage.

# "MERRY WIVES OF RENO"

## will do for you!

## WARNER BROS.' LAUGH STARS

were a riot when they got together in "Convention City"
...They're a panic getting parted in Separation City!

GUY KIBBEE HUGH HERBERT
RUTH DONNELLY FRANK McHUGH
GLENDA FARRELL HOBART CAVANAUGH
MARGARET LINDSAY DONALD WOODS
ROSCOE ATES

Directed by H BRUCE HUMBERSTONE

Vitagraph, Inc., Distributors

## Public Bodies Being 'Used,' Says Schaefer

(Continued from page 1)

that compulsory block booking has gone, for the very simple reason that compulsion upon the exhibitor to show every picture that he rented has never existed."

Charles C. Pettijohn, general counsel for the Hays office, indulged in biting sarcasm. Among other things he said: "If the industry or the art were ever to surrender to the demands that all pictures be produced down to the level of child intelligence, the organization of a Society for the Prevention of Cruelty to Adults would become pressingly necessary."

### Reviews Block Booking

In reviewing the history of block bookings, Schaefer said it grew out of the "desperate need of the theatre owner for a week-in and week-out supply of pictures.

"A break in the continuous operation of his theatre might mean commercial life or death to him, particularly in highly competitive territories," he continued.

Later he described the system as simply a "wholesale system of offering a number of pictures as against the retail system." Courts have reviewed the system, he declared, and have decided it does not restrict an exhibitor's freedom of choice. In addition, he went on, the code confers the privilege of 10 per cent cancellation.

"I defy any group or individual to offer the slightest proof," he went on, "that under this system of wholesale selling a good picture—good from your standpoint, the social standpoint—has ever been stopped from exhibition, or that any bad picture—bad, again, from the social standpoint—has ever been forced upon any exhibitor."

Schaefer read a list of pictures most often cancelled, most of them those highly praised by social groups.

"You are told that it's the little man, the individual exhibitor, who would be protected by the destruction of these industry practices," he continued. "The hypocrisy of such statements is evident from the slightest consideration."

Retail selling, he declared, would pit the little fellow against the buying power of the big operator on every picture.

### Discusses "Better Pictures"

Pettijohn covered much of the same ground traversed by Schaefer in his discussion of the advantages of wholesale selling, but made bitter remarks about what would happen if "the better picture movement in the United States is ever allowed to fall into the hands of professional fund-raisers, anti-movie orators or trade racketeers.

"To jingle the tin cup before the public and weep crocodile tears over the alleged demand for the child audience for pictures which the cruel 'movie-barons' allegedly refuse to supply may be an effective technique of fund-raising for those whose real motive is the censorship of every form of news, artistic and literary expression. But better and better pictures can only be produced by progressively higher standards of public appreciation," Pettijohn declared.

"Nothing could be more absurd than the proposition that the basic problem of better pictures lies in the method or manner by which the industry distributes its entertainment products or by which the exhibitor rents his pictures.

# Loans $50,000,000; Losses Zero, Giannini's Balance

(Continued from page 1)

New York ultimately to turn the Bank of America into virtual banking headquarters for dealers in various forms of celluloid, happens to be a combination of hard-headed business man and sentimentalist.

He travels far for friends and applies the brakes on others. He has a wide literary range from paper-back novels to the classics and spills phrases from the extremes of that range with equal ease. He talks the language of the man in the street, understands the roughnecks and converses with savants on the same footing.

### Plays Hunches in Men

He thinks the genus banker rates pretty low on the ladder and, unlike most of his banking confreres, plays hunches in men He is often considerably more interested in how those who are, or would be, his customers, treat caddies on the links, secretaries in their businesses, and messenger boys in their offices than the front they affect when trying to borrow money. "It demonstrates what they really have on the ball," is Giannini's conclusion.

He may appear to take chances in his loans, but trust "Doc" to know what he is about at every stage of the game. What has endeared him to those who know him—they are many and important—is the humanness of his demeanor, the understanding in his deliberations and the sportsmanship in his business conduct. To illustrate:

Giannini recently celebrated his sixtieth birthday. That was the day on which a prospective borrower dropped in. He wanted only $300,000 and thought four and a half per cent interest was enough. "Doc" wanted six, but let a coin, flipped in the air, determine it. He won with the statement:

"I can't lose today. It's my birthday."

Louis B. Mayer, Jack Warner, Nick Schenck, Sam Goldwyn, Joe Schnitzer and some others who do business with Giannini, and with whom Giannini does business, will tell you it's a pretty regular bird who will visit New York, find himself deluged with social obligations but take time out after dinner at Zucca's on West 48th St. to personally address 40 postcards to his vice-presidents and thereafter down the line to the man who shaves him and the Italian who shines his shoes every day. Giannini did it and probably won't feel comfortable that the story is told here for the first time.

### Ideas on Films Definite

If you think "Doc" can't be down-to-earth, you should hear him tell a snappy story.

If you don't think he is conscious of what films might do and where they might go, you should hear him wax enthusiastic about the current trend toward classics. He regards the drift as one of the most encouraging signs on the industry's horizon, believes there is a place for pictures like "Jane Eyre," "David Copperfield," "The Scarlet Letter," "The Tale of Two Cities," "Resurrection" and "Du Barry," to pick a few which are on the way.

If you don't think his vision goes beyond Hollywood and New York and recognizes the international aspects of this business, you should listen to what he thinks about British production as it affects Hollywood:

"I believe that after nearly a quarter of a century of practically absolute domination of the world motion picture industry it will be a good thing for Hollywood to look to its laurels.

"I believe the discovery that new artistic interpretations and improvements are possible in film making production, and that new types of dramatic appeal will register with the public, may stimulate in Hollywood a new and well considered flow of creative spirit. Such discoveries seem to me to be in the nature of a liberal education. Such education, I feel certain, can be made use of not only by Hollywood, but by a great many other typically high-speed and self-concentrated American instituions."

"Doc" was born in the San Francisco which produced Jack London, the Huntingtons and Spreckles, the Millses and other names that nestle high in the American roster of "do-somethings." As a kid, he was the leader of the Rock Rollers, a gang of kids who headquartered on Telegraph Hill, reduced to a split-second accuracy the time necessary for a stone to roll from hilltop to hillbottom and clip where it didn't hurt too much the then object of the gang's displeasure. Giannini used to achieve impact with rocks those days. Since then, he continues to hold on to his prowess, substituting verbal rocks for the other kind.

### His Earlier Days

Just as there is nothing phoney about this different sort of banker, so is there nothing fake about his title. Giannini is called doctor because he is. He served in the Medical Corps during the Spanish-American War. When the earthquake tore much of San Francisco apart in '06, there was Giannini working to alleviate typhoid and smallpox sufferers.

While his brother, A. P., had moved his gold into the country to return with it to 'Frisco after the 'quake and fire, A. H. was practicing medicine. At 32, "Doc" joined his brother, then 36, and from that point on began the real rise of the House of Giannini in the world of American banking.

It was no cinch. A. P. earlier had covered California by horse and buggy. He had entered the produce business with his father. The Italian ranchers and the farmers needed financial sustenance and A. P. gave it to them.

As A. H. was inaugurating the first school saving drive in the state, A. P. had begun his penetration with branches of the Bank of Italy. Together the brothers joined in a spectacular fight to oust political footballery in San Francisco's municipal government and to aid in the election of Mayor Rolph. From that point on, the Bank of Italy leaped forward in bounds.

From the Bank of Italy there developed the Bancitaly Corp., an investment trust which gave nationwide attention to diversified stock holdings. When the time was considered propitious, it was "Doc" who went East to branch out, as A. P. remained behind to keep flourishing their interests on native soil. This was in 1919.

"Doc" acquired the East River National. Then the Commercial Trust. All three he merged into what became known as the East River National. Later and in rapid order came acquisition of Italy Discount, Bay Ridge National, Old Colony, Perriera Bank, Sessa Bank and the Commercial Exchange. There probably wasn't an ounce of olive oil shipped from Italy to America which did not clear through the Giannini group by this time.

Later came the merger of the above institutions into the Bank of America, purchased from a coterie of New York's "blue-stockinged" bankers. Then formation of Transamerica as a subsidiary and, in 1929, purchase by Elisha Walker of the Transamerica stock which gave him control of the Bank of America. This was the period when "Doc" held court at Broadway and 41st St., when he was pretty much a one-man clearing house for matters film in New York.

### Back to California

The dramatic proxy fight which followed is, of course, well known. Launched by the sale of the Bank of America to National City, the fight which ensued brought victory to the Giannini's, the return to them of their western banks and the emergence of Transamerica as the largest single stockholder in National City.

Today, the Bank of America which operates over 400 branches in over 200 California cities has its finger in agriculture, real estate, oil and films and is one of the significant factors in American banking.

Today, Giannini, as chairman of its executive committee, is a friend of the picture business because it has never let him down even if it has shocked him from time to time.

Man of power and discernment, respected by the topline names who know him, "Doc" has one remaining ambition:

He wants to chuck it all, to hang out his shingle and minister to the medical needs of the poor.

## Theatre Man Aids in Lonely Night Arrest

DETROIT, May 16.—Hiding a police detective under a blanket in the rear of his auto, Anthony Lombardo, owner of the Chandler, last night drove to a lonely spot to keep a rendezvous with a man who, he alleged, had demanded $5,000 from him. The man was captured after he had been wounded by the detective. Two others were later arrested and all are being held on charges of extortion.

## Golden Leaves Monday

Edward Golden, general sales manager of Monogram, leaves here Monday for Salt Lake City where he will preside over a regional sales conference May 26. From Salt Lake City Golden will go to Cincinnati to hold additional sales conferences starting June 2. A New York session will be held June 29.

## Batcheller Starts East

HOLLYWOOD, May 16.—George K. Batcheller started for New York tonight further to line up next year's product for Chesterfield.

**RADIO CITY ATTRACTION**
**OPENS THURSDAY, MAY 17th**

*Directed by William Wellman from the stories by E. W. Hornung.*
*A Merian C. Cooper presentation.*
*Pandro S. Berman, executive producer*

# New Setup of Code Asked by Review Board

(Continued from page 1)

contents of the report secret, what are believed to be the most important findings on the film code "leaked out" today.

Contrary to previous rumors, it is said the report does not charge Division Administrator Sol A. Rosenblatt with mis-use of his office, but does censure him for his alleged failure to protect the interests of the independents adequately and recommends the transfer of jurisdiction over all amusement codes from him to some other official of the Recovery Administration. The report, it is said, charges that through his relationship with Nathan Burkan, he has become unduly sympathetic to the major interests in the industry.

### Majors Held Ignored

In its report the board is said to have ignored entirely the brief filed by the major producers following the conclusion of the hearings. In explaining this action, the report does not contend the brief was received too late to be given consideration but is reported to assert that it should not be given weight because it was intended to "discredit" witnesses complaining of the code.

The Darrow board in several other ways is declared to have ignored matters which would normally be given weight in a government investigation as, for instance, its failure to consider the Federal Trade Commission's Paramount case where the orders of the commission were held invalid by the Federal courts, when the report declares that block booking has been held illegal in a number of cases.

Outstanding among the recommendations said to have been made is one for the creation of a commission to devise a code provision insuring the right to buy as a substitute for block booking.

### Selection of Commission

The commission would be selected by the Code Authority following a revamping of that organization and would consist of two major producers and two distributors, to be elected by a majority vote of the five members representing the major interests, four independent exhibitors selected by the unanimous vote of the five independent members, and a ninth member to be picked by the elected eight to serve as chairman. In the event the independents cannot agree upon their representatives, Darrow offers to appoint them, and the report suggests that if the chairman cannot be satisfactorily determined the Federal Trade Commission shall name him.

It is recommended that the commission be given until August 1 to file its report and that in the event of failure to complete its studies by that date the code should be amended to outlaw block booking and provide specifically for application of the right-to-buy principle.

The report will recommend the revamping of the authority to provide for 15 members to be divided equally among the major interests, the independents and the government, each group to have five representatives.

Members of the present Code Authority are said not to be referred to by name, nor are any charges leveled against them, but the report holds that eight of the 10 members either directly represent or are sympathetic to the majors.

The local boards also should be reorganized, the report is said to hold. Under an outline submitted by the board, the grievance boards would be elected in each exchange territory by the exhibitors thereof and would consist of one distributor, one affiliated exhibitor, two independent exhibitors and one government representative. The report will recommend the lifting of all time limits on the filing of complaints.

### New Board Makeup

The clearance and zoning boards, under the Darrow recommendations, would be so organized as to give the independents a six-to-three or seven-to-two majority, on the ground that the independent interests have the major investment. These boards, it is said, should consist of one affiliated distributor, one independent distributor, one affiliated first run exhibitor, one unaffiliated first run exhibitor and four bona fide subsequent run exhibitors, and one government representative. Whether the report suggests the method by which the members of the board would be selected could not be learned.

A number of provisions of the code should be eliminated, the board holds. It recommends that the forcing of shorts be prohibited by deletion of the provision linking shorts with features, that distributors should be divested of any control over admissions, that no prohibition should be imposed upon double features, and that distributors should be denied the right to specify playdates.

There is little or no discussion in the report of the labor provisions of the code, which, it is said, will be considered in detail in later reports.

Some doubt exists whether the White House will make the full report public or only a summary setting forth the highlights. However, it is understood Darrow will issue a statement explaining the position of the board, and it is probable that Johnson's reply also will be made public.

## *Overstepped, Says Lazarus*

New Orleans, May 16.—Henry Lazarus says the NRA compliance director had overstepped his authority in forbidding the Coliseum to have an "odds and ends night." He asserts he had planned to set up a table in the lobby where each woman ticket-holder could have her choice of one object, all of which had the same value, but the compliance director warned him not to do it, although the Avenue had obtained permission to do so, according to Lazarus.

## *Lottery Slant Out*

Contending it is now conforming with provisions of the code in staging "Race Nights" by elimination of lotteries, General Film Products of Hollywood is notifying exhibitors of Campi's approval. Secretaries of Code Authority have been forwarded letters of the compliance by General Film Products and when cases come before grievance boards, such nights are to be permitted, provided lotteries are out.

# Campi to Receive Ideas on Charges

(Continued from page 1)

was told that for the first half of the year, none could be made since the plan agreed upon was the best of those submitted to the committee.

Division Administrator Sol A. Rosenblatt has approved the plan and it is likely some alterations may be made for the second half of the year.

Campi has not received the wire reported to have been sent by Omaha independents requesting withdrawal of assents and asking at the same time to be relieved from further financial responsibility under the code. It was said at Code Authority headquarters that no action had been decided upon in the event the Omaha exhibitors refused to pay allotted levies. Until the withdrawal request is received no action by Campi will be taken.

## *Distributors Winners Of Decisions in K. C.*

Kansas City, Mo., May 16.—The grievance board here today found in favor of Fox against the Charles Stanley Columbian, Wamego, Kan., holding the latter liable for the full amount of its contract. The board held Stanley guilty of transferring the house to his father-in-law's name to avoid fulfilling the contract.

The board dismissed the complaint of Charles Esterly of the Nu Era, this city, against Paramount, Warners, Fox and M-G-M, charging the companies with refusal to sell him product. The board ruled that it had not been shown Esterly was short of film. The distributors maintain they cannot sell Esterly, who only recently opened the theatre, without jeopardizing a long-established competitive account in the same neighborhood. The decision may be appealed to Campi.

## *Omaha Board Stops "Merchant Nights"*

Omaha, May 16.—Merchant coupon tickets alleged to have been distributed by George Werner of the Orpheum, Fairfield, Neb., have been ordered stopped by the grievance board. It was the board's first decision. The complaint was filed by T. C. Schipley, Clay Center.

Film shows open to the public at which admission has been charged by the Jefferson High School, Council Bluffs, Iowa, have been adjudged unfair competition.

A complaint of William N. Youngclaus, Columbus, Neb., against Central States Theatres, Des Moines, charging overbuying will come up May 25.

## *Philadelphia Hears Clearance Protest*

Philadelphia, May 16.—Decision was reserved by the clearance and zoning board at its first hearing today on a complaint of the Broadway Theatre, Bridgeport, against the Norris Amusement Co., Norristown, that the 42 days' clearance enjoyed by the three Norris theatres is excessive. James Egnal of the Broadway asked that the clearance be cut to 14, 21 and 28 days for the Norris, Grand and Garrick, respectively.

# Union Count Low; Strike Talk Flares

(Continued from page 1)

strike would be called as soon as plans for executing it were completed.

The checkup, agreed to earlier by the circuits and the union during an arbitration conference called by Division Administrator Sol A. Rosenblatt in an effort to avoid a strike at Loew's Metropolitan, Brooklyn, three weeks ago, was to determine whether or not the circuits would recognize the union. Had the checkup shown a majority of union members among the employes involved, circuit representatives said yesterday they would have agreed to a closed shop. The results showed 13 per cent union membership among Loew's service employes and 28 per cent in RKO.

The count was conducted under the supervision of the Department of Labor, Washington. Levey charged yesterday that employes had been intimidated during the count, and asserted that circuit representatives accompanied the Department of Labor agent throughout the checkup. He said he was convinced the union represented a majority of the employes and would call the strike.

## *Indies to Test Dual Ban in Sales Pacts*

(Continued from page 1)

been retained as counsel to discuss plans for a test case of the double feature question. They seek to have defined the right of six major companies to forbid double featuring in contracts.

The independents have chosen for the purpose the case of the Grand Jackson Theatre against the Venice Theatre, which comes up before the grievance board tomorrow. Golder will represent the Venice at the hearing. Regardless of the board's decision, the exhibitors plan to carry the case to the courts.

## *K. C. Protests on New Clearance Up Soon*

Kansas City, Mo., May 16.—The local zoning board will hold open meeting Monday afternoon to hear protests on the new clearance schedule, which has precipitated widespread denunciation, chiefly from unaffiliated suburbans.

Ed Dubinsky today added his voice to that of other protestants. He said he intends filing a protest, adding the only one helped by the new arrangement is Fox Midwest. He asserted it helps the circuit's position with respect to subsequents and is advantageous to Kansas City, Kan., houses, but is otherwise a serious threat to subsequents.

The board will notify all local exhibitors and distributors, giving all a chance to express their views.

New Orleans, May 16.—The grievance board holds its second meeting May 21, when it is expected several complaints will be filed. The suggestion of Norman Carter, a member of the board, that meetings be closed to the trade press, will be discussed.

## Two Absentees May Delay Zone Board

Because Robert Wolff of Radio is on his vacation and Leo Abrams of Universal is recovering from an operation, the New York clearance and zoning board may not meet today to consider recommendations of the three advisory committees.

The committee has submitted recommendations on protests of the Washington, Washington, N. J., against Wilmer & Vincent's Easton, Pa., house; Consolidated Amusements, which operates the Forum, Luxor and Fleetwood, against Loew's Victory and Grand in the Bronx.

## For Wide Publicity On Board Decisions

Winding up a two-day meeting with code secretaries of 10 eastern cities, Executive Secretary John C. Flinn has advised them that as much publicity as possible shall be given to decisions of the boards. He said this will impart a greater understanding between exhibitors and distributors in that no secrecy will exist in the hearings and decisions of code bodies.

Love B. Harrell of Atlanta, Emaline Fineberg of Pittsburgh and James B. Fitzgerald of Washington returned to their territories yesterday.

## Chicago Decision Delayed

CHICAGO, May 16.—The local grievance board today failed to reach a decision in the case of Ben Bartlestein against the Schoenstadt brothers, charging overbuying. Decision will be handed down Tuesday.

# Rogowskys Get 22 Films From Skouras Allotment

(Continued from page 1)

franchise with Skouras, the company is included among those which will contribute to the Embassy programs in the future. There was a heated argument last Tuesday over the introduction of the franchise as evidence. The board finally agreed it did not need it.

No provision is made to guarantee Vitagraph payment for the Warner-First National pictures played. Argument that Campi, in handing down an affirmation of the Milwaukee grievance board decision in the Saxe-Ashley case, had provided protection for payments was made by I. Levenson at last Tuesday's meeting, but this apparently was of no concern to the board, which found Rogowskys' account satisfactory.

The decision goes into effect immediately.

Other decisions handed down favored the Roxy which complained against cut rate ticket distribution by the Mayfair and the same theatre again in its grievance against the Casino for misleading advertising. The Little Picture House won its complaint against the Windsor which was said to have advertised "Carolina" at the same time the picture was playing at the opposition house.

George Skouras says he will acquiesce.

## FWC Appeal Is Set For Hearing Friday

Appeal of Fox West Coast against the decision of the Los Angeles grievance board granting Cistrand Theatres Corp. 20 pictures will come before Campi tomorrow instead of June 1 as originally requested.

Charles Skouras and Charles A. Buckley, attorney for FWC, are in town and ready to defend the case. Skouras intends to return the early part of next week and hence has requested the case to go on.

## Cleveland Clearance Case Set for Friday

CLEVELAND, May 16.—The clearance and zoning board meets here Friday morning to hear the case of the Cedar-Lee Theatre Co. against Loew's Ohio Theatres, involving the Stillman, Park and Granada, and Warners, operating the Lake, Uptown and Variety, in which a change of first run protection is asked. The claim is based on the present double feature policy and lower admissions now in practice at the circuit houses.

## Oneonta Open Sundays

ONEONTA, N. Y., May 16.—Sunday shows have been voted here, with screenings limited to hours of 2 to 6:30 P. M. and after 8:45 P. M.

## Kuykendall Absent

Ed Kuykendall will not attend tomorrow's meeting of Code Authority.

## Comerford, Mullin New Para. Advisors

(Continued from page 1)

named alternate to M. E. Comerford and Sam Pinanski alternate to Mullin.

Yesterday's appointments complete the committee. Previously named to it have been E. V. Richards, N. L. Nathanson, Karl Hoblitzelle, A. H. Blank and Barney Balaban. The theatre committee will hold its first meeting in connection with Paramount's national sales convention at Los Angeles, June 18.

## Nye Resolution Seeks More Light on Codes

WASHINGTON, May 16.—Further light on the negotiation of the codes is expected to result from a resolution sponsored by Senator Nye of North Dakota and approved without debate by the Senate today, calling upon the Federal Trade Commission to submit copies of all correspondence between it and the NRA and any reports it has made to the administration on any of the codes.

## Milwaukee Meets May 23

MILWAUKEE, May 16.—The clearance and zoning board will reconvene on May 23 to continue its revision of the protection schedule for this territory. The grievance body will listen to a number of complaints on May 18.

## "U" Signs Dr. Franke

HOLLYWOOD, May 16.—Dr. Eugene Franke, husband of Anna Sten, has been signed by Universal to direct a Russian story based on an idea of his own.

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CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

# Michael Shea Dies Suddenly In Buffalo, 75

(*Continued from page* 1)

considerable fame locally as a battler. He began his career as a structural iron worker, helping in the construction of bridges in various parts of the country.

Shea was projected into the show business at 23, when he opened the Music Hall here on a shoestring. Many noted French and English players appeared at this theatre, which was destroyed by fire 11 years later. Undaunted, he built and operated Shea's Garden for several years. In 1905 he opened Shea's Court Street, which for many years was one of the country's leading stands for two-a-day. In association with B. F. Keith and E. F. Albee he formed a sort of booking arrangement whereby all the biggest stars of the legitimate theatre and variety stage played the Court Street.

### Built $2,000,000 House

The Court Street was succeeded as a vaudeville stand by Shea's Hippodrome. In 1926 the showman pooled his resources with Paramount-Famous Players, progenitor of Paramount-Publix, and erected Shea's Buffalo at an outlay of more than $2,000,000.

In 1933, Shea discontinued his association with Paramount-Publix, taking over entire control of his theatres. Even before then he had never relinquished his right to a final say in their operation, having retained 51 per cent control of the stock, with Paramount-Publix holding the rest.

Peculiarly enough, Shea personally never cared for films; yet he was one of the first to realize their importance and to bill their titles and the names of their stars on the marquees of his houses. Thanks to his showmanship, "Tillie's Punctured Romance," in which Marie Dressler broke into pictures opposite Charlie Chaplin, became one of the first outstanding film successes in Buffalo.

### Fostered Talent

Ever on the watch for new talent, Shea was credited with the "discovery" of many of the present stage, screen and radio headliners. The showman, noted for a frankness of speech that often was carried to profanity, never feared to tell even the biggest "names" what he thought was wrong with their acts and to suggest changes.

Shea's widow was the former Josephine G. Carr. The couple were married in 1899. Surviving, besides Mrs. Shea, is a daughter, Mrs. Emil Giffoniello. Her husband is a junior executive of the Shea circuit. The Giffoniellos have a son, Michael Shea, born in 1933. The infant was one of Shea's greatest prides.

Sam Dembow of Paramount, closely identified with Mike Shea for years, said yesterday:

"He was the youngest old man I knew. Unlike many other veteran showmen who discoursed on how they did it 30 years ago, Mike Shea constantly was on the alert to new developments and constantly willing to accept them.

"He was a grand old man."

# *Darryl F. Zanuck Writes*

Darryl F. Zanuck, vice-president in charge of production for 20th Century, as this is written is somewhere on the deep blue bound for Italy and beyond that, Africa and big game.

Prior to his departure from New York late last week, he took his typewriter in hand to rid his mind of several matters. What they are, as he saw and wrote them, editorially treated only for directions to the linotypers and not as to text, follows.

His objections to certain published material in *Motion Picture Herald* and MOTION PICTURE DAILY are set forth frankly. Just as frankly and, as a matter of fact, gladly as well does does MOTION PICTURE DAILY give the communication the space it requires to tell Zanuck's side of the incidents.

The picture referred to is "The Affairs of Cellini," previewed from Hollywood recently as "The Firebrand."

To the Editor of
MOTION PICTURE DAILY:

An editorial appearing in a recent issue of the *Motion Picture Herald* refers to me as a representative of the typical Hollywood producer who, so the editorial states, expects every criticism on every picture to be complimentary regardless of the merits or demerits of the picture. This editorial appears to have been based on a misunderstanding of my reaction to a review in MOTION PICTURE DAILY.

I don't in the least object to being branded as "a typical Hollywood producer" or as "a representative Hollywood producer." As a matter of fact, I consider it a distinction and an honor to be "a typical Hollywood producer." The production of moving pictures is my business; I am proud of my business and proud of my work and not in the least ashamed to "represent" Hollywood producers, editorially or factually. I do, however, refuse to believe that Hollywood producers, as a group or even the leading producers as individuals, expect to receive editorial congratulations where none are due. They do expect the reviewers to be fair and honest and sincere, and in most cases, I am sure, they receive this treatment. I have never objected to any review published by any paper. Reviewers have a right to their opinion and a right to express it in any manner they see fit. I do, however, question the right of any reviewer to misstate facts. I found fault with the review of one of our forthcoming productions, not because the reviewer did or did not like the picture but only because he misstated certain facts in the review, and I question the right of any reviewer to misinform exhibitors or to prophesize. To date there has been no accurate prophet in the motion picture industry. The particular review in question "*warned*" the exhibitor that the production was a costume picture. I believe that such a warning is not within the reviewer's province. Too many tremendously successful pictures recently have been costume pictures, such as: "The House of Rothschild," "The Bowery," "Henry the 8th." Thus, a "warning" of this nature to the exhibitor comes under the heading of erroneous labeling.

In this same review MOTION PICTURE DAILY also "suggested to the exhibitor the possibility of the picture being subjected to severe censorship." This happens to be an obvious misstatement of fact. The picture has been passed with the highest possible recommendation by the Hays office and the state censor boards have discharged the picture without elimination. Certainly it must be agreed that the reviewer was again not within his province in "*warning*" the exhibitor to beware of censorship where such a possibility did not exist.

In closing please let me state again that I do not now, nor will I ever question the right of any reviewer to express his opinion—good, bad or indifferent—about any 20th Century picture, but I must, in fairness to the exhibitors and our own pictures, feel it my duty to call to attention any misstatement of fact.

Sincerely yours,
DARRYL ZANUCK

## *"Riptide" Tops "Champs"*

"Riptide" heads a list of eight "Box-Office Champions" compiled by the *M. P. Herald* for April. The other seven are: "Wonder Bar," First National; "Melody in Spring," Paramount; "House of Rothschild," United Artists; "It Happened One Night," Columbia; "George White's Scandals," Fox; "Men in White," M-G-M; "Wild Cargo," Radio.

## *State Tax Drive On*

ALBANY, May 16.—Books and records of all of the larger business firms in the state will be audited by a staff of examiners under the supervision of Tax Commissioner Mark Graves in an effort to ascertain whether officers and employes have complied with new tax laws, it was stated here today.

## *M-G-M Plant 10 Today*

HOLLYWOOD, May 16.—The M-G-M studio celebrates its 10th year of operation tomorrow, having made 675 pictures in that time. Because too large an attendance, some 20,000, was indicated, the public picnic planned by the company in observance of the occasion has been called off since no place could be found near enough to stage the event. "He Who Gets Slapped," with Norma Shearer, Lon Chaney and John Gilbert, was the first film to be made at the plant.

## *Lawrence to Leave Soon*

"Laudy" Lawrence, European manager for M-G-M, expects to leave for Paris next Wednesday or Thursday. While here he is conferring with Arthur Loew.


*Spot News from Columbia*

It has enough laughs for *two* hits — that's why they're all seeing it *twice!* Even the critics are reviewing it twice! John Barrymore in "20th Century" with Carole Lombard, Walter Connolly, Roscoe Karns. A Howard Hawks Production from the notable New York stage success by Ben Hecht, Charles MacArthur and Charles Bruce Millholland. "Should cop the Academy Award for 1934!" — *Picture Play*

Coming soon to Radio City Music Hall — one of the year's outstanding dramatic smashes—the story of a love too great for one woman! Elissa Landi in "Sisters Under The Skin" with Frank Morgan, Joseph Schildkraut. Directed by David Burton. Date it now!

A landslide of laughs! An earthquake of mirth! An avalanche of riotous merriment! "The Party's Over" with Stuart Erwin, Ann Sothern, Arline Judge, Chick Chandler, Patsy Kelly. From the stage comedy hit by Daniel Kusell. Directed by Walter Lang.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 116 NEW YORK, FRIDAY, MAY 18, 1934 TEN CENTS

## Theatre Union Calls Strike On Loew, RKO

### *Move Made in Effort to Force Recognition*

Service employes were called out of 21 Loew's and RKO houses in the metropolitan area by Local 118, Theatre & Amusement Employes' Union, yesterday and last night as the strike, threatened against the circuits for refusal to recognize the union, was put into effect.

Charles C. Levey, secretary of the local, said that the strike would be extended to additional houses during the next few days. He expressed

(*Continued on page* 17)

## Services for Shea Saturday Morning

BUFFALO, May 17.—Funeral services for "Mike" Shea, pioneer exhibitor who died suddenly here yesterday, will be held at his home on Delaware Ave. at 9:15 Saturday morning. Final rites will follow at 10 A. M. in St. Joseph's Cathedral.

(*Continued on page* 18)

### *Schulberg to Radio Report Heard Again*

HOLLYWOOD, May 17.—Reports are afloat again that B. P. Schulberg, who has five more to deliver under his Paramount contract, will go to Radio. The producer today had no comment to make regarding the report.

Paramount's option on renewal of the Schulberg series does not come up before September. No question about exercising it at this time, therefore, has had any occasion to develop, according to Emanuel Cohen.

### *Cowan Will Produce; A Brace Set at Fox*

HOLLYWOOD, May 17.—A new company organized as Artists Prod., Inc., has been incorporated here with Lester Cowan as president. It begins

(*Continued on page* 15)

### *Duals at 5 Cents*

**New Orleans, May 17.—Something new in double billing developed here when the Plaza offered two features for five cents.**

**Open to all.**

## *Russians to Make English Versions for U. S. Market*

Russia's bid for film playing time in America next season will be made primarily with English versions of Soviet produced comedies, musicals and travelogues, V. A. Usievich, head of the foreign trade division of the Soviet film trust, stated yesterday.

Usievich arrived from Russia earlier in the week. During his month's visit he will confer with production and

(*Continued on page* 15)

## G-B Theatres Go to Owners As Operators

Samuel and Nathan E. Goldstein, former owners of the G. B. Circuit, operating in Massachusetts, resume management of the properties as operating partners for Paramount as a result of the approval by Referee Oscar W. Ehrhorn yesterday of a plan of reorganization for a $1,050,000 mortgage bond issue of the circuit.

The bulk of the mortgage bonds is held by the Goldsteins. Under the plan the mortgage will be foreclosed and a new company organized for the purpose will acquire the G. B. properties, approximately 17 theatres in all.

(*Continued on page* 24)

### *Wanger Is Set Free Of M-G-M Contract*

HOLLYWOOD, May 17. — Walter Wanger today secured his release from his contract as associate producer with M-G-M after an 18 months' association with the company.

### *Campi Member*

## Gov't Names Mrs. Brokaw To Authority

Administrator Hugh S. Johnson yesterday named Mrs. Clare Boothe Brokaw as second government representative on Code Authority. Division Administrator Sol A. Rosenblatt is the first, and a third is yet to be appointed.

Mrs. Brokaw was given the appointment yesterday over the telephone from Washington and said she had heard some talk of it before being officially named.

Born in New York City, Mrs. Brokaw has been educated in this city and Europe. For four years she

(*Continued on page* 16)

## Campi Wants Early Filing Of All Cases

### *Hopes to Clear Dockets For New Season*

With machinery for disposition of grievances and requests for changes in clearance and zoning schedules functioning in all key cities, Campi is urging exhibitors who are contemplating filing complaints to do so now. Immediate consideration will be given all cases so that calendars will not be clogged.

Code Authority members hope disposition of pending cases will enable distributors to start the new selling season with a clean slate. It isipointed out some 4,000 exhibitors have already paid their first half year's assessments and 400 exhibitors, distributors and impartial men are ready to hear complaints, whether they be for overbuying, on clearance

(*Continued on page* 16)

### *Campi to Consider Releasing Problem*

Highlighting this morning's session of Campi will be discussions centering around the setting of general release dates of pictures after the first showings in key cities.

The question of determining a general release date of a picture after it has been shown came up at the last meeting of Code Authority, but was put over for further discussion until today.

R. H. Cochrane will be chairman. Walter Vincent will alternate for Ed Kuykendall and Neil Agnew for George J. Schaefer.

### *Rosenblatt's Trip For Minor Matters*

WASHINGTON, May 17.—Division Administrator Sol A. Rosenblatt's forthcoming trip to Hollywood was described today as not necessitated by the existence of important code difficulties on the West Coast, but for the purpose of looking over the situation and straightening out more or less minor difficulties.

## *Blames Failure to Reduce Output on Men in Theatres*

By RED KANN

HOLLYWOOD—"They'll make them and make them until their money runs out and then they'll end up by falling on their gluteals. They'll keep on making them because there is no leadership in the theatre end of the business. Because there isn't, Hollywood keeps on turning out pictures and most of them will continue to be terrible."

Describing himself as a "little fellow because I only make three or four a year," Sam Goldwyn maintains there are many evils in the film structure as it stands today and places the

(*Continued on page* 17)

### *Chatterton Dickers*

**Hollywood, May 17.—Irving Thalberg is negotiating with Ruth Chatterton for a long-term contract. The deal may be closed shortly with M-G-M.**

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 35 May 18, 1934 No. 116

MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Plan Dinner for Joseph

NEW HAVEN, May 17.—Morris Joseph, branch manager of Universal, will be tendered a banquet at the Taft next Tuesday in honor of his 20th year with the company. Exhibitors from New England and New York will attend in addition to James R. Grainger, R. H. Cochrane, Sig Wittman and Frank McCarthy.

## Cohn Returns Next Week

Harry Cohn, president of Columbia, returns to the coast next week, accompanied by Charles Beahan, scenario writer. Jo Swerling is en route to the coast after a stay here.


MOTION PICTURE ALMANAC

1934-35

NOW IN PREPARATION

WHERE THE WORLD LOOKS FOR MOTION PICTURE facts

PRICE $5.00

# Purely Personal

HAL B. WALLIS, associate executive in charge of production for Warner-First National, sails for Europe tomorrow aboard the *Paris*, accompanied by his wife, LOUISE FAZENDA, who will join him here today. The couple will be abroad several months.

RUBE JACKTER, assistant general sales manager for Columbia, became a father Wednesday afternoon with the birth of a seven-pound girl to MRS. JACKTER at Lenox Hill Hospital.

RUTH ETTING finished work yesterday at the Brooklyn Vitaphone plant in "A Noble Prize." Tomorrow she leaves for the coast, returning in September.

LILLIE and ARTHUR MAYER observed their 21st wedding anniversary Wednesday and, by way of celebration, last night attended the performance of "Kuykunkor."

BESSIE GOLDSTEIN, secretary to MOE SANDERS at the Fox New York exchange, leaves tomorrow on a 10-day Canadian vacation tour.

GENEVIEVE TOBIN is on her way here to sail on the *Aquitania* May 19 for a two months' vacation in London and Paris.

E. LLOYD SHELDON, associate producer for Paramount, arrives here tomorrow on his way to Europe for a short vacation.

JOHN F. MEEHAN, Amity's traveling representative, is in town after touring the company's southern exchanges by motor.

LANNY ROSS has been given an additional six weeks' leave of absence by Paramount to carry on his broadcasting here.

PHILIP M. MOELLER, production director of the Theatre Guild, and BRIAN AHERNE are en route to coast to begin work at the Radio studios.

DAVE LEVY, New Jersey branch manager for M-G-M, celebrated his seventh year with the company last month.

BEN BLUE starts work today in "Holy Mackerel" at the Brooklyn Vitaphone plant.

LILLIAN ELLIS, new HAL ROACH find, left for the coast yesterday. She expects to be back in a few months.

BINNIE BARNES arrives on the *Aquitania* today and will fly to Universal studios today or tomorrow.

MONROE GREENTHAL and his mother sailed yesterday for a European vacation.

M. GOODMAN, sales manager of Mascot, sailed last night on the *Olympic*.

S. K. WOLF of Erpi, like JACKTER, is a father. The facts: a boy, weight seven pounds, name: W. VANDIVER.

RICHARD ARLEN, accompanied by his wife and son, has left for the coast after a six-week vacation.

WILLIAM GOETZ of 20th Century has gone back to the coast.

HY DAAB sails tomorrow for the coast on the *California*.

MILT KUSELL returns from a Buffalo trip today.

EDWIN CAREWE is in New York.

HARRY GRIBBON is in town.

## Plans Trip to France

HOLLYWOOD, May 17.—Constance Bennett will go to France when she finishes work on "The Green Hat" for M-G-M. When she returns she will be teamed with Clark Gable for a feature to be made by Darryl Zanuck for 20th Century-U. A.

## Lou B. Metzger Arrives

Lou B. Metzger, American representative for British International Pictures, arrived in New York on the *Manhattan* yesterday. He plans to make his office in the RKO Building, Radio City.

## "Fri. the 13th" Holds

"Friday the Thirteenth," a Gainsborough picture, is being held over for a second week at the Westminster Cinema, W. 49th St.

## Sam E. Morris Is Back

Sam E. Morris, vice-president of Warners, returned yesterday from a half-year sojourn in Europe.

## Fox Up One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 27⅞ | 27 | 27⅞ | +1⅜ | 700 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | ..... | 400 |
| Consolidated Film Industries, pfd | 16½ | 16 | 16⅜ | + ½ | 1,500 |
| Eastman Kodak | 95½ | 94½ | 94½ | +1 | 200 |
| Fox Film "A" | 15⅞ | 14⅝ | 15 | +1 | 600 |
| Loew's, Inc. | 31¾ | 30⅜ | 31⅝ | +1⅝ | 6,000 |
| Loew's, Inc., pfd | 93 | 92¼ | 93 | —1 | 100 |
| Paramount Publix, cts | 4¼ | 4 | 4¼ | + ¼ | 3,300 |
| Pathe Exchange | 3 | 2⅝ | 2⅞ | + ⅛ | 600 |
| Pathe Exchange "A" | 20⅞ | 20 | 20¼ | + ⅜ | 2,700 |
| RKO | 3 | 2⅞ | 3 | + ⅛ | 400 |
| Warner Bros. | 6¼ | 5¾ | 6⅛ | + ⅝ | 3,000 |

## Technicolor Gains ¾ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9 | 8⅞ | 9 | + ¾ | 600 |
| Trans Lux | 2 | 1⅞ | 2 | ..... | 400 |

## Paramount Publix Bonds Up One

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 8½ | 8½ | + ½ | 3 |
| General Theatre Equipment 6s '40 ctf | 8⅞ | 8¾ | 8⅞ | + ⅞ | 3 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 7 |
| Loew's 6s '41, ww deb rights | 100½ | 100⅜ | 100⅜ | + ⅜ | 2 |
| Paramount Broadway 5½s '51 | 45½ | 45½ | 45½ | +1 | 1 |
| Paramount Publix 5½s '50 | 50 | 50 | 50 | +1 | 2 |
| Pathe 7s '37, ww | 94 | 94 | 94 | ..... | 1 |
| RKO 6s '41, pp | 33 | 33 | 33 | +1 | 1 |
| Warner Bros. 6s '39, wd | 53 | 53 | 53 | —1 | 1 |

## Master Arts to Use State Rights Deals

KANSAS CITY, May 17.—Master Art Products will distribute through state rights exchanges beginning with the new season, eliminating the present method of company representatives in the field, it is learned here.

The firm is negotiating long term franchises with independent distributors. Consolidated Film Distributors has closed for a four-year franchise, according to R. C. Borg, manager, who formerly was Master Art representative in Kansas and western Missouri.

Master Art will produce 24 one-reel musicals in 1934-35 and is planning feature production as well, said Borg.

## Banned 7 Years Ago, Cavell Film Now O.K.

TORONTO, May 17.—Ontario censors have approved the British film "Dawn," which depicts the life of Edith Cavell. It is to be released by Empire Films, Ltd.

The original film was banned seven years ago on insistence of G. H. Ferguson, then premier of the province, on the ground it would stir up feeling against Germans. Approval of the new synchronized picture follows publication of the story as a serial in Canadian newspapers.

## Both Laemmles Plan To Join Sales Meets

HOLLYWOOD, May 17. — Carl Laemmle, Jr., is planning to attend a regional convention of Universal salesmen in Chicago, following the New York meeting of all branch managers in New York at the Essex House June 5-7.

Carl Laemmle, Sr., will attend the New York meeting. There is a possibility a second regional will be held in Los Angeles or San Francisco after the Chicago session.

## Plan More Linguals

HOLLYWOOD, May 17.—Success of "The Fortune Teller," made with Enrico Caruso, Jr., for the Spanish market, has prompted Fox to make a series, according to the studio.

## "Limehouse," Raft's Next

HOLLYWOOD, May 17.—George Raft returns here about June 18 to start work with Sylvia Sidney on "Limehouse," which will not be a B. P. Schulberg production.

## Hubbard Going Abroad

HOLLYWOOD, May 17.—After completing three more features for M-G-M, about July 15, Lucien Hubbard will leave for a European vacation.

## Sign Bill Cagney

HOLLYWOOD, May 17.—Monogram has signed William Cagney for three pictures with options for three more next year.

## Rogers in Hollywood

HOLLYWOOD, May 17.—Will Rogers opens here in "Ah, Wilderness" Monday at the El Capitan.

Two pictures of the FOX SPRING FESTIVAL group are already released. "STAND UP AND CHEER!"... after two smash weeks at Radio City Music Hall . . . is proving a nationwide hold-over sensation. "SUCH WOMEN ARE DANGEROUS" is being acclaimed as Warner Baxter's peak performance. Here are three others of the same top box office rating . . .

FOX

# "TENSE, ABSORBING DRAMA
## It should cash in handsomely!"
*tells* "VARIETY DAILY"

# SPENCER TRACY

in

# *Now I'll Tell*
## *by Mrs. Arnold Rothstein*

with

## HELEN TWELVETREES
## ALICE FAYE

**Produced by Winfield Sheehan**
**Directed by Edwin Burke**
**Adaptation and Dialogue : Edwin Burke**

Spencer Tracy's first starring picture shows him at his amazing best . . . while two other great FOX personalities troup as they have never trouped before . . . in a vitally human, bitingly suspenseful, thoroughly appealing audience show!

FOX *Spring* FESTIVAL

FOX

"SHOULD DRAW MOBS for real money!"
says
M. P. DAILY
Read on: "Janet Gaynor and Charles Farrell reunite for the benefit of youth and romance. Always rated as one of the biggest box office combinations, their latest opus should draw mobs for real money!"
JANET
GAYNOR
CHARLES
FARRELL
in
CHANGE OF HEART
with
JAMES DUNN
GINGER ROGERS
Produced by Winfield Sheehan
Directed by John G. Blystone • Screen play: Sonya Levien and James Gleason • From the novel "Manhattan Love Song" by Kathleen Norris
FOX Spring FESTIVAL
FOX

# TIMELY, SPRIGHTLY, SPRINGTIME ROMANCE

For 8 months on Broadway at $3.30 . . . packed houses chuckled and chortled at the springtime adventures of this gay, young bachelor with one girl who wanted to make him over . . . and another who tried to take him over. For those who love laughter!

A Jesse L. Lasky Production

# SPRINGTIME FOR HENRY

with

## OTTO KRUGER
## NANCY CARROLL
## NIGEL BRUCE
## HEATHER ANGEL
## HERBERT MUNDIN

From the play by Benn W. Levy. Screen play: Keene Thompson and Frank Tuttle

Directed by Frank Tuttle

FOX Spring FESTIVAL

FOX

# "Catherine" St. Paul Hit In 3rd Week

MINNEAPOLIS, May 17.—"Catherine the Great" continued the outstanding draw in the Twin Cities in its third week at the 300-seat St. Paul World. The take of $2,500 was still $1,000 over par.

"The Private Life of Henry VIII," the other sensation here, closed at the end of its sixth week, still away up in the money. The $3,000 gross on the final week was over average by $1,000.

None of the other first runs had anything to get excited about, grosses being generally about normal.

Minneapolis' five theatres, usually totalling $22,000, got about $23,000. St. Paul's five, which generally get $17,000, made it $17,100.

Estimated takings:

***Minneapolis:***

***Week Ending May 10:***

**"COME ON, MARINES" (Para.)**

LYRIC—(1,239), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

**"MEN IN WHITE" (M-G-M)**

MINNESOTA—(4,000), 25c-50c, 7 days. **Gross:** $7,500. (Average, $7,500.)

***Week Ending May 11:***

**"20 MILLION SWEETHEARTS" (F. N.)**

RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $5,500. (Average, $5,500.)

**"YOU'RE TELLING ME" (Para.)**

STATE—(2,300), 25c-40c, 7 days. George Olsen and band. **Gross:** $5,500. (Average, $5,500.)

**"PRIVATE LIFE OF HENRY VIII" (U. A.)**

WORLD—(400), 25c-75c, 7 days, 6th week. **Gross:** $3,000. (Average, $2,000.)

***St. Paul:***

***Week Ending May 11:***

**"MEN IN WHITE" (M-G-M)**

PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500.)

**"YOU'RE TELLING ME" (Para.)**

RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500.)

**"20 MILLION SWEETHEARTS" (F. N.)**

RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $4,000. (Average, $4,000.)

**"A MODERN HERO" (Warners)**

TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average, $700.)

**"SHE DONE HIM WRONG" (Para.)**

TOWER—(1,000), 15c-25c, 4 days. **Gross:** $900. (Average, $800.)

**"CATHERINE THE GREAT" (U. A.)**

WORLD—(300), 25c-75c, 7 days, 3rd week. **Gross:** $2,500. (Average, $1,500.)

## *Hamrick Opens Another*

SEATTLE, May 17.—John Hamrick's Music Hall, formerly the Roxy, has opened with "House of Rothschild." A scale of 25 cents at matinees and 40 cents at night prevails. Hal Daigler, general manager of the Hamrick circuit, is personally managing the house, with Dan Redden as assistant.

Built originally for Pantages, but never operated by him, the theatre has previously been operated by Fox West Coast and Jensen-Von Herberg. It seats 2,275.

## *Fox Signs George Hadden*

HOLLYWOOD, May 17.—George Hadden, now directing "Charlie Chan's Courage" for Fox, has been signed to a two-way ticket by the studio to act as writer and director. Hadden was formerly a dialogue director.

## *Release Richmond Men*

RICHMOND, May 17.—Another test case of Sunday blue laws has ended in the acquittal of John P. Leary, Loew operator, and Brock Whitlock, usher. The show was a benefit.

# "Melodrama," Show Strong In Dull Week

Only two spots showed any brightness in the general Broadway gloom last week.

"Manhattan Melodrama," bolstered by a stage show that included Jack Benny, Mary Livingston, Lanny Ross and others, pulled $54,450 at the Capitol, and "Twentieth Century" lifted the RKO Music Hall to $75,000.

The Rivoli topped some of the larger houses with $19,400 on "We're Not Dressing," "The House of Rothschild" did a good $18,000 in its eighth week at the Astor. Other spots were away off.

Estimated takings:

***Week Ending May 7:***

**"WE'RE NOT DRESSING" (U. A.)**

RIVOLI—(2,200), 35c-99c, 2nd week, 7 days. **Gross:** $19,400.

***Week Ending May 8:***

**"HOUSE OF ROTHSCHILD" (U. A.)**

ASTOR—(1,012), 55c-$2.20, 8th week, 7 days. **Gross:** $18,000.

***Week Ending May 9:***

**"TWENTIETH CENTURY" (Col.)**

RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $75,000.

**"SUCCESS AT ANY PRICE" (Radio)**

RIALTO—(2,300), 25c-65c, 7 days. **Gross:** $7,700.

***Week Ending May 10:***

**"MANHATTAN MELODRAMA" (M-G-M)**

CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Jack Benny, Mary Livingston, Lanny Ross and others. **Gross:** $54,450.

**"STAND UP AND CHEER" (Fox)**

PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $11,800.

**"DOUBLE DOOR" (Para.)**

PARAMOUNT—(3,700), 35c-99c, 7 days. Stage show. **Gross:** $17,500.

**"NO GREATER GLORY" (Col.)**

ROXY—(6,200), 25c-65c, 7 days. Vaudeville. **Gross:** $17,500.

**"TWENTY MILLION SWEETHEARTS" (Warners)**

STRAND—(2,000), 25c-$1.10, 2nd week, 7 days. **Gross:** $15,342.

***Week Ending May 11:***

**"THIS MAN IS MINE" (Radio)—4 days**
**"THE TRUMPET BLOWS" (Para.) 3 days**

RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $5,800.

***Week Ending May 10:***

**"HITLER'S REIGN OF TERROR" (Jewel)**

MAYFAIR—(2,300), 35c-85c, 2nd week, 3 days. **Gross:** $1,750.

## "Wild Cargo" Gets $5,800, Portland

PORTLAND, May 17.—"Wild Cargo" did splendid business, as anticipated, and was held for eight days at Hamrick's Music Box with a take of $5,800, or $1,800 over normal.

"House of Rothschild," in its third week at United Artists, had another average week and was held for a fourth stanza.

The final day of the week grosses were affected by a tieup of the entire waterfront, due to a longshoremen's strike. Indications point to at least another week of strike conditions and this week's figures probably will show a drop.

Total first run grosses were $24,700. Average is $23,000.

Estimated takings for the week ending May 10:

**"COME ON, MARINES" (Para.)**
**"COUNTESS OF MONTE CRISTO" (Univ.)**

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $6,000)

(*Continued on page* 10)

## *Sally Has New Stuff*

**Kansas City, May 17.—When Sally Rand returns to the second edition of the World's Fair in Chicago this summer, she will continue to give the same fan dance as last year, except that for the latter part of the engagement she has evolved a new creation. To prevent the 1,500 or more fan dance imitators from stealing her stuff, she is keeping the new dance a deep, dark secret.**

**But this much she revealed: There will be no fans. Not even a veil.**

# "Viva Villa" Brings High Frisco Gross

SAN FRANCISCO, May 17.—"Viva Villa" was easily best money maker in this town last week, grabbing $22,000 at the Warfield, $3,000 over par. After one week at the Warfield the picture moved into the St. Francis for an "extended run." "House of Rothschild" continued strong at the Geary, taking $9,300 in its third week, with two more to go.

Total first run business was $83,800. Average is $84,000.

Estimated takings:

***Week Ending May 8:***

**"I'LL TELL THE WORLD" (Univ.)**

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, vaudeville, band. **Gross:** $11,000. (Average, $13,000.)

***Week Ending May 9:***

**"HALF A SINNER" (Univ.)**

ORPHEUM—(3,000), 15c-35c-50c, 7 days. Kate Smith revue on stage. **Gross:** $10,000. (Average, $9,000.)

**"HOUSE OF ROTHSCHILD" (U. A.)**

GEARY—(1,516), 55c-$1.10-$1.65, 7 days, 3rd week. Two-a-day. **Gross:** $9,300. (Average, $8,000.)

**"SORRELL AND SON" (U. A.)**

UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $6,000. (Average, $8,000.)

**"VIVA VILLA!" (M-G-M)**

WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Stage, band. **Gross:** $22,000. (Average, $19,000.)

***Week Ending May 10:***

**"CHEATERS" (Radio)**
**"THE QUITTER" (Chesterfield)**

FOX—(4,600), 10c-15c-25c-35c, 7 days Stage, vaudeville. **Gross:** $9,000. (Average, $9,000.)

**"SMARTY" (Warners)**
**"SUCH WOMEN ARE DANGEROUS" (Fox)**

PARAMOUNT—(2,670), 15c-35c-40c-65c, 7 days. **Gross:** $10,500. (Average, $12,000.)

**"A VERY HONORABLE GUY" (Warners)**
**"THE WITCHING HOUR" (Fox)**

ST. FRANCIS—(1,400), 15c-25c-40c, 7 days. **Gross:** $6,000. (Average, $6,000.)

## *Take Former Loew House*

CLEVELAND, May 17.—Max Lefkowich and Martin Printz, who operates the Circle, have taken a lease on the Alhambra, east end subsequent run, until recently operated by Loew's. Double features with three changes a week is the initial policy.

## *Free of Daylight Time*

OKLAHOMA CITY, May 17.—Daylight saving will not crop up here to worry exhibitors this year. The city council failed to discuss it due to the opposition to the proposal last year.

# "Century" and Winchell Top Chicago Draw

CHICAGO, May 17.—Customer movement past the turnstiles was nothing to get excited about, last week. The lull hit about the same time last year and the box-offices didn't begin to score until the World's Fair began bringing in visitors.

RKO's Palace had most reason for encouragement by turning in $22,000. Walter Winchell in person was a publicity getter and Columbia's "20th Century" rated fine reviews.

"The House of Rothschild" held up to $17,500 for its second week at United Artists. B. & K.'s Chicago was down at $30,000, with Roxy on the stage and "20 Million Sweethearts" on the screen.

Total first run business was $115,500. Average is $137,000.

Estimated takings:

***Week Ending May 8:***

**"HOUSE OF ROTHSCHILD" (U. A.)**

UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $17,500. (Average, $17,000.)

***Week Ending May 9:***

**"STAND UP AND CHEER" (Fox)**

McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $11,000. (Average, $13,000.)

***Week Ending May 10:***

**"20 MILLION SWEETHEARTS" (Warners)**

CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Roxy and Gang. **Gross:** $30,000. (Average, $34,600.)

**"LAZY RIVER" (M-G-M)**

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Solly Ward, Kirk & Lawrence, Walter Nilsson, Three Racketeers & others. **Gross:** 13,000. (Average, $23,000.)

**"20TH CENTURY" (Col.)**

PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Walter Winchell, Eddie Garr, Fay Adler, Teddy Bradford on stage. **Gross:** $22,000. (Average, $22,000.)

**"THE COUNTESS OF MONTE CRISTO" (Univ.)**

STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Pat Rooney & Pat Rooney, Jr. Janet Reade and others. **Gross:** $14,000. (Average, $17,000.)

***Week Ending May 11:***

**"MYSTERY OF MR. X" (M-G-M)**

ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $11,000.)

## "Villa" a $12,500 Hit in Providence

PROVIDENCE, May 17.—"Viva Villa" caught a neat $12,500 at Loew's State for the week, $500 above par and in the face of stiff competition. Despite the general excellence of their bills other houses, with the exception of Fay's, were under their average grosses. The Fay house, due to the presence of Earl Carroll's "Vanities," hit a high mark of $8,800. Average business is $7,000.

Total grosses in first run were $36,400. Average is $40,500.

Estimated takings for the week ending May 10:

**"VIVA VILLA" (M-G-M)**

LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Stuart and Lash. **Gross:** $12,500. (Average, $12,000.)

**"YOU'RE TELLING ME" (Para.)**
**"WHARF ANGEL" (Para.)**

PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $4,500. (Average, $6,500)

**"BOTTOMS UP" (Fox)**
**"THE CROSBY CASE" (Univ.)**

MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $4,100. (Average, $7,000)

**"REGISTERED NURSE" (Warners)**

FAYS—(1,600), 15c-40c, 7 days. Stage: Earl Carroll's "Vanities." **Gross:** $8,800. (Average, $7,000)

(*Continued on page* 10)

*See if you can*

# COUNT THE STARS IN VITAPHONE SHORTS

## *in 25 2/5 seconds... or less!*

Incredible but true . . . . THE AMAZING MASS OF STARS SHOWN HERE HAVE APPEARED IN A SINGLE SEASON'S OUTPUT OF VITAPHONE SHORTS!

"How many are there?". . . You'll never believe the actual total unless you *count them for yourself!* It *can* be done–correctly–in 25 2/5 seconds... that's the best mark out of a hundred tries.

Get out your watch right now and test *your* skill and accuracy against this record. Then turn to page 15 and see if your total is correct.

Let mother and the youngsters try it too. It's fascinating entertainment for all the family—and

A STRIKING DEMONSTRATION OF THE STAR SUPREMACY OF WARNER BROS.' VITAPHONE SHORTS

HOW MANY STARS ARE THERE IN THIS COMPOSITE PHOTO?

SEE HOW QUICKLY YOU CAN COUNT THEM.—SEE HOW MANY YOU CAN NAME. Don't look now—but after you've written out your solution check it with the

ANSWERS ON PAGE 15

# "Rothschild" $19,000 Wow In Pittsburgh

PITTSBURGH, May 17.—Led by "The House of Rothschild" at the Penn, the whole town picked up slightly last week. It wasn't a very marked improvement, but it was enough to prove encouraging after the recent lean periods.

"Rothschild" at $19,000 was the best thing the Penn has had in a straight picture way in months. "20 Million Sweethearts" at the Stanley was runner-up, getting $11,000 in seven days with most of the credit going to Dick Powell, who used to be an m.c. here and is quite a local favorite.

Both the Fulton and the Pitt topped average, the former with "The Mystery of Mr. X" and the latter with "Stolen Sweets" on the screen and "Spic and Span" revue on the stage, at $4,700 and $6,800, respectively.

Total grosses in six first runs were $47,150. Average is $38,500.

Estimated takings for the week ending May 12:

**"MYSTERY OF MR. X" (M-G-M)**
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $4,700. (Average, $4,500.)
**"HOUSE OF ROTHSCHILD" (U. A.)**
PENN—(3,300), 25c-50c, 6 days. **Gross:** $19,000. (Average, $12,000.)
**"STOLEN SWEETS" (Chesterfield)**
PITT—(1,600), 15c-40c, 6 days. Stage: "Spic and Span" revue. **Gross:** $6,800. (Average, $6,500.)
**"ONCE TO EVERY WOMAN" (Col.)**
**"GOODBYE LOVE" (Radio)**
REGENT—(900), 25c-35c, 6 days. **Gross:** $1,400. (Average, $1,500.)
**"20 MILLION SWEETHEARTS" (F. N.)**
STANLEY—(3,600), 25c-50c, 7 days. **Gross:** $11,000. (Average, for 6 days, $9,000.)
**"I'LL TELL THE WORLD" (Univ.)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,250. (Average, $5,000.)

# "Rothschild" Gets Montreal Holdover

MONTREAL, May 17.—"The House of Rothschild" maintained a mark of $8,500 for its second week at the Princess after a $10,000 first week, with the result that it went into its third week on May 13. Average at this house is $6,000.

"Stand Up and Cheer" was responsible for $11,000 at the Palace but was not held over. Second week of "Riptide" at the Capitol brought $8,500. The last of the stage shows and "Madame Spy" gave Loew's a take of $10,000. Cool weather helped the theatres.

Total first run business was $38,000. Average is $36,500.

Estimated takings for the week ending May 12:

**"RIPTIDE" (M-G-M)**
**"HOLD THAT GIRL" (Fox)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,000.)
IMPERIAL—French stage show.
**"MADAME SPY" (Univ.)**
LOEW'S — (3,115), 25c-35c-50c-65c-75c, 7 days. Stage: Blackstone, the Magician. **Gross:** $10,000. (Average, $10,500.)
**"STAND UP AND CHEER" (Fox)**
**"MURDER IN TRINIDAD" (Fox)**
PALACE — (2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $11,000. (Average, $11,000.)
**"THE HOUSE OF ROTHSCHILD" (U.A.)**
**"CHANCE AT HEAVEN" (Radio)**
PRINCESS — (2,272), 25c-35c-50c-65c, 7 days, 2nd week. **Gross:** $8,500. (Average, $6,000.)

# *"Viva Villa" Gets Boston Lead with $21,000 Gross*

BOSTON, May 17.—Business continued good at all of the first runs with "Viva Villa" hitting the high spot at Loew's State with $21,000, which is $5,000 above par.

The Metropolitan, with "20 Million Sweethearts" was up $5,000 for a total of $33,000 for the week, while both RKO houses fared well, "No Greater Glory" and "Sisters Under the Skin" on the Boston double bill netting $3,000 above par and "Stand Up and Cheer" at the Keith's bringing $4,000 above average.

Total first run business was $112,000. Average is $95,000.

Estimated takings for the week ending May 10:

**"NO GREATER GLORY" (Col.)**
**"SISTERS UNDER THE SKIN" (Col.)**
BOSTON—(2,900), 25c-50c, 7 days. **Gross:** 19,000. (Average, $16,000)
**"MERRY WIVES OF RENO" (Warners)**
**"DOUBLE DOOR" (Para.)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000)
**"STAND UP AND CHEER" (Fox)**
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $20,000. (Average, $16,000)
**"VIVA VILLA" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaudeville. **Gross:** $21,000. (Average, $16,000)
**"20 MILLION SWEETHEARTS" (F. N.)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Stage: Paul Gerrits and others in "Scintillation." **Gross:** $33,000. (Average, $28,000)
**"MERRY WIVES OF RENO" (Warners)**
**"DOUBLE DOOR" (Para.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000)

# "Villa" Hits Big $16,700, Kansas City

KANSAS CITY, May 17.—Business was 50-50 at local first runs, but the aggregate gross for six houses, $42,600, topped by about 25 per cent the totals for several weeks, despite inroads made by the first spell of hot weather.

"Viva Villa" was an outstanding hit, sending the Midland's figure to $16,700, against an $11,000 average. The Uptown hit $4,900, above normal by $1,400, with "Stand Up and Cheer" and held it a second week. Sally Rand with a stage show, plus "Journal of a Crime" on the screen, gave the Mainstreet a good $10,000.

Total first run gross was $42,600. Average is $38,500.

Estimated takings:

***Week Ending May 10:***
**"JOURNAL OF A CRIME" (F. N.)**
MAINSTREET—(3,049), 25c-35c-50c, 7 days, plus Saturday late show. Stage: Sally Rand and revue, featuring William & Joe Mandel, Benny Ross and Maxine Stone, Ching Ling Foo, Jr. **Gross:** $10,000. (Average, for combination shows, $11,000)
**"MELODY IN SPRING" (Para.)**
**"WOMEN IN HIS LIFE" (M-G-M)**
NEWMAN—(1,800), 25c, 7 days, plus Saturday late show. **Gross:** $4,500. (Average, $6,000)
**"SUCCESS AT ANY PRICE" (Radio)**
TOWER—(2,200), 25c, 7 days, plus Saturday midnight show. Stage: "Moderne Moods," featuring Ward, Pinky and Terry; "Whitey" Roberts, Ulis and Clark, Clarence Rand, Al Belasco, m. c. **Gross:** $4,500. (Average, $4,500)

***Week Ending May 11:***
**"VIVA VILLA" (M-G-M)**
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $16,700. (Average, $11,000)
**"THE HOUSE OF ROTHSCHILD" (U. A.)**
ROYAL—(810), 25c-40c, 7 days, 2nd week downtown run. (First week at Midland.) **Gross:** $2,000. (Average, $2,500)
**"STAND UP AND CHEER" (Fox)**
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $4,900. (Average, $3,500)

# *"Villa" a $12,500 Hit in Providence*

(*Continued from page 7*)

**"20TH CENTURY" (Col.)**
**"SISTERS UNDER THE SKIN" (Col.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,500. (Average, $7,000)
**"STRAWBERRY ROAN" (Col.)**
**"TWO ALONE" (Radio)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

# Detroit Tips "Rothschild" Big $17,600

DETROIT, May 17. — "House of Rothschild," playing the United Artists, was the best percentage film last week, giving that $10,000 average house a gross of $17,600. "20th Century," with a stage show, was $7,100 over the Fox average of $15,000.

Total for the week was $71,400, against $58,400 last week and an average of $65,000.

Estimated takings for the week ending May 10:

**"ALL QUIET ON THE WESTERN FRONT" (Univ.),** (2 days)
**"MURDER IN TRINIDAD" (Fox),** (5 days)
**"FINISHING SCHOOL" (Radio),** (5 days)
DOWNTOWN—(2,750), 15c-40c. **Gross:** $5,200. (Average, $10,000)
**"20 MILLION SWEETHEARTS" (F. N.)**
FISHER—(2,975), 15c-40c, 7 days, 2nd week. **Gross:** $5,300. (Average, $10,000)
**"20TH CENTURY" (Col.)**
FOX—(5,100), 15c-50c, 7 days. Stage: "Crazy Quilt." **Gross:** $22,100. (Average, $15,000)
**"WE'RE NOT DRESSING" (Para.)**
MICHIGAN — (4,100), 15c-50c, 7 days. Stage: Gloria Swanson. **Gross:** $21,200. (Average, $20,000.)
**"HOUSE OF ROTHSCHILD" (U. A.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $17,600. (Average, $10,000)

# *"Wild Cargo" Gets $5,800, Portland*

(*Continued from page 7*)

**"WILD CARGO" (Radio)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 8 days. **Gross:** $5,800. (Average, $3,000)
**"NANA" (U. A.)**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,000. (Average, $5,000)
**"DOUBLE DOOR" (Para.)**
**"STAND UP AND CHEER" (Fox)**
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)
**"MANHATTAN LOVE SONG" (Mono.)**
PANTAGES—(1,700), 15c-25c, 7 days. Stage show. **Gross:** $1,900. (Average, $2,000)
**"HOUSE OF ROTHSCHILD" (U. A.)**
UNITED ARTISTS—(945), 25c-35c-45c, 7 days. **Gross:** $5,000. (Average, $5,000)

# *$4,000 in 7 Shows*

OKLAHOMA CITY, May 17.—What is believed to be a record one day stand at popular prices was made here by "Amos 'n Andy," who appeared at the Warner and grossed $4,000 in seven performances at 35, 50 and 75 cents.

# Washington's Best Draw Is "Rothschild"

WASHINGTON, May 17. — "The House of Rothschild" led last week at Loew's Palace. It was the only really bright spot in an otherwise depressing week. The take was $19,800. This was about $1,500 under the existing record set with "The Millionaire" and a stage show at Warners Earle a few seasons back. It was held.

W. C. Field's "You're Telling Me" with CBS stars, including Tony Wons, Tito Guizar, Gypsy Nina, Peggy Keenan, Sandra Phillips, Ruth Barnes, Al Llewelyn, Phil Cook, and George Hall and his orchestra resulted in a subnormal $18,400 for Loew's Fox.

"Upper World" and a stage show—Donatella Brothers and Carmen, Violet Carlson, the Honey Family, Emile Boreo—was let down violently to the tune of only $13,500.

Estimated takings excluding tax, for the week ending May 10:

**"UPPER WORLD" (Warners)**
EARLE—(2,323), 25c-77c, 7 days. Stage show. **Gross:** $13,500.
**"COMING OUT PARTY" (Fox)**
LOEW'S COLUMBIA—(1,232), 25c-40c, 7 days. **Gross:** $2,700.
**"YOU'RE TELLING ME" (Para.)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage show. **Gross:** $18,400.
**"HOUSE OF ROTHSCHILD" (20th Cent.)**
LOEW'S PALACE—(2,363), 35c-77c, 7 days. **Gross:** $19,800.
**"FLYING DOWN TO RIO" (Radio)**
METROPOLITAN—(1,600), 25c-40c, 7 days (return engagement). **Gross:** $3,500.
**"UNCERTAIN LADY" (Univ.)**
RIALTO—(1,800), 25c-75c, 7 days. **Gross:** $1,200.
**"TWENTIETH CENTURY" (Col.)**
RKO-KEITH'S—(1,830), 25c-55c, 7 days. **Gross:** $9,500.

# "Rothschild" Gets $7,000 Omaha Lead

OMAHA, May 17.—Reversion to a single feature policy, now in its second week, has proven profitable for the Paramount with "The House of Rothschild" piling up a nice $7,000 to lead the town.

Elsewhere business was so-so. An eight-day run of "Twenty Million Sweethearts," along with "A Very Honorable Guy," brought the Brandeis about $4,750. "Stand Up and Cheer" and "Murder in Trinidad" at the Orpheum slipped to $5,750.

At the World "Dark Hazard" and "She Made Her Bed" ducked into the red at $3,750.

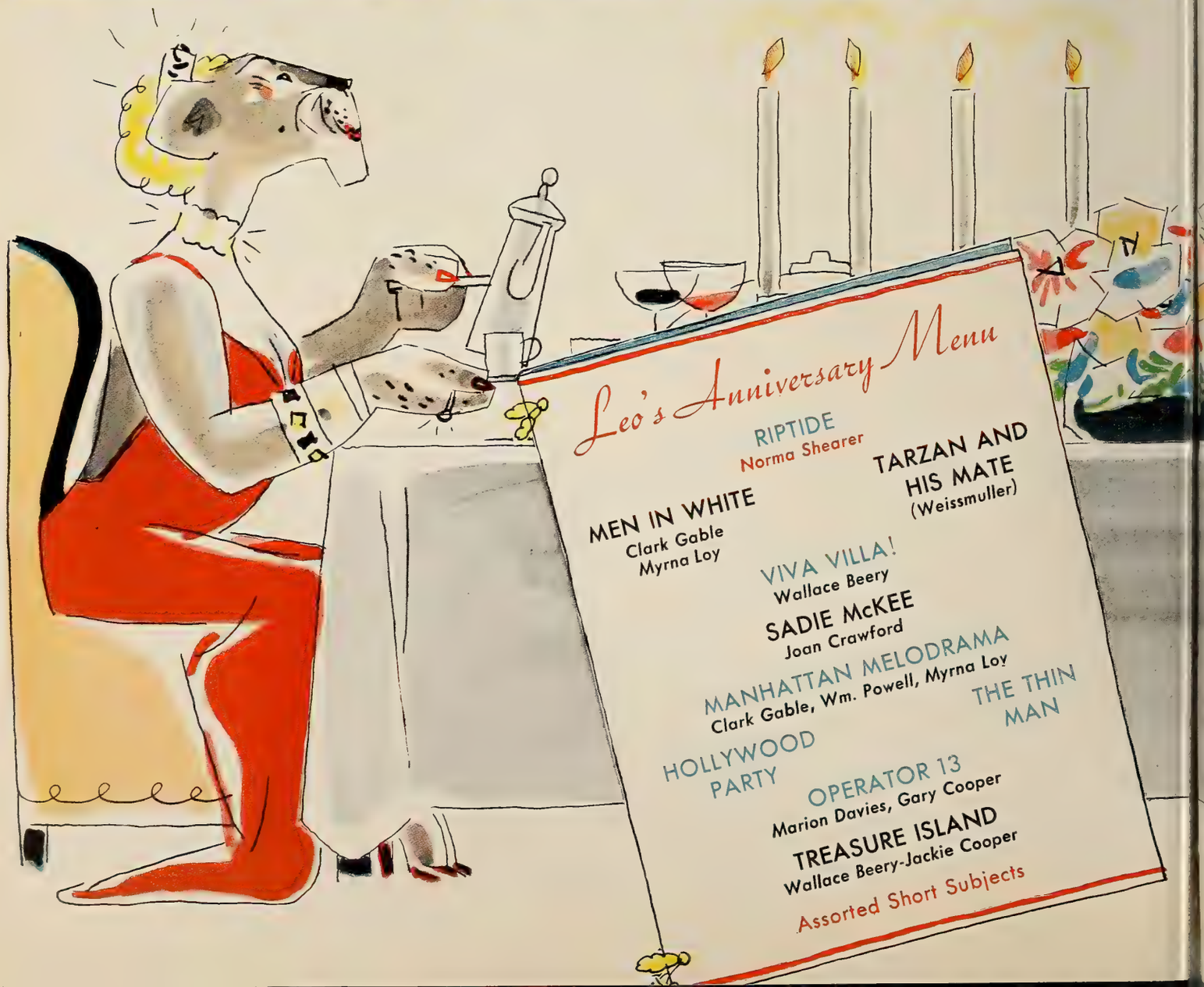
Total first run business was $21,250. Average is $22,250.

***Week Ending May 9:***
**"THE HOUSE OF ROTHSCHILD" (Warners)**
PARAMOUNT—(2,900), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $6,750)

***Week Ending May 10:***
**"TWENTY MILLION SWEETHEARTS" (F. N.)**
**"A VERY HONORABLE GUY" (F. N.)**
BRANDEIS—(1,500), 25c-35c, 8 days. **Gross:** $4,750. (Average, $4,500)
**"STAND UP AND CHEER" (Fox)**
**"MURDER IN TRINIDAD" (Fox)**
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $5,750. (Average, $6,500)
**"DARK HAZARD" (Warners)**
**"SHE MADE HER BED" (Para.)**
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $3,750. (Average, $4,500)

JUST 10 years ago there came into the language of motion pictures three little words, METRO-GOLDWYN-MAYER

# There's no place like the



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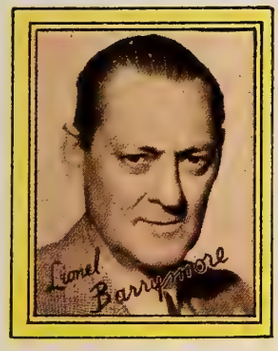
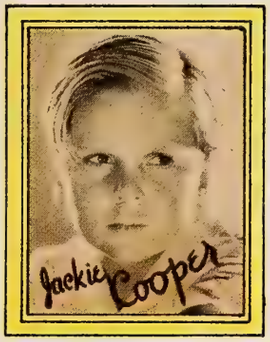
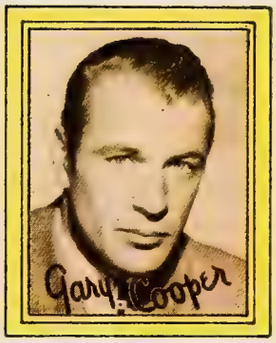
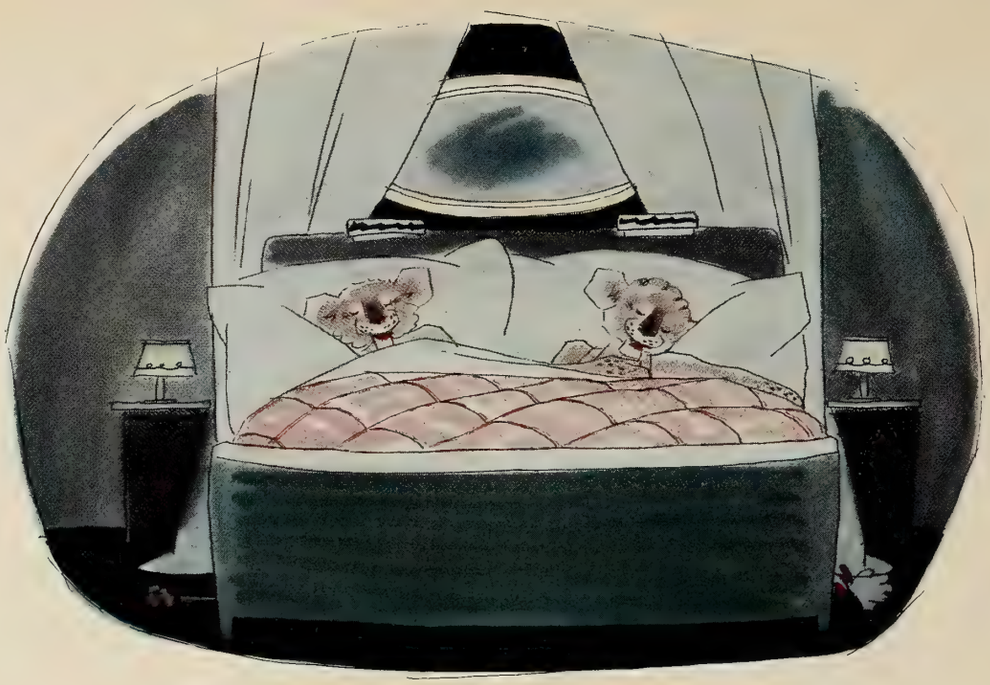








# WHEN MR. & MRS. LEO TURN OUT THE LIGHTS–

Sweet dreams, Leo! The Anniversary is over but the memory lingers on. Bright years studded with achievement! From "Big Parade" and "Ben-Hur" you set the pace for others to follow. You've had your "Trader Horns" "Broadway Melodies" "Tugboat Annies" all through the years . . . we could mention a hundred of them. And right now while the folks are cheering you and the Missus, the trade paper headlines are shrieking "Riptide" "Men in White" "Viva Villa!" "Tarzan and his Mate." Then you top them off with "Sadie McKee" "The Thin Man" and a flock more! Okay, kid, march on with your starry banners flowing! There's ten thousand exhibitors marching with you into happy years ahead!

FROM THE SOCIETY COLUMNS

**MR. & MRS. LEO CELEBRATE ANNIVERSARY**

Yesterday's gala event was the 10th Anniversary of Mr. & Mrs. Leo of M-G-M. The charming couple received congratulations from friends all over the world.

*Three little words that spell happy days*

Metro-Goldwyn-Mayer

# Soviet Plans Versions for U. S. Market

(*Continued from page* 1)

distribution executives here on reciprocal deals and may journey to Hollywood for a studio visit.

The Russian emissary, interviewed entirely through an interpreter, gave the impression that the deals he sought here would involve American bookings for Soviet product in return for production privileges in Russia for interested American companies, with possibly a limited number of American films being taken "on approval" for Russian exhibition. Explaining that the deals were in an early stage at this time, Usievich declined to name names after stating that "a number of American companies have expressed interest in the possibility of producing films in collaboration with us in the Soviet Union."

### Won't Drop Propaganda

The definite declaration was made, however, that the Soviet film producers do not intend to eliminate propaganda from their films entirely, while attempting to increase their entertainment content for American consumption. Propaganda, it was said, is an essential film item in Russia, and pictures without it are regarded as "empty entertainment." The objective of the Soviet producing trusts is to turn out pictures which combine education and entertainment, it was explained.

Usievich related that Russia has 30,000 exhibition places equipped to show silent pictures only, and 2,000 centers for showing sound pictures. Approximately 100 features are produced annually at an average cost of $400,000, he estimated. In addition, the film trust also produces educational and scientific films of feature length, and short subjects and newsreels.

### "Non-Commercial," He Says

The film industry in Russia is entirely "non-commercial," Usievich said, and no business part of the industry is administered by individual enterprise. A production trust is subsidized by the state and distributes through another trust in each of seven federated Soviet republics. A third state trust operates the theatres and plays whatever pictures are released by the distributing trust.

Usievich said that Russia is particularly interested now in changing over its large number of silent houses to sound and said that this was being done with the installation of 16 mm. equipment, which, he said, makes the changeover economically and quickly. The small size film, he added, is practical in Russia, where most theatres and audiences are small.

## *"Adverse" in 16 Reels*

Warners are understood planning to release "Anthony Adverse" in 16 reels with running time around three hours. This is understood to hold good for all types of houses.

## *Plans China Office*

Columbia will open a branch office in China about June 1.

## *Cowan Will Produce; A Brace Set at Fox*

(*Continued from page* 1)

operation today with headquarters at the General Service Studios.

The first two pictures will be released through Fox. The first will be based on Ernest Hemingway's "The Sun Also Rises," with Ann Harding in the chief role and E. H. Griffith directing.

The firm says it will operate as an independent unit free of outside control. Cowan, former secretary of the Academy, states there is plenty of money behind the enterprise to interest the biggest names who are available for one picture or more a year and are desirous to free themselves of studio supervision and select their own stories.

The second production will probably star Edward G. Robinson, although this is not a certainty yet.

This makes a total to date of 15 outside pictures scheduled for Fox release next season. Sol Lesser plans 10, six of them to star George O'Brien in action stories. Earl Carroll has a deal set for two musicals while "The Catspaw," starring Harold Lloyd, is the other.

## *Horne's Revue Over Big with Ampa Crowd*

Recommended as ace entertainment for a short subject is Hal Horne's revue, which he put on for the benefit of Ampa members yesterday. The bill drew capacity attendance.

The show opened with Bob Murray doing a bit accompanied by his son and daughter. Lillian Ellis, new Hal Roach find, gave her impression of an English player's first visit to these shores. She was followed by Jimmy Savo, who clicked with two numbers. Lew Brown sanw two new numbers he wrote and was accompanied at the piano by Lew Alter. Block and Sully closed the show with a fast line of patter and had the author of their act, Horne, in the picture for a few lines.

The show was a knockout as a U. A. attraction. If produced, Monogram should release. ORNSTEIN.

Ampa's next session will be turned over to the Soviet film delegation. Bruce Gallup will be guest chairman at the May 31 meet. Jack Alicoate of *Film Daily* is slated as guest chairman of the June 21 session, which will have as its main attraction the "Ampa Revels."

## *Signs Two Actresses*

Mady Christians, a Ufa star in Berlin for several years and since then appearing on the New York stage, yesterday signed a long-termer with M-G-M.

Rosamond Pinchot, who excited comment several years ago as the nun in Max Reinhardt's production of "The Miracle," also has been signed by the company. She goes west in the fall.

## *La Hiff in Danger*

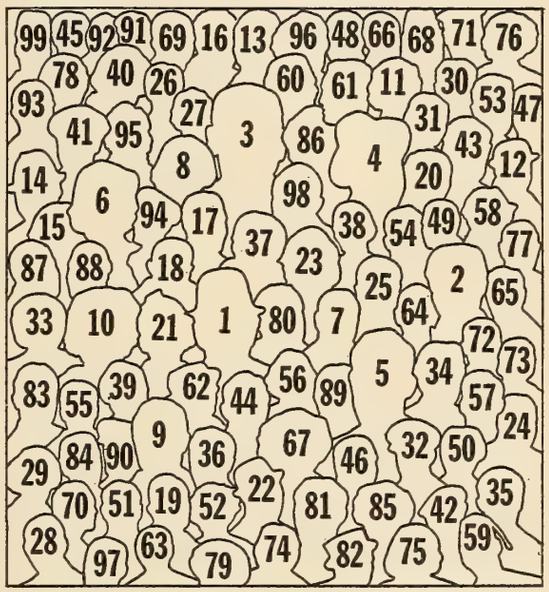
Billy La Hiff, owner of The Tavern and well known in New York film circles, is seriously ill at Medical Center, where he is suffering from an abscess of the kidney.

# *Here's the answer*

***to the questions on pages 8 and 9...There are***

# 99 STARS IN VITAPHONE SHORTS

**Each and every one a definite name draw from stage, radio or screen! Check this list with the photographs on pages 8 and 9 and see how many you identified correctly.**



| | | | | | |
|---|---|---|---|---|---|
| 1 | Ben Blue | 34 | Robert Barrat | 67 | Dawn O'Day |
| 2 | George Jessel | 35 | Gordon Westcott | 68 | E. M. Newman |
| 3 | Leon Errol | 36 | Hobart Cavanaugh | 69 | Harry Warren |
| 4 | Joe Penner | 37 | Janet Reade | 70 | Roy Turk |
| 5 | Hal LeRoy | 38 | Molly Picon | 71 | Walter Donaldson |
| 6 | Mitzi Mayfair | 39 | Lillian Roth | 72 | Minor & |
| 7 | Hugh Herbert | 40 | Inez Courtney | 73 | Root |
| 8 | Patricia Ellis | 41 | George Givot | 74 | George Blackwood |
| 9 | Frank McHugh | 42 | Charles Judels | 75 | Dorothy Dare |
| 10 | Dorothy Stone | 43 | Borrah Minnevitch | 76 | Gypsy Nina |
| 11 | Gertrude Niesen | 44 | Eddie Duchin | 77 | Jack Fulton |
| 12 | Roscoe Ails | 45 | Phil Spitalny | 78 | Vera Van |
| 13 | Jack Haley | 46 | Vincent Lopez | 79 | Lulu McConnell |
| 14 | Block and | 47 | Abe Lyman | 80 | Harry Gribbon |
| 15 | Sully | 48 | B. A. Rolfe | 81 | Lionel Stander |
| 16 | Ethel Waters | 49 | Edgar Bergen | 82 | Shemp Howard |
| 17 | Gus Shy | 50 | Jean Sargeant | 83 | Claude Hopkins |
| 18 | Allen Jenkins | 51 | Isham Jones | 84 | J. Harold Murray |
| 19 | Tom Patricola | 52 | Jeanne Aubert | 85 | Florence Lake |
| 20 | Jane Froman | 53 | Stanley Smith | 86 | Dorothy Lee |
| 21 | Queenie Smith | 54 | Arthur Lake | 87 | Morton and |
| 22 | Bill Robinson | 55 | Dave Apollon | 88 | Arthur Havel |
| 23 | Ruth Etting | 56 | Sylvia Froos | 89 | Teddy Joyce |
| 24 | "Fatty" Arbuckle | 57 | Dr. Rockwell | 90 | George Houston |
| 25 | Dave Rubinoff | 58 | Olive Borden | 91 | Dudley Clements |
| 26 | Easy | 59 | Fuzzy Knight | 92 | Janet Rathbun |
| 27 | Aces | 60 | Mitchell and | 93 | George Meyer |
| 28 | Donald Novis | 61 | Durant | 94 | Charlie Nelson |
| 29 | Ruth Donnelly | 62 | Norman Terris | 95 | Kitty Kelly |
| 30 | Ramon & | 63 | Georges Metaxa | 96 | Cora Witherspoon |
| 31 | Rosita | 64 | Sigmund Spaeth | 97 | Patsy Flick |
| 32 | Jack Denny | 65 | Ben Pollock | 98 | Roy Cummings |
| 33 | Bernice Claire | 66 | Don Tomkins | 99 | Dewey Robinson |

# Campi Wants Early Filing Of All Cases

(*Continued from page* 1)

schedules, or otherwise. Campi figures the more cases heard now, the fewer will there be when the selling season gets under way.

Quick disposition of appeals also holds good for Code Authority, which last Friday heard and acted on the first request for a review. The Saxe grievance against Ashley Amusement Co. and major distributors was filed in Milwaukee on April 10. It was heard by the Milwaukee board April 17, the appeal was filed April 22 and Code Authority rendered a decision May 11.

Fox West Coast's appeal from the decision of the Los Angeles grievance board, which turned over 20 pictures to Cistrand Theatre, will be heard by Campi today. The original complaint was filed in Los Angeles April 27, heard by that board May 3, appeal filed May 9 and it may be disposed of today.

## *N. O. to Hear Initial Issue on Protection*

New Orleans, May 17.—The first protection case, involving United Theatres, is scheduled to be heard by the code boards Monday. Complaint is made by the Metairie that the United Carrollton is demanding and obtaining 60 days' protection over it, whereas the Metairie is located in an adjoining parish and is at least four miles away. Major companies will be cited.

The boards also have the complaint of a theatre owner in McGee, Miss., that the state hospital at Sanitarium, Miss., is running a picture theatre in unfair competition.

# *Littlefield, Yamins Launch Attack on Block Booking*

Boston, May 17.—Walter B. Littlefield, prominent in the affairs of Allied in New England, believes producers should not put prices on pictures before they are produced. Littlefield asserts that of 60 films picked at random 55 per cent were satisfactory, 25 per cent were questionable and 20 per cent partly so. Even under the code, he says, an exhibitor has to buy pictures he does not want.

While the 10 per cent cancellation privilege is supposed to be a help, it is being made to mean nothing, he holds.

Nathan Yamins, head of New England Allied, is of the opinion there exist "no greater racketeers" in the country than are to be found among producers. He asserts one cannot buy all the pictures one wishes, citing a futile effort to obtain a Mae West.

"No other industry," he says, "has to buy merchandise it cannot sell in order to get that which it can sell."

These expressions of opinion were made by Littlefield and Yamins at a meeting of the Massachusetts Women's Republican Club here.

## *West Coast Decisions*

Los Angeles, May 17.—The grievance board here found for the defendants in two cases brought before it for decision today. One was that of Frances Wright Mellinger, Maywood, against Fox West Coast charging the latter with overbuying for its Alcazar in Bell, a neighboring town. The other was that of G. L. Smith and Lloyd Beard, operating the Cosmo, Glendale, against United West Coast and United Artists circuits, charging buying up all major product and complaining of inability to get films before 63 days' clearance had elapsed.

# Gov't Names Mrs. Brokaw To Authority

(*Continued from page* 1)

was associated with *Vanity Fair*, three years as managing editor and one year as associate editor, leaving the magazine three months ago.

She is an essayist, political writer and short story writer and recently wrote a series of articles for *Vanity Fair* dealing with Hollywood. She is socially prominent. Mrs. Brokaw has been a government representative on the legitimate theatre code authority for the past six months. On the legitimate body she has the power of voting. However, such is not the case on Campi.

Mrs. Brokaw's first attendance at Campi will take place today, when she will meet Rosenblatt at authority headquarters. The division administrator will inform her of her duties before the regular authority session starts.

Mrs. Brokaw yesterday told Motion Picture Daily she intends to go deeply into the background of the picture business before she expresses her views on her new post. Whether she will retain her position with the legitimate code authority was unknown yesterday, but it is likely she will continue provided the meetings do not conflict.

Motion Picture Daily on Nov. 6, 1933, exclusively tipped off in *Insiders' Outlook* that one of the three impartial government representatives on Campi would be a woman. This was confirmed yesterday with the appointment of Mrs. Brokaw.

## *Fox Midwest Cleared By Des Moines Board*

Des Moines, May 17.—The grievance board here has passed on its first cases. Fox Midwest was defendant in two of them and was cleared in both. In one C. J. Jamison, Amuzu Theatre, Muscatine, had charged inability to secure second run films. The Fox Midwest houses involved were the Palace and Uptown. In the other, Richard Gaston of the Iowa, Fort Madison, charged the circuit's Strand and Orpheum there had overbought.

In the complaint brought by J. M. Anderson of the Princess, Boone, against the Central States Theatres Corp., the board decided there was no evidence to the effect that the defendant had overbought.

## *Delay California Case*

Because of the many matters before the body for disposition, Campi will not take up today the complaint of James T. Rennie against Felstein & Dietrich on acquisition of the Oxnard, Oxnard, Cal.

The plaintiff claims his competitor leased the house while he was negotiating for it.

# K. C. Indies Draw Up Own Zoning Plan

Kansas City, May 17.—Independent subsequent run theatres have a committee at work drawing up a zoning schedule satisfactory from their point of view, which probably will be ready for presentation at a hearing before the clearance and zoning board next Tuesday.

The committee includes Stanley Schwartz, chairman; William Parson, Mrs. A. Baier, W. D. Fulton and E. S. Young.

No concerted action appears probable from Loew's Midland and the Tower, protesting downtown first runs, but protests are on file from the Midland and M-G-M. The Publix Newman, which also is hit by the new clearance, is not protesting as yet. It takes the position the situation cannot be stabilized until downtown first runs raise their admission scales.

### Cuts Midwest Clearance

The clearance and zoning board has cut Fox Midwest protection at Atchison, Kan., from 180 days maximum to 60 days in favor of H. L. Dunnick, protesting independent subsequent, who operates the Madrid. Fox gets 60 days when Dunnick runs pictures at 15 cents following the two Fox houses. Protection varies according to the Madrid price.

Elmer C. Rhoden presented Fox protection schedules in other situations to prove the Atchison situation was equitable.

Several Wichita independents appeared at the hearing on complaint of O. F. Sullivan, West Theatre, Wichita, seeking a reduction of Fox Midwest protection. Rhoden agreed to confer with the independents at Wichita to formulate a clearance schedule. This will be reported back to the zoning board for a vote next Tuesday.

George S. Baker, manager of the Publix Newman, Kansas City, served for affiliated first runs in Rhoden's place, since Rhoden was a defendant. Harry Taylor, Columbia branch manager, was chairman.

# Chicago Board for Present Schedule

Chicago, May 17.—At a closed meeting of the local clearance and zoning board today it was voted to continue present releasing and zoning systems in this territory for 1934-35 product deals.

The vote was four to two. Attending the session were Henry Herbel, Universal; Walter Immerman, B. & K.; Jack Rose, Rose Booking Circuit; Jack Miller, Chicago Exhibitors Ass'n., Aaron Saperstein, Allied of Illinois, and Judge Hugo Friend, impartial member of the board.

It is anticipated here that the board's decision will be widely protested. Six complaints already have been filed with more to follow. The board's action is viewed as a basis for a test as it throws the situation open to disgruntled exhibitors who are given 30 days in which to file protests.

# Theatre Union Calls Strike On Loew, RKO

(Continued from page 1)

"gratification" over the manner in which, he said, the public was responding to picketing, asserting that as few as 25 to 50 admissions were sold in some of the picketed houses yesterday.

Loew's moved at once to deal with the strike. Managers were instructed to arrange for extra police protection at houses affected and were ordered to remain at their theatres day and night if necessary.

Houses known to be affected up to late yesterday included Loew's State, Metropolitan, Melba, King's, Pitkin and Premier; RKO's Albee, Orpheum, Kenmore, Franklin, 125th St. and 58th St. No estimate was available from the circuits as to the number of employes taking part in the strike. Local 118 estimated the number last night at 200. Circuits were replacing the strikers from employment waiting lists.

## Board in St. Louis Decides Alton Case

St. Louis, May 17.—In its first decision, the St. Louis clearance and zoning board ruled that, in the new buying season, the Princess and Grand, Alton, Ill., operated by Publix, shall have seven days' clearance over S. E. Pertle's Orpheum Theatre in Jerseyville, Ill. Heretofore, various film companies have granted the Publix houses from seven to 14 days over the Jerseyville house.

The board has asked advice from New York as to whether St. Louis or Chicago has jurisdiction over border line towns in central Illinois that obtain some of their films in St. Louis and others in Chicago. Two such cases are now pending before the board.

## Trouble Brews Over New Orleans Boards

New Orleans, May 17.—Trouble is still brewing over code boards which have been accused of laxity in meeting and getting down to business. According to Henry Lazarus, owner of the two Canal St. theatres and one suburban house, New Orleans will make history for a square deal for the independents, even if the matter has to be carried direct to President Roosevelt.

## Saal Will Produce Under Select Name

William Saal, formerly with Tiffany, plans a series of 12 pictures under the brand name of Select Prod. The group will be made at the recently remodeled Biograph studio in the Bronx.

Consolidated is understood to be Saal's financial backer.

## Demonstrates Sound

A demonstration of "High Fidelity" sound reproducing equipment developments was given yesterday morning at 9:45 o'clock at the Palace before a group of exhibitors by RCA Victor.

## Quigley Publications Open Their Own Bureau in London

**London, May 17.—*Quigley Publications* have opened their own British bureau at Remo House, with Bruce Allan, one of the most experienced journalists in British film field in charge.**

**The growing importance of English production in an international sense was a determining factor in Martin Quigley's decision to arrange that *Motion Picture Herald, Better Theatres, Motion Picture Almanac* and *Motion Picture Daily* have extended representation in London.**

**Arrangements made insure a full service of news regarding production activities in London studios and of all other happenings in the British field. A full range of *Quigley Publications* will be carried at Remo House, for the convenience of the British trade, and the bureau will also organize an information bureau for the use of British producers and others wishing to break into the American market**

**As London representative, Allan will bring to the service of the Quigley organization an almost lifelong experience of motion pictures, covering production and distribution as well as film journalism in all its branches. Editor of *The Kinematograph Weekly* in 1926, he was previously director of publicity for Goldwyn, Ltd., F. B. O., Ltd., and for Rex Ingram's unit at Nice.**

# Blames Failure to Reduce Output on Men in Theatres

(Continued from page 1)

burden for what's wrong on the "big guys" in theatres.

"You can't blame the independents for this lack of leadership," he continued. "We have a right to expect that that should come from the men who call themselves the leaders of the business."

Because he insists the industry is making too many pictures, the big companies are slaves to release dates, because of his well known and oft-defined theory that no studio can turn out 30 or 40 and up pictures a year, Goldwyn, whose record as a producer of quality pictures, few in number, has long since been established, thinks the time has come when the fittest will survive and all others pass out by the roadside. "It may take one, two or three years," he predicts.

He deplores "copy cat" methods, efforts by competitors to crash in on lines newly hewn by those who have the nerve, plus the ability, to do so, and sums up that angle of his analysis by one remark which ties in with the swing toward costume pictures:

"The business will do what it always does. It will make them and make them until they run the cycle into the ground, then turn around in an attempt to find something new."

Goldwyn insists he is through with trade organizations. "I'm going to run my business in my own way from now on. I resigned from the Hays organization for a lot of reasons, but we won't go into that."

Immediately thereafter came a couple of pungent remarks on honesty and dishonesty of men at large and, in particular, of some of those in the picture business. Goldwyn put over his point with no amplification required.

Regardless of what happens elsewhere along the Hollywood front, he proposes to stick to his policy of few pictures a season in the belief he cannot make any more and make them well.

## Independents Back To Discuss Rentals

Independent exhibitor leaders from as far west as the Mississippi meet today at the M. P. Club to discuss rentals and preferred playing time in connection with new season's sales.

This is the second meeting on the subject. The first was held at the same place about 10 days ago.

## Drops Emanuel Plaint

Philadelphia, May 17.—The complaint of the Grand Jackson Theatre against the Venice charging double featuring was dismissed today by the grievance board on the ground the case was outside the province of the code. Jay Emanuel, operator of the house, may appeal to Campi in New York. The ruling will not alter the plans of the independent exhibitors here to institute civil action to test the right of major distributors to forbid double featuring in contracts.

## Advisory Decisions Reach Zoning Board

The New York clearance and zoning main board met yesterday and passed on recommendations of three advisory committees in connection with protests on present schedules.

Because all members of the board had not signed the decisions, they will not be released for publication until today.

## Cooper Signs Soon as Unit RKO Producer

Hollywood, May 17.—A contract with Cooper is expected to be signed in a day or two whereby he will become a unit producer for Radio, making four to six pictures a year. The rest of the setup at the studio will remain as is, with Pandro Berman remaining in charge of general production.

## Elkhart Ushers Are Ordered Reinstated

Washington, May 17.—Reinstatement by the Elkhart Amusement Co. of nine ushers discharged last December from its Warner and Bucklen theatres, Elkhart, Ind., because of membership in a union was ordered today by the National Labor Board on the basis of testimony given at a hearing on the case last month.

In its decision the board referred to a contract prepared by the company last August, under which the ushers agreed to withdraw their application for a charter in the American Federation of Labor and form a house union for each of the theatres, and declared that "whether or not coercion was used to induce the ushers to sign it, it is clear that the employer sought to discourage the ushers from joining an outside union."

TAXES! TAXES!

What'd you give to know the exact status of your theatre, accounting-wise, when the tax man comes around.

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MOTION PICTURE THEATRE ACCOUNTING

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Costs $3—Lasts a Year

•

QUIGLEY BOOKSHOP

1790 Broadway, New York

## Services for Shea Saturday Morning

(*Continued from page* 1)

Many notables are expected to attend the funeral.

A memorial service for Shea will be held by the Buffalo Variety Club, of which he was honorary president, on May 28.

Although members of the staff of the Shea Theatres, Inc., and performers appearing on the stages of the circuit houses, were grief-stricken, performances today went on as usual at all the 12 spots which he controlled.

There will be no changes in the policies as result of his death and the organization will carry on as usual, Vincent R. McFaul, who was Shea's right-hand man, announced today. McFaul, who, in the capacity of vice-president and general manager, has been virtually carrying the burden of operating the theatres alone for several months, will step into Shea's place at the helm.

Tributes from leaders of the industry and from representatives of labor started pouring in as soon as word was flashed of the death of Shea.

Among statements from those in the film trade of his home town were:

Dave Miller, Universal manager, president Buffalo Film Board of Trade and Buffalo Variety Club: "I don't know any man in the show world, or any other phase of life, who was held in such great esteem as was Mr. Shea."

**"Beloved," Says Michael**

Jules H. Michael, chairman of the Buffalo zone, M. P. T. O.: "The city of Buffalo and the country at large have lost a showman who was beloved by every branch of the profession for many years."

Kenneth G. Robinson, manager Paramount exchange: "Mr. Shea's passing is deeply deplored by the entire industry, which claimed him as one of the pioneers of exhibition."

Harry T. Dixon, manager RKO Radio exchange: "Mr. Shea was the greatest showman I have ever known and I knew him for 25 years. His death comes as a great shock to me."

Edward K. O'Shea, manager M-G-M exchange: "I don't know what to say. I ran errands for him when I was a kid in school, then worked for him for four years when I was older. His passing leaves an awful void."

George H. Moeser, manager Hollywood Pictures exchange: "I think his death is one of the greatest losses possible to the industry."

Harry C. Davis, president Buffalo Musicians' Ass'n.: "The musicians lost one of their best friends in Mr. Shea. In the olden days, when managers used to cut down on orchestras, Mr. Shea used to build them up."

Elmer E. Smith, business agent, Buffalo stage employes' union: "In dealings with Mr. Shea over a period of 40 years, I always found him eminently fair and very good to us. We have lost an understanding friend."

Albert F. Ryde, business agent, Buffalo operators' union: "I am very much broken up over Mr. Shea's death. He was one of the greatest friends labor ever had. There never was a more fair man to deal with."

Dr. Peter C. Cornell, father of

(*Continued on column* 4)

# *Looking 'Em Over*

### *"Hollywood Party"*

(*M-G-M*)

Selling angles have been crowded in wholesale and the story thread has been spun so fine as a result that it is hardly noticeable. Love interest is practically non-existent, but gags are almost as plentiful as names in "Hollywood Party."

Here are some of the names: Jimmy Durante, Jack Pearl, Lupe Velez, Polly Moran, Laurel and Hardy, Edgar Kennedy, George Givot, Ted Healy and his stooges, Charles Butterworth, June Clyde, and Mickey Mouse in a color sequence. It took a lot of ingenuity on the part of the scenario writers and gag men to find something for them to do.

Some of the gags are riots.

Durante, the "great Schnarzan," needs a new set of lions to make his jungle pictures draw, so does Givot. When the Baron Munchausen comes to town with his trained lions Durante throws a party for him. Givot horns in as a grand duke. Givot needs money so he makes love to Polly Moran, wife of Butterworth, a Texas oil millionaire. Durante tries the same tactics. In one scene he rolls down a flight of stairs with a lion.

Just a lot of hilarious nonsense—but what nonsense—on a background that looks as though it cost plenty of money.

### *"Friday, the 13th"*

(*Gaumont British*)

This is described on the Westminster Cinema program as a story in six episodes. It is exactly that, with separate casts for each. As an example of unusual film technique it is interesting, but as entertainment it probably will be something less than satisfying for American audiences.

In the opening sequence, the principal figures of each episode are shown riding on a London bus in a rainstorm. To avoid crashing into a falling derrick, the bus driver swerves into a china store window. Then the tangled threads of the stories leading up to the presence on the bus of the various characters are unraveled by a series of scenes until finally the accident is reached again.

The crash has snuffed out the life of a blackmailer who is hounding a young couple; it has prevented a forgetful wife from making a bad investment for her husband; it has sidetracked a chorus girl on the way to a spite romance with her agent; it has broken up an illicit romance, and it has stopped a runaway wife.

The English accents are unrestrained. Some of the dialogue is juvenile. A confidence man says to a Scotland Yard detective: "Sticks and stones will break my bones, but names will never hurt me." That's one example.

The film is being distributed in this country by Gaumont British and was directed by Victor Saville for Gainsborough.

### *"Laughing Boy"*

(*M-G-M*)

Oliver La Farge's "Laughing Boy," Pulitzer prize novel of last year, has been brought to the screen with Ramon Novarro and Lupe Velez as the Indian lovers. It is a simple tale with many touching moments. Most of the film transpires outdoors. The producers have taken full advantage of this fact to give the camera full scope, with the result that the production has tremendous pictorial beauty. The chief fault is that it is so slow-paced that it becomes a bit tedious.

Behind the tragic tale of the love of Laughing Boy for Slim Girl is a theme of two clashing civilizations, that of the white man and that of the Indian. Miss Velez lives in town, where she has free consort with white men, one of whom, a wealthy rancher (William Davidson), is her lover.

At a dance on the Navajo reservation one day she meets Novarro. They fall in love. Laughing Boy marries her in spite of the opposition of his people. But the old and the modern fail to mix. She pays visits to Davidson on the pretext of going to town to do some trading. The film takes a tragic turn when Laughing Boy discovers her in Davidson's arms during a Fourth of July celebration and kills her with an arrow intended for the man. She expires in his arms. The role gives Novarro a number of opportunities to exercise his singing voice.

W. S. Van Dyke directed.

(*Additional reviews on page* 24)

## *Actors Cooperating On Guild Carnival*

HOLLYWOOD, May 17.—Four actors' organizations, including the Thalians, Troupers and Dominos, will cooperate with the Actors' Guild on the three-day film stars' frolic. It opens tomorrow night at the Gilmore Stadium with Ann Harding as queen of the festival and Eddie Cantor as master of ceremonies.

Most of the players here will take part in the opening parade. A combination carnival, circus, rodeo and Mardi Gras will follow. The proceeds will go to the guild treasury.

## *Services for Shea Saturday Morning*

(*Continued from column* 1)

Katharine Cornell, government representative on the grievance board: "I have always had the greatest admiration and respect for him."

Charles S. Otto, manager of the Erlanger: "I do not believe there is any one who can take his place. I knew him very well, and I liked him."

Business associates and friends of "Mike" Shea will pay final tribute to his memory in Buffalo tomorrow morning. A group leaves New York tonight for the services and will include: Harold B. Franklin, George J. Schaefer, Sau Dembow, Y. Frank Freeman and A. W. Smith, Jr.

## *Goldwyn Loses Suit*

HOLLYWOOD, May 17.—Samuel Goldwyn lost his suit today against Warners for the services of Busby Berkeley, dance director. Superior Court Judge Frank Smith ruled that Goldwyn's contract with Warners was automatically voided when the former gave the latter 90 days, instead of the 45 days' notice for Berkeley's services stipulated in the agreement.

## *Delay Bankruptcy Bill*

WASHINGTON, May 17.—Indications here today were that pending bankruptcy relief measures already passed by the House and Senate, but sent back to the House for conference will be tabled until the next session of Congress. The desire to adjourn the present session soon is given as the reason.

## *Loew Operating Poli*

NEW HAVEN, May 17.—Poli-New England chain of 18 houses has gone under Loew operation, it was learned today with an announcement from Louis M. Sagal, general manager of the circuit, confirming reports of a switch in control.

## *Illness Took Kent West*

HOLLYWOOD, May 17.—Quick return to the coast of S. R. Kent is occasioned by the illness of his wife, who is in a local hospital recuperating from a minor operation.

## *To Show French Films*

John S. Tapernoux will stage a preview of a French feature, "La Maternelle," on the *Paris* tonight. Four shorts will also be put on.

# Yes! . . . "Little Women" still holds the record in San Francisco but the girls trembled yesterday when the big, bold bandit

# "STINGAREE"

swooped down on the town and took within $300 of the figure everybody's been shooting at for months—"Great audience reaction and rave reviews," says Cliff Work of the Golden Gate. "Business little short of sensational."

## IRENE DUNNE · RICHARD DIX

bring real red-blooded romance and adventure back to the screen in

# STINGAREE

**Another RKO-Radio Money Show!**

# Variety Club Chatter

## Albany

ALBANY, May 17. — Chief Barker BUCKLEY made a special trip to New York to purchase furniture for the headquarters.

Property Man C. R. HALLIGAN reports the following applications for membership which will be submitted to the "Charter Barkers" next Monday: C. SMAKOWITZ, Warner Theatres; AL MARCHATTI, Universal booker; H. BEETY, Paramount booker; H. GRASSGREEN, Fox branch manager; C. C. GORDON and M. SCHULMAN, Olympic Theatre, Utica; HARRY and NEIL HELLMAN, Paramount Theatre, Albany.

The weekly King for a Day luncheons were suspended until fall at the luncheon held Monday in the De Witt Clinton Hotel. Barker SWARTOUT was king. A good turnout welcomed CHESTER J. WOODIN, ex-showman and otherwise known as "the man who knew Houdini." He revealed some of the tricks used by Houdini in addition to outlining some of the experiences he enjoyed with the magician. He was made an associate member.

BENNIE DARROW, M-G-M exploiteer and barker from the Buffalo Tent, was a visitor. Barker HAROLD SMITH, manager of Station WOKO, was among those present and arrangements are now in the making to broadcast Variety activities in the local area.

Invitations for the formal headquarters opening are being mailed to the leading dignitaries in this community in addition to the officers of other tents. The date is May 26 and Chief Barker BUCKLEY wishes to use this medium to welcome all barkers.

Committees will be designated soon to formulate plans for a golf tournament and boat ride tentatively scheduled for July.

## Cincinnati

CINCINNATI, May 17.—Tent No. 3 was host to the Reds and Giants ball teams at a special evening shindig, which replaced the regular noonday luncheon meeting. A floor show was staged, to say nothing of H. J. ("POP") WESSEL and MIKE (Universal) SPANAGEL, who, in the absence of the fair sex, did a series of waltzes all their own. NAYLOR ("Swifty") STONE and MAX ("Ringside") KATZ were the kings for a day.

HARRY MICHAELSON, of Pittsburgh, and HARRY HARRIS, who also hails from the city of smoke, were visitors at the local club.

MEYERS Y. COOPER, former governor of Ohio, and ALFRED DECKEBACH, previously city auditor, were honored guests at this week's meeting. NATE (Cecil B.) LA VENE and HAROLD (Ernst) BERNSTEIN are the regal duos.

Barker WILLIAM HILLIAR is receiving condolences from his friends over the passing of his mother, who resided in England.

The first supper-dance to be given May 19 in the Pavilion Caprice of the Netherland Plaza, for the benefit of the NVA, promises to be a complete sellout, according to NOAH SCHECTER, chairman of the entertainment committee.

Steward GEORGE EDDING has not only proven himself an expert "mixologist," but an excellent chef as well. His concoctions of various salads are something to write home about.

## Cleveland

CLEVELAND, May 17.—About 100 loyal members gathered in the Variety Club for the regular Monday luncheon and entertainment which was provided by DICK DEUTSCH of Smith and Setron Printing Company, and WARREN WADE of radio Station WTAM, as "Kings for the Day."

All of the available WTAM radio talent was procured with the big carnival show, under the personal direction of WARREN WADE, as the *piece de resistance*. Among the guests of honor were Safety Director MARTIN LAVELLE and JUDGE SKEEL.

## Kansas City

KANSAS CITY, May 17.—The high spot of the club's social activities will be a dinner dance for the formal opening of the quarters in the Muehlebach Hotel. The affair is tentatively dated for May 26.

Chief Barker FRANK C. HENSLER has named this committee in charge: ED SHANBERG, Fox theatres, chairman; HARRY TAYLOR, Columbia; BILL WARNER, Warners; JACK CAMERON, Erpi.

While the rooms were opened some time ago, the house committee, under Chairman PECK BAKER, is completing the furnishings and making improvements.

An extensive program of activity was tentatively lined up at a business meeting which brought out an attendance of about 60 barkers. It was definitely decided to hold a "Ladies' Day" and to sponsor a bowling league next season. Charitable projects are under discussion.

MAX ROTH, Columbia district manager, celebrated his birthday at the club at a table with MRS. ROTH the other night.

TOMMY THOMPSON, RKO manager, is another barker who marked up a new birth anniversary during the week.

Due to the lack of time, G. L. TAYLOR, vice-president of First National Television, guest speaker at the luncheon at which BAKER, DICK BIECHELE and FRED MEYN were kings for the day, could not give his talk, but promised to come back soon.

BEV MILLER, new National Screen Service representative, is affiliated with the Indianapolis tent.

Among recent visitors have been: A. H. BLANK, with G. RALPH BRANTON, his general manager; M. B. SHANBERG, back in Kaysee for a brief stay; J. R. MCPHERSON, Chicago manager, National Screen Service; O. K. MASON, Hoisington, Kan., exhibitor; GEORGE HUNTER, Fox manager, Chanute, Kan., and MARTIN SCHIFF, Universal auditor.

## Pittsburgh

PITTSBURGH, May 17.—HARRY H. GOLDSTEIN, local chief barker who has been appointed district manager out of Cleveland with Paramount will be tendered a farewell dinner Saturday night at the Tent Club.

HARRY KALMINE, zone manager for Warner and now first assistant chief barker, will fill the position of chief barker of the Pittsburgh Tent when GOLDSTEIN'S resignation takes effect.

Among the barkers who attended the testimonial dinner given Superintendent of Police BEN MARSHALL were: HARRY H. GOLDSTEIN, MOE GLANZ, ART LEVY, JULES LAPIDUS, JOHN H. HARRIS, JAMES G. BALMER, GEORGE LAI, HAROLD C. LUND, M. J. GALLAGHER, ROBERT ROSUALI and M. R. GOLDMAN.

The Wednesday luncheon crowds are getting larger each week. Remodeling of the club will be necessary.

Barker E. HARVEY was recently transferred from radio station WCAE to station WISN in Milwaukee where he is now program director.

HARRY A. ROSS, president of the Ross Federal Service Inc. and CLAUD SAUNDERS, general manager of the same organization, are now associate barkers.

During the summer months the Variety Club publication *The Barker*, will be temporarily discontinued and all Variety Club Chatter will be found in MOTION PICTURE DAILY.

## St. Louis

ST. LOUIS, May 17.—A gang of barkers threw a party for LEON SCHLESINGER, zone manager for Warner in Philly. Threw it isn't being exact. The town was painted red, white and rye! Toastmaster was BILL HOPPE and winner of the beauty contest was TONY (Cuddles) METRECI.

Barker HENRY RIEGEL turned benedict Wednesday.

Barker SYLVERT SETRON'S missus rushed back from Buffalo, where she helped attend her mother who was ill.

Barker AL ZIMBALIST is also eating regularly. His wife returned from Jersey, where she visited her sister, who was blessed with an event.

Barker CHRISTY WILBERT, one of the two worst poker players, travels single in about a week. His missus treks back to Pittsburgh and her folks.

Barker BILL HOPPE proudly exhibiting newly born MARY MARLENE HOPPE to the gang at the St. Louis Amusement office. The baby wound up checking box-office reports and demanding more activity at theatres. Following in Bill's footsteps.

HENRY BUDDE carefully scrutinizing Culbertson's system at the club in hopes of pulling a surprise on Barkers TYSON, WILBERT, WIEGAND. No luck yet!

The forthcoming boat ride has everybody steamed. Tickets going like hotcakes and nice fat profit in view for the treasury.

Barker ALVIN WOOLF appointed to handle the legal phase of the Grand Central's newest city suit for showing "Elysia."

Barker DAVE KOMM really going after those boat ride ducats. According to the chairman in charge, he has committed himself to sell 600 tickets.

The inseparable twins, JACK HASSETT and JACK BURNS giving the bar the twice-over and a highball the once over lightly.

Mr. and Mrs. PASCH, keepers at the club, have trained their poodle to shoot pool with the boys. This is a new form of diversion at the club for the barkers who like no competition.

Many of the barkers aren't aware of the fact that there is a 15c cocktail hour at the club every Sunday. It entitles them to drink so much for so little.

Mrs. CULLEN ESPY, the darling of the club, hasn't been at the club for so long the gang of boys and girls are forgetting what real fun is like!

## Washington

WASHINGTON, May 17.—The work of completing the membership of Tent No. 11 continues apace, offering for the time being the major diversion of the Variety Club of Washington.

Other activities of the tent are in a quiescent state pending the establishment of club rooms.

Though not made public, it was stated that a difficulty had arisen at the Willard Hotel, where space had been tentatively selected.

## Gets "Letter" Ready

HOLLYWOOD, May 17.—Majestic puts "The Scarlet Letter" into production May 23 with the following cast: Colleen Moore, H. B. Walthall, Alan Hale, William Farnum, Cora Sue Collins, Betty Blythe, William Kent and Virginia Howell.

## Limit Beefsteakers

Ampa's beefsteak party at the M. P. Club next Tuesday night will be limited to 130 couples.

## The St. Louis Darkens

ST. LOUIS, May 17.—Fanchon & Marco have closed the St. Louis.

## Parley on Television

HOLLYWOOD, May 17.—Producer and executives have been invited to discuss television at the monthly meeting of the Pacific Coast section of the Society of M. P. Engineers May 22 at the Don Lee television broadcasting station.

## M-G-M in Air Hookup

HOLLYWOOD, May 17.—M-G-M has negotiated a weekly broadcast of studio chatter to go out over KFAC as "Air Pockets." Talks will be run half an hour and will deal only with M-G-M personalities.

## Starts September 1

HOLLYWOOD, May 17.—Evelyn Laye who did one musical for Samuel Goldwyn a couple of years ago, starts her M-G-M contract Sept. 1 with an unnamed musical.

## Para. Signs Writers

HOLLYWOOD, May 17.—Paramount has signed Charles Brackett, Paul Moss, Lewis Foster, Dore Schary and Keene Thompson as additions to its writing staff.

## Ready for Summer

Sam Sonin opens the West End, Long Beach, L. I., on June 9.

## K. C. Warner Men Shift

KANSAS CITY, May 17.—Changes in the local Warner booking department shift Harry Gaffney, booker, to the accessories department. Robert Riddle, Omaha booker, has been transferred here. Dan McCarthy, availability clerk, has been promoted to booker. Elmer Dillon remains head booker.

## Maynard Feature First

HOLLYWOOD, May 17.—Mascot has switched schedules and pushed the Ken Maynard feature up to an earlier starting date than the Maynard serial.

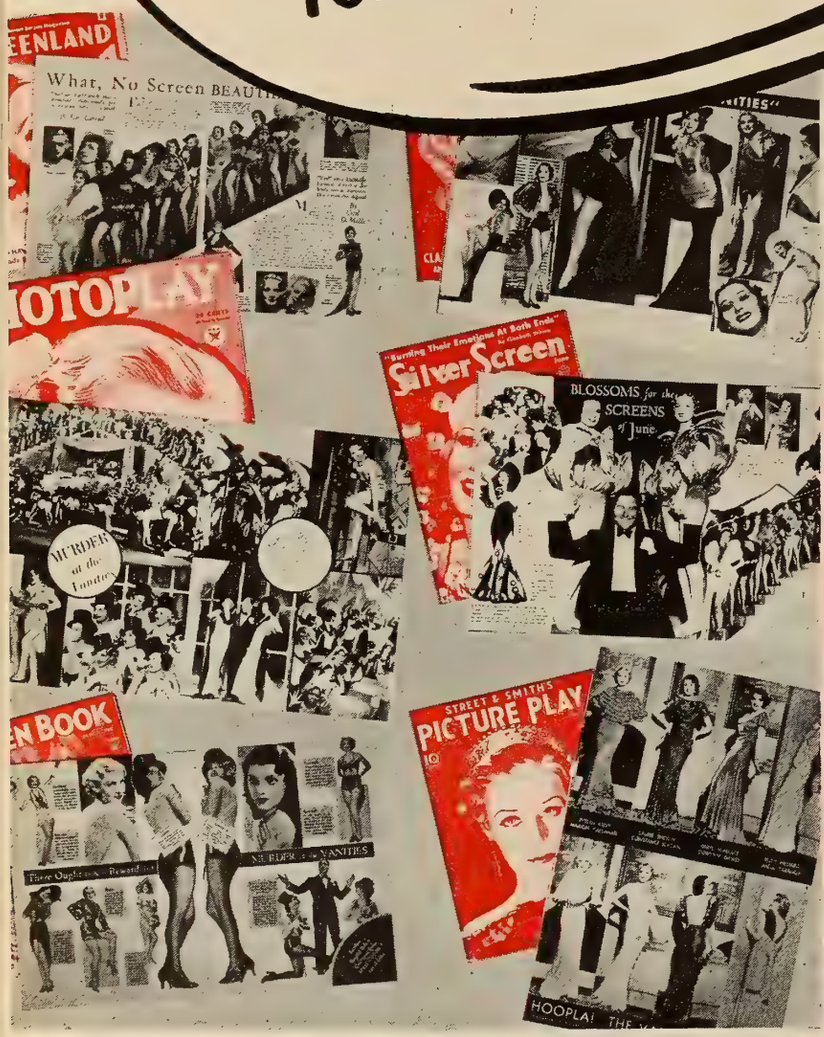
# Earl Carroll's "MURDER AT THE VANITIES"

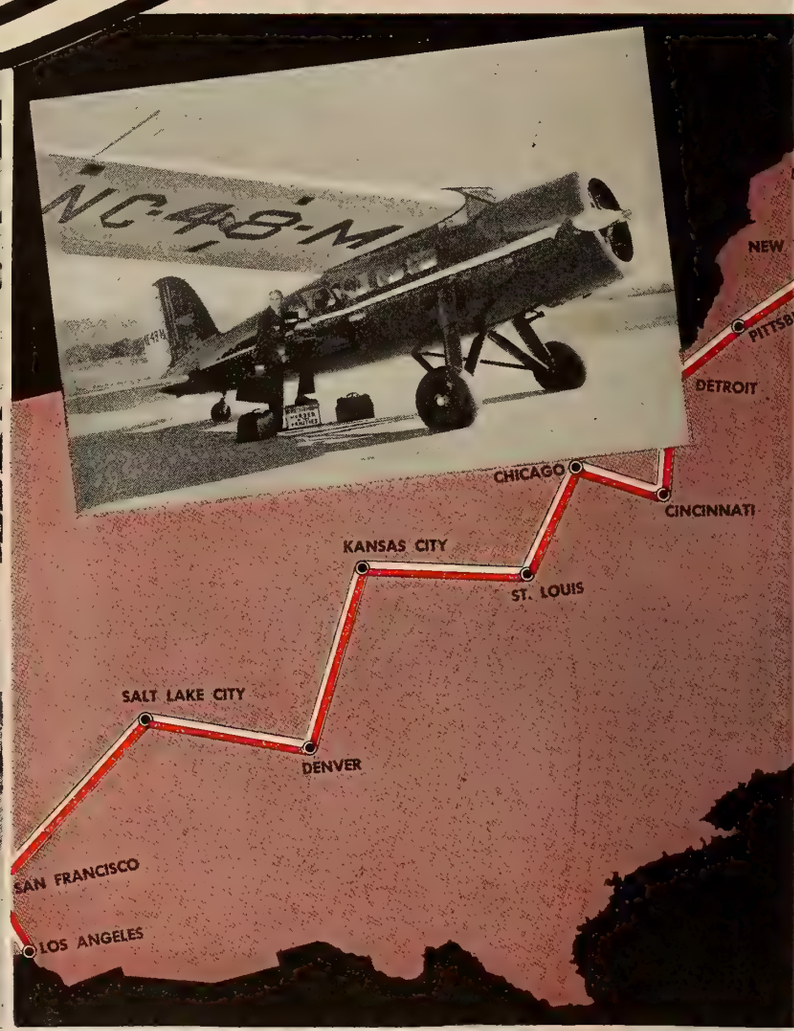
with the
**Most Beautiful Girls in the World**
and Carl Brisson • Victor McLaglen
Jack Oakie • Kitty Carlisle and Duke
Ellington and his Famous Orchestra
Directed by Mitchell Leisen

**this picture deserves every bit of publicity, advertising and exploitation that Paramount is putting behind it and which the following pages delineate . . . .**

Paramount Pictures

# Paramount's publicity, advertising and exploitation create a huge ready-made audience for "MU




## PUBLICITY • EXPLOITATION

Earl Carroll's name is a great publicity magnet, and syndicated articles, special features, items in news columns on "Murder at the Vanities" have already been read by 50,000,000. Nine leading fan magazines, (circulation over 3,000,000) sensing the public interest in "Murder at the Vanities," have run double spreads on this picture.

Earl Carroll himself goes on a whirlwind tour in a specially chartered plane to leading cities of the country. Carroll himself has shown the picture to the leading newspaper and radio people of these cities and has given radio talks and special interviews that will cover the large population centers of the country.

# Earl Carroll's

# DER AT THE VANITIES"

## • RADIO • ADVERTISING

The hit songs of "Murder at the Vanities" have been plugged on the air since April 1st. "Cocktails for Two" alone has been plugged on some 900 broadcasts, with the picture mentioned in every instance. Every leading band on the air, including Paul Whiteman, Guy Lombardo, Ben Bernie and Rudy Vallee, have all had special "Vanities" broadcasts.

Paramount has prepared a special national advertising campaign to announce Earl Carroll's "Murder at the Vanities" to the millions waiting for it. Every real showman will use large space to tie in with the publicity and exploitation that has already been done on this picture.

Paramount Pictures

# Catholics Put O. K. on List Of 81 Films

DETROIT, May 17.—Having expressed its published disapproval of 63 pictures, members of the Catholic faith also have had recommended for them a list of 81 others. The compilation appears in *St. Leo Weekly,* local Catholic organ, through the courtesy of *The Michigan Catholic,* also a weekly.

This is the recommended list:

"As Husbands Go," "Alice in Wonderland," "Aniakahaka," "A Voice in the Night," "As the Earth Turns," "Beloved," "Broken Dreams," "Be Mine Tonight," "Beggars in Ermine," "Before Midnight," "Bottoms Up," "Counsellor at Law," "Cavalcade," "Cradle Song," "Carolina," "City Limits," "Duck Soup," "Death Takes a Holiday," "David Harum," "Fugitive Lovers," "Gorges of the Ganges," "Her Sweetheart," "Harold Teen," "Hi Nellie," "In the Money," "Invisible Man," "I Was a Spy," "I'll Tell the World," "King of the Wild Horses," "Let's Fall in Love," "Little Women," "Melody in Spring," "Midshipman Jack," "Miss Fane's Baby Is Stolen," "Man of Two Worlds," "Murder in Trinidad," "Mr. Skitch," "Microscopic Mysteries," "Mother Goose Land," "Massacre," "No Greater Glory," "Once to Every Woman," "One Is Guilty," "Pilgrimage," "Rio, the Magnificent," "Rasputin and the Empress," "Rhythm in the Air," "Straight Away," "S. O. S. Iceberg," "Spitfire," "Son of Kong," "Stand Up and Cheer," "The White Sister," "The Cat and the Fiddle," "The World Changes," "The Silver Cord," "The House of Rothschild," "Three Little Pigs," "The Brass Choir," "The Crown of Thorns," "The Top of the World," "The Show Off," "The Line-up," "The Countess of Monte Cristo," "The Lost Patrol," "The Poor Rich," "Death Parade," "The Man Trailer," "The Ninth Guest," "Through the Centuries," "Tigers and Elephants," "Take the Stand," "Twenty Million Sweethearts," "Three on a Honeymoon," "The Right to Romance," "Wonder City," "This Side of Heaven," "The Crime Doctor," "Wild Cargo," "You're Telling Me" and "You Can't Buy Everything."

At a meeting pastors of 400 Protestant churches here decided next Sunday to ask their congregations to sign pledges not to patronize "lewd" pictures, according to Rev. William P. Lovett, Grand River Baptist Church, chairman of the Motion Picture Committee. Rev. Ralph C. McAfee, secretary of the Detroit Council of Churches, said that churches have been endeavoring to influence the industry at the source but are now discouraged with that method.

It was intimated that the churches would have the national committee protest to Campi against block booking, which the churches see as the reason exhibitors play undesirable films.

## Denver Pastor Gets 2,000 Film Pledges

DENVER, May 17.—Rev. Charles M. Johnson, assistant rector of the Cathedral of the Immaculate Conception, let loose the local Catholic broadside against questionable films. He reported that about 2,000 of the total of 2,500 in the congregation signed the pledges to stay from films blacklisted by the church.

First run pictures, playing this week, recommended by the pastor, were "House of Rothschild" at the Aladdin, "You're Telling Me" at the Denham, and "Such Women Are Dangerous," at the Orpheum.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Merry Frinks"*

*(Warner)*

HOLLYWOOD, May 17.—Gagged to the limit, this one ably relates what goes on in the mad Frink household where each strives diligently to please himself first, exception being Mom Frink, who is the sacrificial offering. With an over-abundance of laugh cracks, the film is good program material and should do well.

Various idiosyncrasies of the Frink family make the comedy. The struggling mother, a supposedly sponging relative, a souse reporter, a Communist, a persnickerty grandmother, a Peck's bad boy and a youthful adventuress are all housed under the same roof.

The comedy high spot is reached when the asserted sponging uncle cooks an unappetizing concoction, and when no one shows up to eat it downs it himself and kicks off from acute indigestion.

Mom is disgusted with the lack of appreciation of her efforts and leaves home to enjoy the luxuries of half a million, left by the uncle. She gets tied up with a gigolo and the family arrives on the scene just in time to save her self-respect and the bankroll.

Aline MacMahon, Guy Kibbee, Hugh Herbert, Allen Jenkins, Helen Lowell, Joan Wheeler and Frankie Darro all give fine performances in the top roles, with Herbert the standout, as usual.

Director Alfred E. Green gets the most out of the story, penned by Gene Markey and Kathryn Scola.

## *"Midnight Alibi"*

*(Warners)*

HOLLYWOOD, May 17.—Richard Barthelmess as a gambler and gangster in love with Ann Dvorak, sister of a big shot, appears in an interesting melodrama blending virile action with old lace romance of yesterday supplied by the Old Doll, Helen Lowell.

Damon Runyon's story places Barthelmess on the spot. Amid a hail of bullets, he leaps a wall and lands in the garden of the Old Doll, a wealthy recluse. She reveals why the garden door is always open with a romantic flashback showing her romance as Barthelmess plays opposite Helen Chandler. Bashfully he tells of his romance with Miss Dvorak.

Later, in a gang conflict, Barthelmess is jailed and charged with murder. The Old Doll in court supplies his midnight alibi, which clears his way to freedom and the girl.

The combination of the underworld with "good fairy" values gives fine dramatic balance to the production and permits overlooking occasional plot inconsistencies. Barthelmess, reminiscent of "The Patent Leather Kid," turns in a neatly shaded job. Miss Lowell's performance is noteworthy. Alan Crosland directed.

The picture should fare nicely box-office wise.

## *"Call It Luck"*

*(Fox)*

HOLLYWOOD, May 17.—Produced undoubtedly as a programmer for neighborhood houses and subsequent runs, "Call It Luck" achieves the producer's intent. Another production purpose is served by the appeal the film will have for the English market.

Story tells of an English cabby who wins 25,000 pounds in an English sweepstake, with which money he proposes to start a foundation for retired cabmen. Coming to America with his niece on his first vacation, the cabby is fleeced of all his money by American confidence boys and is left with only a horse, "Sabre," pawned off on him as a thoroughbred. Entering "Sabre" in a turf classic, the confidence men, who parted him from his shekels, make book on his horse. Obstacles placed in the way of "Sabre" seek to prevent him from getting to the track to run, but he, nevertheless, arrives and the cabby, on the bandstand, plays a military charge on the bugle and "Sabre," knowing that call, races around and wins.

Herbert Mundin is the cabby. Pat Patterson and Charlie Starrett are the romantic interest. Gordon Westcott and Theodore von Eltz are the heavies. James Tinling directed from an original by Dudley Nichols and George Marshall, who also wrote the screen play. Adaptation is by Joseph Cunningham and Harry McCoy. Two song numbers by Richard Whiting are interspersed.

The racetrack sequence is a selling point for thrills and suspense. John Stone produced.

# G-B Theatres Go to Owners As Operators

(*Continued from page* 1)

All of the capital stock of the new company will be retained by the Goldsteins, while the Class B will be sold to Lares Theatres Corp., a wholly-owned Paramount subsidiary.

Paramount Publix will lend $107,500 to Lares to perform its share of the reorganization agreement. G. B. will receive a 10-year Paramount picture franchise and title to a number of Olympia Theatres leaseholds and equipment will be delivered by Lares to the new Goldstein company in return for a release from all claims against Olympia, Paramount and G. B. by the Goldsteins.

Authorization for the Paramount Publix trustees to expend up to $150,000 for the settlement of $280,000 of claims against Olympia Theatres on the basis of 40 cents on the dollar was also granted yesterday by Referee Ehrhorn. The claims are those of "open account" creditors of Olympia's and are deemed by the trustees to be provable.

Settlement of the claims is regarded as speeding the reorganization of Olympia, Paramount's principal New England theatre operating subsidiary, now in bankruptcy. Of the $8,000,000 of claims against Olympia which are regarded as provable, claims of Paramount and subsidiaries aggregate $5,092,896. In addition, a $1,500,000 claim represents an inter-company liability filed against Olympia Operating Corp. by Olympia Theatres. Thus, there remain only slightly more than $1,400,000 of claims by outside creditors which are regarded as provable, a situation encouraging to early reorganization.

Referee Ehrhorn also approved the trustees' petition permitting Paramount Publix to advance $11,400 to Seneca Holding Corp., another wholly-owned Paramount subsidiary, for the payment of taxes and interest on mortgages of Times Square property adjoining the Criterion which is held by Seneca.

## *Vic Gauntlett Improves*

SEATTLE, May 17.—Vic Gauntlett, advertising and publicity director for Evergreen Theatre Corp. and F. W. C. for several years, is recovering from an operation. After an appendectomy last week, Gauntlett developed pneumonia and for several days was in very bad condition.

## *May Extend Mexico Ban*

MEXICO CITY, May 17.—National extension of the local ban on "Thunder Over Mexico" because of the American editing is expected. The local ban forced cancellation of the showing scheduled for the Principal Theatre.

## *Cantor Gets 410 in Guild*

Eddie Cantor yesterday informed Abe Lastfogel, chairman of the membership drive committee of the Jewish Theatrical Guild of America, that at a luncheon on the coast Tuesday he had signed up 410 members. The comedian is president of the guild.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 117 NEW YORK, SATURDAY, MAY 19, 1934 TEN CENTS

## Court Grants Hearing Upon Fox Met. Plan

### *Outsiders Will Receive Opportunity to Bid*

The bondholders' reorganization plan for Fox Metropolitan Playhouses attained official status yesterday with the signing by U. S. District Court Judge Julian Mack of an intervention order granting the bondholders' committee a public hearing on the plan.

The hearing was set for June 20, at which time outside bidders will be given an opportunity to submit offers for the circuit of 75 Fox Metropolitan houses in competition with the bondholders' plan. Formal publication of

(*Continued on page* 4)

## August Date Fixed On New FWC Setup

No substantial refinancing will be required in the reorganization of Fox West Coast, it was stated officially yesterday. The reorganization plans are expected to be put into operation early in August, it was said. No important changes in the present setup are expected except that S. R. Kent will be made president.

William H. Moore, Jr., one of the three trustees, left for the coast

(*Continued on page* 4)

## Decision Reserved On Appeal by FWC

Because the records were not complete and an investigation of the case is to be made for further evidence, Campi yesterday reserved decision of Fox West Coast's appeal from the decision of the Los Angeles grievance

(*Continued on page* 3)

## *Metzger to Parcel B. I. P. Films Here*

Lou B. Metzger, former general sales manager of Universal and Columbia and now operator of the Spreckles, San Diego, will parcel British International product to American distributors under his deal closed in London which gives him that product for this country.

The arrangement gives him options on the next 20 B. I. P. releases, he explained yesterday, adding he had no idea of entering upon distribution on his own. He will seek deals with national and state right distributors.

## Phila. Talks Of Suit Over Doubles Ban

### *Emanuel Is Displeased With Board Ruling*

PHILADELPHIA, May 18.—A civil suit in Federal District Court, protesting the right of distributors to include double feature bans in contracts looms as a result of yesterday's hearing in the case of the Grand-Jackson Theatres vs. the Venice Theatre before the grievance board of the Philadelphia territory, which dismissed the complaint.

Jay Emanuel, owner of the Grand and Jackson, and plaintiff in the case, averred that court action would be

(*Continued on page* 3)

## Rosenblatt Stays, Johnson Declares

WASHINGTON, May 18.—Division Administrator Sol A. Rosenblatt will not be removed from jurisdiction over the film code, it was stated today by Administrator Hugh S. Johnson.

Reports that the National Recovery Review Board had recommended Rosenblatt's removal were tacitly admitted at the NRA offices, but the Darrow recommendation will not sway Johnson, who has been a staunch defender of the division administrator.

## Circuits Declare Strike a "Fizzle"

With no additional Loew's or RKO service employes joning the strike of ushers, doormen, cashiers and janitors yesterday, representatives of both circuits described the strike as a "fizzle" and declared that business had not been affected at all at the

(*Continued on page* 3)

## *War on B'way Aims at Gobs*

Approximately 40,000 sailor boys go on the loose next week when the fleet drops anchor in the Hudson.

On the theory that the gobs like war, even on land, several Broadway theatres are getting ready to give it to them. The Mayfair will show "The Unknown Soldier Speaks"; Columbia will bring back "Forgotten Men" and the Globe will house "War's End."

The Criterion, pursuing it along different lines, will use the Ross-McLarnin fight pictures under a deal just closed with Garden Pictures.

## M-G-M Sees "Challenge" On Trailers

A National Screen Service campaign to offset M-G-M's introduction of its own trailer service is accepted in the current issue of the latter company's sales department house organ, *The Distributor,* as a "challenge" which "only stimulates the desire to improve our product and inspires us to achieve complete coverage in trailer distribution."

M-G-M salesmen recently began making contracts for the company's own trailers, the service to start next

(*Continued on page* 4)

## *French Move Afoot To Ban U. S. Imports*

PARIS, May 18.—French producers have requested the government to ban the importation of American films for three months and increase the tariff on negatives more than 3,000 per cent. At the same time a low tariff on French versions of films produced in Germany is sought.

## Run of Three Days Settles Release Date

### *Availability to Begin at End of Showing*

Pictures running a minimum of three consecutive days in a first run in any given situation establish their general release dates as the final day of the run.

Code Authority so ruled this important trade practice yesterday.

All availability dates thereafter fall due subject to clearance schedules in operation in the particular situation or territory. Distributors consented yesterday to post in exchanges the final days of such runs and also to notify code secretaries to post these notices in their offices in the event exhibitors inquire about them.

Reopening of the code assent date was also taken up yesterday when

(*Continued on page* 3)

## Grievances Pending Here Total to Five

Five complaints are before the New York grievance board for disposition next Tuesday. The cases are:

A petition filed by Century Circuit asking for a ruling on advertising a picture which has completed its first run, but because of 14 days' protection has no definite date when the competitor can start advertising.

The overbuying complaint of Harmon Yaffa of the Gem and Majestic

(*Continued on page* 3)

## *Mrs. Brokaw Holds Her Theatre Place*

Mrs. Clare Boothe Brokaw does not have to resign from the legitimate theatre code authority, Division Administrator Sol A. Rosenblatt told MOTION PICTURE DAILY yesterday. Mrs. Brokaw was slated to attend Campi's meeting yesterday as second government representative, but was ill and so did not appear.

## *Frisco Subsequents Seek Clearance Cut*

SAN FRANCISCO, May 18.—Approximately 100 subsequent run theatres here are preparing to file protests with the code board against the existing clearance and zoning rules, the purpose being to reduce the present clearance of 56 days. This action is

(*Continued on page* 3)

## *Metro-Goldwyn's 28-Week Net Increases $2,071,525*

Indicating by their balance sheet that happier days have arrived, Metro-Goldwyn Pictures yesterday reported an increase of $2,071,525 in net profits for the 28 weeks to March 15 over the identical period last year.

For the current period, the company showed a net, after taxes, of $3,037,698 which compares with $966,173 last year.

Net operating income was 16,147,265, miscellaneous income $452,453 and the combined figure 16,599,718. Amortization of negative and positive costs, plus depreciation, ran to $13,040,088 and Federal taxes to $521,932.

# MOTION PICTURE DAILY

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau; 407 South Dearborn Street, *Edwin S. Clifford,* manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative—Cable address: "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin-Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 102 Sussex Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 11 Olaaz Fasor 17, *Endre Hevesi,* Representative.

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## Wanger to Make Six Yearly as an Indie

HOLLYWOOD, May 18.—Walter Wanger plans six pictures a year as an independent producer. Having negotiated a release from his M-G-M contract as an associate producer, he leaves for New York Monday en route to Europe on a search for players and stories and expects to return here in about six weeks.

## Rucci Takes House

HARTFORD, Conn., May 18.—John Rucci states he will continue operation of the State and attempt to assume debts which are claimed to have been left behind by Davis and Goldbaum of the Spring Theatre Corp., Rockaway, New York, which originally had taken over the house from Warners.

Davis and Goldbaum had launched their management with six acts of vaudeville and double features.

## Warners Claim Berkeley

Warners asserted yesterday that, as a result of the California lawsuit over services of Busby Berkeley, dance director, the latter is "now under exclusive contract to Warner Bros. Pictures, Inc., for a period of seven years with no further connection with Samuel Goldwyn or any motion picture producer other than Warner-First National."

## "Rothschild" at $16,900

"The House of Rothschild" in its ninth week at the Astor grossed $16,900.

## Allied Men Line Up On Producing Plan

Allied States opened its campaign to line up independent buying power for its contemplated schedule of sponsored product at a meeting of 21 representatives of eastern independent exhibitor groups at the M. P. Club yesterday.

In return for playing time guarantees for the proposed Allied pictures, the organization will give its support nationally to the campaign in opposition to sales policies involving designated play dates, high percentages and fixing of minimum admissions, which was originated two months ago by the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware and the I. T. O. A., New York, it was reported following yesterday's meeting.

A meeting designed to provide a final tally of the independent playing time available for Allied's planned schedule and to further the sales policy protest was set for next Tuesday at the Astor. The meeting will be attended by committees named by various independent exhibitor organizations throughout the country.

Yesterday's meeting represented "73 1/3 per cent of the country's independent buying power," according to a joint statement issued by Sidney Samuelson, president of Allied, and L. F. Blumenthal of the I. T. O. A.

## Oregon Allied Talks Rental, Percentage

PORTLAND, May 18.—Allied of Oregon had the largest attendance of paid up members so far this year at the meeting here yesterday. Product and percentage vs. rentals were the chief topics of discussion, though no resolutions were passed.

## Variety Club to Meet

COLUMBUS, May 18.—The second national meeting of Variety Club will be held here May 27. Officers and directors of "The Big Top," which is the parent club in Pittsburgh, will attend.

## RKO Men Back Soon

HOLLYWOOD, May 18.—Ned E. Depinet and Robert F. Sisk of RKO expect to leave for New York early next week.

## Theatre Orchestra At Shea's Funeral

BUFFALO, May 18.—A 40-piece string orchestra composed of musicians from his theatres will play "Andante Cantabile" at the funeral of Michael Shea in St. Joseph's Cathedral here today. They will be directed by Lou Breese, Shea's Buffalo orchestra conductor, and Gertrude Lutzi, soprano at the same theatre, will sing "Jesus Is Calling."

The funeral mass will be celebrated by Mgr. Charles E. Duffy. Active bearers will be associates in the McNaughton Realty Corp., founded by Shea 30 years ago to handle his theatre properties. They will be Vincent R. McFaul, Lester F. Gilbert, Thomas D. Powell, James Franklin, Nelson Hubbell, Fred Kreitner, Ansley Sawyer and Harold B. Franklin.

Shea's last words, addressed to his daughter, Mrs. Emile Giffoniello, were typical of his fighting philosophy. "Let's say some prayers," she said. "All right, say some hard ones," the theatre magnate replied, and passed on.

All downtown theatres will be closed until 3 P. M. tomorrow.

## Loew Operation of Poli Houses Starts

NEW HAVEN, May 18.—Loew operation of the Poli chain went into effect Tuesday.

It is understood the deal was consummated by agreement that Loew's would assume responsibility for paying the interest on the first mortgage bonds totalling $6,943,100 at five per cent.

Operating control of the Poli theatres in New Haven, Hartford, Bridgeport, Meriden, Norwich, Waterbury, Springfield and Worcester was divulged to MOTION PICTURE DAILY, following months of conflicting reports, by Nicholas M. Schenck on his return from Hollywood a number of weeks ago.

## Alden Theatre Opens

The Alden, modernistic theatre at 67th St. and Broadway, opened last night with Harry Brandt as operator. Designed from plans of Leonard S. Henry and Leonard A. Hirschfeld, the house seats slightly under 600.

## Loew's Off One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 27⅞ | 27⅞ | 27⅞ | ..... | 100 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | ..... | 100 |
| Consolidated Film Industries, pfd | 16⅞ | 16½ | 16½ | + ⅛ | 900 |
| Eastman Kodak | 94¼ | 93½ | 94¼ | — ¼ | 300 |
| Fox Film "A" | 15¼ | 14⅞ | 14⅞ | — ⅛ | 700 |
| Loew's, Inc. | 31¾ | 30½ | 30⅝ | —1 | 2,700 |
| Paramount, cts. | 4½ | 4¼ | 4¼ | — ¼ | 1,600 |
| Pathe Exchange | 3 | 2¾ | 3 | + ⅛ | 500 |
| Pathe Exchange "A" | 20½ | 20 | 20 | — ¼ | 1,700 |
| RKO | 3 | 2⅞ | 3 | ..... | 600 |
| Warner Bros. | 6¼ | 5⅞ | 6 | — ⅛ | 4,600 |

## Technicolor Up ½ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9½ | 9⅛ | 9½ | + ½ | 900 |
| Trans Lux | 2 | 2 | 2 | ..... | 100 |

## Trading in Bond Market Light

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8½ | 9 | + ⅛ | 44 |
| General Theatre Equipment 6s '40, ctf | 8¾ | 8¼ | 8½ | ..... | 22 |
| Loew's 6s '41, ww deb rights | 100½ | 100 | 100 | — ½ | 9 |
| Paramount Broadway 5½s '51 | 46 | 46 | 46 | + ⅞ | 5 |
| Paramount F. L. 6s '47 | 51 | 51 | 51 | — ½ | 3 |
| Paramount Publix 5½s '50 | 52 | 52 | 52 | +1 | 6 |
| Warner Bros. 6s '39, wd | 60 | 58⅞ | 58⅞ | — ⅝ | 70 |

## Purely Personal

FELIX F. FEIST, E. M. SAUNDERS, ARTHUR and DAVE LOEW, SAM ECKMAN, LAUDY LAWRENCE, JAMES A. FITZGERALD, MORT SPRING, AL FINEMAN, BUDD ROGERS, HAL HORNE, HERMAN GLUCKMAN, MORTON VAN PRAAG, GEORGE DEMBOW, PHIL REISMAN and DAVE BLUM kept the M. P. Club waiters busy yesterday during lunch hour.

JULES MICHAELS, president of the M.P.T.O. of Western New York, returned to Buffalo last night after conferring with JOHN C. FLINN and CHARLES L. O'REILLY.

E. I. SPONABLE, Fox chief sound engineer, returned yesterday from the Coast. He has been conferring at the studios.

CLARENCE BROWN is coming east by plane to take a peep at "Sadie McKee," which he directed, and which is current at the Capitol.

ROBERT WOLFF, New York branch manager for Radio, returns to his desk Monday from a Bermuda vacation.

BERT WHEELER departed for the coast yesterday after a week in town.

HIRAM S. BROWN left yesterday for Maryland for the week-end.

GEORGE J. SCHAEFER returned from Boston yesterday.

## Para. Trustees to Settle Patent Suit

Authorization to settle a patent infringement claim filed against Paramount Publix by Artfilm Studios, Inc., for $2,500, has been granted Paramount bankruptcy trustees by Referee Oscar W. Ehrhorn. Opposition to a claim of $43,333 for rent on the Missouri, St. Louis, was heard by the referee, who allowed St. Louis Properties, Inc., the claimant, until May 31 to reply.

## Cooper to Do 6 as RKO Unit Producer

HOLLYWOOD, May 18. — Merian Cooper's status was definitely set today upon announcement he had been signed for two years as a unit producer for Radio. He will make two pictures the first year and four the second, the initial one being "The Last Days of Pompeii." Tomorrow he goes back to Honolulu, returning later to visit Europe, where he will make background shots for the film.

## Wobber Heading East

Herman Wobber, general representative for Fox distribution on the coast, comes east next week with John D. Clark, general sales manager who is now at the studio.

## Plato Skouras Recovering

Plato Skouras, son of Spyros, has undergone an appendicitis operation at the New Rochelle Hospital in New Rochelle. Plato, four and one half years old, is recovering nicely.

## Flash Review

*Embarrassing Moments* . . . will entertain. . . .

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

# Run of Three Days Settles Release Date

(Continued from page 1)

Executive Secretary John C. Flinn reported he had received hundreds of requests from exhibitors who are willing to sign assents. The matter was turned over to a committee on code compliance, made up of S. R. Kent, Ed Kuykendall and J. Robert Rubin.

Flinn stated he had received many checks from exhibitors he had not sent bills, some of them declaring they were of the belief that when they signed the President's re-employment agreement this took care of the code assent. Some of the exhibitors stated they were misinformed on the signing of compliance forms.

At the end of the third week since bills were sent out for the first half-year's assessment, 4,197 theatres have paid $42,279. More than 1,000 exhibitors have sent checks in during the last week. A second notice is being sent out.

A plan for allocation of $180,000 to be proportioned between distributors and producers has been submitted to Campi and is now being studied by a committee consisting of Harry Warner, S. R. Kent and Nathan Yamins. The plan may be approved and announced at the May 31 session.

A report on the Hollywood extra standing committee will be made public by Major Joseph R. O'Donovan on the coast shortly. It was approved by Campi yesterday.

## *Indianapolis Board Ends All Free Shows*

INDIANAPOLIS, May 18.—Bans on non-theatrical accounts and lotteries were ordered in the first three cases before the Indianapolis grievance board.

The non-theatrical decision was a result of a complaint filed by Charles R. Metzger, attorney for Associated Theatre Owners. In the decision exchanges were ordered to stop serving promoters of free merchants' street shows, free city park shows and other non-theatrical accounts.

R. L. Rakes of the New Princess, Sturgis, Ky., was ordered to stop distributing tickets good for a nickel rebate. The complaint was filed by the Ken-Mo Amusement Co.

The lottery case was a complaint of Harry and Jacob Markum against the Mecca and Stratford Theatres. It was alleged they gave away baskets of food to holders of lucky number tickets. The practice was ordered stopped.

## *Two Para. Code Changes*

Allen Usher, manager of the Paramount exchange in Chicago, has replaced Charles Reagan on the grievance board, the latter having been promoted recently to the home office. John Himmelein, Paramount manager in Cleveland, replaces E. J. Fontaine, on the grievance board in that city.

## *Rosenblatt to Chicago*

Division Administrator Sol A. Rosenblatt will be in Chicago May 27-29 on government business in connection with the garment trade.

# Grievances Pending Here Total to Five

(Continued from page 1)

against Springer & Cocalis operating the Empress and Lane, and Warners, Fox, RKO and Universal.

Harmon Yaffa's grievance against Warners for alleged refusal to adjust a 1932-33 contract on two pictures, one with Edward G. Robinson and the second with Ruth Chatterton. The plaintiff contends he paid $200 more than the contracts provided when the pictures were switched from one classification to another.

Loew's, operating the Paradise, Grand and Burnside in the Bronx, against Consolidated Amusements, operating the Mosholu, for premature advertising.

The overbuying complaint of the Strand, Rockville Center, L. I., against Skouras, Century circuit, RKO, Fox, Universal and Paramount.

# Circuits Declare Strike a "Fizzle"

(Continued from page 1)

12 or 15 houses being picketed by Local 118, Theatre & Amusement Employes Union.

C. C. Moskowitz of Loew's stated that only 53 service employes of both circuits had answered the local's strike order on Thursday. Yesterday, he said, the only additional service workers to walk out were approximately 50 janitors employed by a cleaning contractor and assigned to the Radio City Music Hall and Center. No service men employed directly by the circuits joined the strike yesterday, according to Moskowitz.

A number of the houses being picketed by the local have no staff members participating in the strike, Moskowitz said, and cited the State, which, he declared, has its full staff at work. Denying that business has been injured by the picketing, as asserted by Charles C. Levey, secretary of the local, Moskowitz said: "We've been picketed by one union or another for the past five years. If picketing had any effect on patronage we'd be out of business by now."

Loew's reinstated four cleaners last night who applied for their jobs after walking out the preceding day. Only 12 porters and cleaners of the 525 employed by Loew's answered the strike call, and since the reinstatements last night only eight of the 12 remain out, Moskowitz said.

## *Campi Rule Sought On "Bargain Hour"*

CLEVELAND, May 18.—It is understood the grievance board has asked Campi for an opinion as to whether or not a 6:30 to 7:30 P. M. bargain hour is an unfair trade practice, before rendering a decision in the case of Frank Gross, Grand Theatre, against Sam Barck, Market Square Theatre. The case was heard by the board last Monday. Decision was reserved.

Barck, who plays independent pictures under a 10-cent admission contract, charges a dime from 6:30 P. M. to 7:30 P. M., 15 cents thereafter.

The case of Cedar Lee Theatres Co. vs. Loew's Ohio Theatres and Warners, protesting first run protection, has been adjourned to tomorrow by the clearance board.

# Decision Reserved On Appeal by FWC

(Continued from page 1)

board ordering the circuit to turn over 20 pictures to Simon M. Lazarus of the Garfield, Alhambra, Cal.

Campi, according to the code, has 15 days after hearing the appeal to hand down a decision. The Los Angeles board ordered F. W. C. to turn over to the plaintiff five Paramount pictures, four M-G-M's, five Fox and eight Warner-First Nationals.

Charles R. Buckley, attorney for F. W. C., contended that of the 225 pictures purchased by the circuit for its Alhambra and El Ray it needed 208, excluding the 10 per cent cancellation privilege. He stated that Lazarus had available for his house 49 from Columbia, 42 from Universal, 18 from Allied, 40 from All Star, 30 from Majestic, 40 from Cooperative, 12 from Principal and 52 from Radio.

The F. W. C. attorney stated that in August of last year the Alhambra went to dual attractions a week after the Garfield. E. A. Alperson, buyer for F. W. C., stated that a good deal of the product buys were closed after the Alhambra went to doubles. During May, June, July and early August the houses in southern California were on a single policy, which was dropped late in August.

Since Lazarus did not show up or have an attorney on hand to defend his case, Buckley and Alperson were queried by Division Administrator Sol A. Rosenblatt, Nathan Yamins, Charles L. O'Reilly, Neil Agnew, Walter Vincent and Leslie E. Thompson on policy and product buys for the competing Alhambra houses. Rosenblatt however, had the report of the impartial member of the Los Angeles grievance board before him and checked up the facts.

Principal Theatres, in which F. W. C. has a 25 per cent interest, was represented by William Powers. Principal was a co-defendant in the action.

The Campi session was adjourned until May 31, when a decision will be handed down. At this meeting Yamins will be chairman.

## *Texas Allied Hails Frels Code Victory*

DALLAS, May 18.—The decision of the grievance board upholding Rubin Frels, vice-president of Allied Theatre Owners of Texas, in his complaint that the Jefferson Amusement Co. made it impossible for him to get product for his house at Victoria, is hailed as a significant victory for the cause of Texas independents in a message to the members of the organization bearing the signature of H. A. Cole, president.

The verdict is described as "our first toehold toward real independence" and as "the first ray of sunshine in 10 years of battle for the independents." Exhibitors are told the ruling ought to bring them to the realization that "continued effort and a united front is the only thing in this world that will ever bring you a square deal."

## *Phila. Assents 502*

PHILADELPHIA, May 18.—Five hundred and two theatres have signed the code in the territory served out of here, according to *The Exhibitor*, which regards this as "a good record."

# Phila. Talks Of Suit Over Doubles Ban

(Continued from page 1)

sought against the practice with the probable arguments of collusion being used.

The case, first before the grievance board, was started last week when Emanuel charged the Venice, owned by Charles Stiefel, with double-featuring in his territory, whereas his own contract forbade it. Specific product mentioned was Fox and United Artists. Emanuel stated that he has a verbal agreement with Fox and a contract agreement with U. A. against the practice, but claimed that he had the equal right to double feature if his opposition could.

Meanwhile, local independent exhibitors, sensing a possibility of definite action on the double-feature problem, joined to secure ex-Congressman B. M. Golder to act as defence counsel for Stiefel.

At the hearing Golder cross-examined Emanuel to elicit the information that six major companies in the territory—Fox, United Artists, M-G-M, Paramount, RKO and Warners—had contract stipulations against double features. Pointing out that the code had no specific ruling on double features, Golder intimated that while the question was of vital importance in the industry, it lay outside the Grievance Board's jurisdiction. If so, the way is prepared for the launching of the civil suit.

Emanuel hinted that this would be done. He declared that he was not in favor of indiscriminate double-feature programs, but believed that it was a good practice in the case of weaker product.

## *Frisco Subsequents Seek Clearance Cut*

(Continued from page 1)

in opposition to F. W. C., which seeks an extension of the 56 days to 90 days. Among the complainants, it is reported, will be the Golden State and Nasser Brothers' San Francisco Theatres, Inc.

The grievance board yesterday rendered a decision against the Casino, managed by Irving Ackerman, finding that the house had violated the code by reducing admission prices through premiums, lottery and cash prizes on five counts. The complainant was the Davies Theatre, managed by M. L. Markowitz.

## *N. Y. Board Denies Three Zoning Cases*

The New York clearance and zoning board has denied three protests for relief from present schedules. The first protest was that of the Washington, Washington, N. J., against the Wilmer & Vincent house in Easton, Pa., 13 miles away. The second was that of the Little Picture House against the Plaza and Little Carnegie.

The board also ruled that the Luxor requests for elimination of Loew's Grand protection be denied since it was declared the Grand is a first run deluxe house while the Luxor is a second run at lower admissions and not in the same category.

# Court Grants Hearing Upon Fox Met. Plan

(Continued from page 1)

the plan was scheduled for May 26 by the court.

The bondholders' committee stated earlier this week that it would bid the full amount of its $10,000,000 holdings against any other plan or cash bid made by an outside source. This stand is regarded as a virtual "shut-out" of other bidders, among whom Walter Reade, Warners and a third unidentified group were listed as prospects through having made inquiries as to the results of operations of the circuit during the two years of its receivership. The inquiries, apparently, were made to determine the basis of a bid at foreclosure.

**Influenced by Profit Gain**

Improved earnings of the Fox "Met" circuit during recent months explain the stand of the bondholders' committee against accepting any outside bid for the properties. A spokesman for the committee pointed out yesterday that the bonds are now selling at 35 cents on the dollar, as compared with five cents on the dollar at the time of the receivership, and stated that even higher values are expected within the year.

David W. Kahn, downtown attorney, has advised the court that he is prepared to offer $3,000,000 cash for the circuit at foreclosure. Beyond declaring that his clients "are not now operating theatres but are qualified by past experience to do so," Kahn refuses to discuss the identity of those whom he represents.

Under the bondholders' reorganization plan the Fox "Met" houses will be bid in by their committee and a new company organized to take title and lease the houses to Skouras and Randforce, the present operators for the receiver. Fox "Met" bonds would be exchanged for new bonds and stock of the new company. Control would rest with Sidney R. Kent, Fox president; Herbert Howell, president of the Commercial National Bank & Trust Co.; Richard C. Hunt, attorney, and the president of the new company.

# August Date Fixed On New FWC Setup

(Continued from page 1)

Thursday and next Tuesday Charles Skouras, another trustee, will leave for Los Angeles accompanied by Charles A. Buckley and William Powers, attorneys for F. W. C., and William Carman, counsel for the trustees.

Completion of the plans will be handled on the west coast and presented to Referee S. W. McNabb on the return of the Skouras party next week. No change is expected in the operating setup of the subsidiary companies.

## *Lawton Reopens Mecca*

Stanley Lawton has reopened the Mecca at 14th St. and Avenue A on a double feature basis. The house has been dark for some time.

# *Looking 'Em Over*

## *"The Black Cat"*

*(Universal)*

Those who like their horror spread thickly enough to keep their hair standing on end—and there seemed to be many who did at a Roxy matinee yesterday—probably will go for this. It begins to get mysterious about the time a honeymoon couple are seated in a compartment of the Orient Express out of Paris and it doesn't lose any of its creepiness until a modernistic house built on a Hungarian fortress begins to blow up.

Some place on the Hungarian countryside a bus goes into a ditch and Bela Lugosi takes the honeymooners, David Manners and Jacqueline Wells, to Boris Karloff's house.

Lugosi, it develops, is seeking revenge on Karloff for stealing his wife after the World War. He is a strange individual with a fear of black cats and a penchant for hypnotizing women. Karloff is also an odd character with a pleasant habit of gazing at the embalmed bodies of women he has loved. Both of them want Miss Wells. They play chess for her.

There is one mild comedy sequence when Albert Conti and Henry Armetta arrive to inquire about the auto accident, but the rest of the film is devoted exclusively to a battle of two mad men for a sane woman and the struggle of her husband to get her out of the place.

Edgar Ulmer, who directed, got whatever creepy values he could out of the story.

## *Philadelphia Cuts Suburban Clearance*

PHILADELPHIA, May 18.—The clearance and zoning board has handed down its first decision, in the case of the Broadway Theatre, Bridgeport, against the Norris Amusement Co., operators of three theatres in Norristown.

Bridgeport is on the outskirts of Norristown, and Michael Egnol complained that the 42 days clearance of the second run Norris houses over the Broadway was unfair. He asked that it be reduced to 28 days after the Norris, 14 after the Garrick, mainly second run, and 14 after the Grand, second run.

The board decided to go back to the agreement of a few years ago, giving first run Philadelphia 28 days clearance over first run Norristown, first run Norristown, 28 days over second run in the territory, and second run, seven days over subsequent runs. This decision cuts the Egnol house to 35 days maximum instead of 42.

## *Matinee Deadlines Are Set at 5 P. M.*

NEW HAVEN, May 18.—Five o'clock is set as the deadline for matinee prices in a decision handed down by the clearance and zoning board. As a result of a complaint filed by the Pequot Theatre, the Lyric and Garden are put in the 10-cent class because their 10-cent scales run after 5 o'clock, and the State is put in the 15-cent class.

Exchanges are ordered not to serve the two first named houses until 180 days after first run showings and to withhold film from the State for 90 days. The order becomes effective July 1.

## *To Complain on Meeting*

NEW ORLEANS, May 18.—Allied independents plan to complain to John C. Flinn, executive secretary of Campi, that Monday's code board meeting was irregular on the ground it was not given publication. The complaint will also be made that the sessions are much too secret.

## *Anticipating Flood, Cincy Has 1 Plaint*

CINCINNATI, May 18.—Despite the fact that many exhibitors, particularly independents, throughout this territory claimed to have had cases for airing before the grievance board during the time the code was in process of formation, only one case has thus far been presented since opening of the code board offices a few weeks ago.

No reason is assigned for this seeming apathy, although the opinion is advanced by some that exhibitors are holding off until the start of the new season before getting into action with their grievances.

## *Move to End Duals On Coast Hits Snag*

LOS ANGELES, May 18.—Announcement that the Hill Street, one of four downtown first runs, will go to duals June 1 today was causing much concern to those fighting for the elimination of doubles. It is feared the house's action may endanger the success of the movement to end twins, which 90 per cent of independent exhibitors are backing.

## *Two Salt Lake Decisions*

SALT LAKE CITY, May 18.—Two decisions have been handed down by the local boards. In one the clearance and zoning decided against the Inland Amusement Co., Nampa, Idaho, in its complaint against the Menmar Amusement Co.'s Publix, Boise, Idaho, concerning seven days' clearance in favor of Boise first runs over Nampa first runs. In another case the grievance board upheld Joe George of the Rio, Idaho Falls, Idaho, in his complaint against Fox West Coast, citing the Paramount in the same town. Inability to obtain films was alleged.

## *Finishing Fascist Film*

David Calcagni, president of Integrity Film Corp., expects to have "The Fascist Parade" ready for release in about three weeks. The picture is now nearing completion.

# M-G-M Sees "Challenge" On Trailers

(Continued from page 1)

January. In a letter to exhibitors over the signature of Herman Robbins, National Screen president, which is reproduced in the M-G-M house organ, exhibitors are told that "there is no sense in being stampeded now into contracting for something that will not be delivered to you for the next eight months."

The letter states further that National Screen "will continue to make, with or without the cooperation of M-G-M, trailers on all their productions . . . as we are now making them on Warner productions."

"Between now and next Jan. 1," the National Screen letter states, "you will be advised thoroughly of the entire trailer situation—what rights you may have under the code against being forced to buy trailers from the distributor in order to get his product—and be in a position to make up your mind for your own best interests."

**Replies to Letter**

Replying to the letter, the M-G-M house organ sets forth that the company's objective in making its own trailers is to improve them and adds that after Jan. 1 "no trailer service will be able to furnish the exhibitor with anything but bootleg M-G-M trailers which will not meet the requirements of exhibitor showmen.

"There will be no duplication of our trailer service by anyone else," the M-G-M reply continues. "We will not make synchronized trailers. Outsiders will not make talking trailers for M-G-M product.

"Why should not M-G-M be as much concerned about good trailers as about good posters?" the publication asks. "Why should it be any more tolerant of indifferent accessories than indifferent productions? Why should it spend millions of dollars on a program of features and then abandon to outsiders the responsibility of deciding what the advertising values of the product are?

"We do not advise any exhibitor to sign up for another trailer service, but we do point out that if he desires to promote M-G-M pictures adequately it will be best to have M-G-M trailers. With respect to costs, the weekly dollar or so extra which may be involved in some cases will be easily absorbed by the additional people passing through a theatre's doors."

## *Joins Consolidated; Circuit Will Expand*

Henry Siegel yesterday joined the Consolidated circuit as assistant to Lawrence Bolognino, president. The association signals an expansion program in Greater New York by the chain which currently operates about 20 theatres on 8th Ave. and in the Bronx.

Siegel, well-known locally, was an independent exhibitor prior to joining Paramount as Brooklyn branch manager. He resigned the latter post about Jan. 1.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

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VOL. 35. NO. 118 NEW YORK, MONDAY, MAY 21, 1934 TEN CENTS

# JOHNSON HOTLY ATTACKS DARROW CODE CRITICISMS

## *Virtual Rewriting for Code Is Sought by Review Body*

WASHINGTON, May 20.—Virtual rewriting of the film code is demanded by the National Recovery Review Board in its report to the President which, with Recovery Administrator Hugh S. Johnson's reply and a lengthy analysis of the board's investigation by Division Administrator Sol A. Rosenblatt, was made public tonight by the White House.

In addition to the film code, seven other codes investigated by the board are covered in the 154-page report submitted to the President. The recovery administration's answer is of about the same length. Also made public, were a brief "supplementary report" signed by Chairman Clarence Darrow and William O. Thompson, recommending a transfer of fact-finding and enforcement work from the NRA to the Federal Trade Commission; an equally brief response by General Johnson, denominating the suggestion as a choice "between Fascism and Communism," and

(*Continued on page* 5)

## *Full Text of Darrow's Code Recommendations*

WASHINGTON, May 20.—*What the National Recovery Review Board proposes by way of widespread and drastic changes in the film code, as recommended in the Darrow report to the President:*

Article I, paragraph 10: Eliminate the final sentence, reading:

"The mere ownership, however, by a producer or distributor of any theatre premises leased to an exhibitor shall not constitute any such exhibitor an 'affiliated exhibitor'."

Article II: Eliminate the entire article and substitute the following:

"1. A code authority of the motion picture industry constituted as in this Article provided and herein referred to as the 'Code Authority' shall be the agency for the administration of this Code, and shall have such powers as shall be necessary therefor, together with such other powers and duties as are prescribed in this Code.

"2. (a) The Code Authority shall be constituted as follows: Five representatives of affiliated Producers, Distributors and Exhibitors; five representatives of unaffiliated Producers, Distributors and Exhibitors; and five representatives to be chosen by the President, who shall be known as Government representatives. Each member of the Code Authority shall be entitled to one vote, and all questions considered by the Code Authority shall be decided by a majority vote of the members thereof. Not more than two of the members of the Code Authority representing unaffiliated producers, distributors and exhibitors shall be producers or distribu-

(*Continued on page* 10)

## *"Not in Good Faith," Is Administrator's Sarcastic Retort*

By CLARENCE LINZ

WASHINGTON, May 20.—Charging that the National Recovery Review Board "is not in good faith" and that it assumes, "after a few hours of cavalier inquiry and prejudiced and one-sided testimony, to pass upon codes upon which we have spent days and weeks of inquiry and negotiations," Recovery Administrator Hugh S. Johnson tonight replied to the report filed with the President by Chairman Clarence Darrow.

Asserting that, in his judgment, the board "has missed a great opportunity for a real public service" and that, "as it is now acting, it is of no service to anybody—it is a political sounding board," Johnson referred specifically to the film report and the attack upon Division Administrator Sol A. Rosenblatt.

"It impugns the motives of the division administrator in the motion picture code," he said, "because he formerly worked for an attorney who has

(*Continued on page* 4)

## MPTOA to Ask Dual Bans in Contracts

An invitation to distributors to prohibit double featuring of their product through contract stipulations is contained in an M.P.T.O.A. message to exhibitors sent out Saturday over the signature of Ed Kuykendall, president.

The M.P.T.O.A. message is a reply to what is described as "a determined effort . . . under way by an organization of regional and state rights

(*Continued on page* 11)

## *H. S. Brown Heading New Producing Firm*

Hiram S. Brown has formed Fortune Film Corp., of which he is president. The company will produce a number of films with actual production slated to get under way sometime in August.

Brown is being backed by the Russell Sage Foundation.

## Admissions Must Go Up, Says Zukor

HOLLYWOOD, May 20.—Theatre admissions must be increased because at their present sub-normal level they fail to yield a sufficient return to the exhibitor, who, in turn, is not able to pay adequate film rentals, believes Adolph Zukor, head of Paramount.

"The distributor does not get a proportionate share of film cost from subsequent runs because their admission prices are too low," Zukor said. "There's no sense selling a picture for a dime that costs 15 cents. We have to depend on the first runs to carry the load, and this puts them in a difficult spot.

"The argument that the public will not attend theatres unless the price

(*Continued on page* 12)

## Impartials Next to Get Alternates

Impartial members of code boards will have alternates in the event the originally designated members are not able to attend meetings. Campi has sent out letters to secretaries of all boards to have members submit three names from each territory. These names will be sent to Division Administrator Sol A. Rosenblatt upon arrival.

Since Rosenblatt approves impartial members, he will also pass on the alternates. The names recommended by board members will be checked as the men now serving were before they were officially announced.

Several reasons are advanced for naming impartial alternates. First is

(*Continued on page* 11)

## Campi Seeking to Smooth Complaints

In an effort to align those dissatisfied with the code in a general spirit of cooperation, Code Authority has adopted a new system whereby members of Campi will be delegated to investigate causes of complaint.

The first instance to be tackled is that in Omaha, where the M.P.T.O. of Nebraska and Western Iowa, which recently wired Campi that its members had adopted a resolution to

(*Continued on page* 11)

## *Union to Wage Long Fight, Says Levey*

Local 118, Theatre Service Employes' Union, which called a strike of its members in Loew's and RKO houses here this week, is prepared to wage a "long, determined fight," Charles C. Levey, secretary of the local, said Saturday in replying to statements of

(*Continued on page* 11)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Woodward Heads League

G. H. Woodward has been elected president of the M. P. Baseball League. Other officers are: Vice-President, N. S. Seckler; secretary-treasurer, H. S. McCarthy. Teams in the league, which has tentatively decided to start in June, will represent Erpi, Columbia, NBC, Rockefeller Center, RKO, and Warners. More teams are being sought. A trophy is to be presented by the Quigley Publications.

## Nolan, Yorke Start East

HOLLYWOOD, May 20.—John Nolan, head of Fox sales in the Antipodes, and Gabe Yorke, studio advertising director, leave for New York Tuesday night to attend Fox's annual sales convention, opening there May 31. Nolan has recovered from a thrombosis attack.

## 42nd St. Going Dark

Closing of the Lyric, double feature house at 15 cents for matinees and 25 cents at night, marks the second closing on West 42nd St. in a week. Wallack's, formerly operated by Max Cohen with a similar policy, is also dark.

## M-G-M to Golf

HOLLYWOOD, May 20.—M-G-M's annual golf tournament will be held June 17 at the Palos Verdes Golf Club.

## Hattam Gets Brandt Unit

Jack Hattam is taking over the New Broadway, Brooklyn, from Harry Brandt.

# Insiders' Outlook

MUCH, not all, of the energies turned loose currently around the executive offices on the Radio lot in Hollywood are being concentrated on a search for properties that will eventualize into five big pictures for 1934-35. "If we can do it, and it's a job, we feel we will be going places," Ben Kahane, watchman over the hazardous business of making pictures, told us. "At that, it's a job and, if you don't happen to think so, you should know the day and night oil-burning task which that has been." . . .

▼

Five big ones out of a planned 50 may not sound like much of a percentage. Yet distributors in other years have solid millions in trailing product on the strength of merely one knockout attraction, provided they were lucky enough to get it at the outset of each season. They can do it again. This explains why, and naturally so, every producer puts his best foot forward as each new selling season draws near. It also explains why the procedure of other years will prevail this season again. . . .

▼

Because in Hollywood, a favorite and never determined question is what to do about numbers of pictures, we asked Kahane what he thought. This is what he had to say: "I believe every producer of responsibility in Hollywood is eager, even anxious, to cut down. On the one hand, there is the argument that if each of the major companies produced less pictures each season, the casting, director and producer problems would be correspondingly reduced and, with more time to concentrate on fewer productions, an improvement in quality should result. . . .

▼

"Furthermore, if all producers considerably cut down, the present situation of too small a supply of available talent for the demands of the industry might be reversed, which would enable producers to get better talent at a lower cost. On the other hand, opponents of the plan point out that theatres could not get along without the number of pictures presently produced in Hollywood and they cannot perceive how extending the runs will solve the problem. As you know, proponents of the plan argue there is no reason why theatres now playing a full week policy cannot play pictures for two weeks, and theatres playing a split week policy cannot play pictures a full week, and so on"...

▼

Kahane subscribes to the idea that longer runs would furnish the answer. He foresees the possibility, on such a basis and undoubtedly by giving the long runners additional protection, of cutting rentals at subsequent runs on the theory bigger money would swell the coffers of distributors from the major engagements. His slant is that any substantial product curtailment in Hollywood must be determined by the theatre end of the business. Seeing nothing on the horizon to presage any such change, his conclusion naturally is the business of turning out pictures will stay as it has for many years past. . . .

▼

Metro-Goldwyn's report with its startling increase in the net for the first half of 1933-34 reminds of the now famous, one-line thought of Nick Schenck's. You will remember it went on, cryptically and decidedly to the point: "There is nothing in the picture business which good pictures cannot cure." Schenck holds the respect of his organization in Loew's and M-G-M because he knows when a picture is good or bad. His outfit knows he knows and understands there is no point in trying to kid the boss. Yes may be a pleasant word to some. It is to Schenck along with the others, but only when it fits. . . .

KANN

## Trading Light on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 28¼ | 28¼ | 28¼ | + ⅜ | 100 |
| Consolidated Film Industries | 3⅞ | 3⅞ | 3⅞ | + ⅛ | 100 |
| Eastman Kodak | 94¼ | 94¼ | 94¼ | ..... | 300 |
| Loew's, Inc. | 30⅝ | 30⅛ | 30⅝ | ..... | 2,500 |
| M-G-M, pfd. | 26⅛ | 26⅛ | 26⅛ | + ⅝ | 100 |
| Paramount Publix | 4⅜ | 4¼ | 4⅜ | + ⅛ | 1,400 |
| Pathe Exchange | 2¾ | 2¾ | 2¾ | — ¼ | 200 |
| Pathe Exchange "A" | 19¾ | 19¾ | 19¾ | — ¼ | 200 |
| RKO | 3 | 2⅞ | 2⅞ | — ⅛ | 200 |
| Warner Bros. | 6 | 6 | 6 | ..... | 300 |

## Trans Lux Off ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | — ⅛ | 100 |

## Warner Bonds Lose One-Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¼ | 9 | 9¼ | — ⅛ | 4 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 1 |
| Warner Bros. 6s '39 wd | 59 | 59 | 59 | — ½ | 15 |

# Purely Personal

PERCY PHILLIPSON of General Register recalls pleasantly the Savoy luncheon his friends in the British industry threw for him during his 10-day stay in London.

GUSTAV BROCK, hand-color expert, did some of the sequences in "Stingaree," now at the Music Hall.

MARY BOLAND, CONSTANCE TALMADGE and KATHRYN CARVER MENJOU are in town. They're at the Lombardy.

MORRIS HELPRIN starts today as United Artists publicity manager under HAL HORNE.

## Radio Is Completing This Year's Program

HOLLYWOOD, May 20.—With the remaining two features on its current program set to go into production in the next two weeks, Radio will spell "finis" to its 1933-34 activities soon. The two pictures are "A Hat, Coat and Glove," starring John Barrymore, and "Romance in Manhattan," with Francis Lederer.

Films being prepared for June and July release are "Of Human Bondage," "Sour Grapes," "The Life of Vergie Winters," "Family Man," "Murder on the Blackboard," "Cock-eyed Cavaliers" and "Down to Their Last Yacht."

## Laurel-Hardy Down To Four for Roach

HOLLYWOOD, May 20.—Hal Roach is planning only four two-reel shorts with Laurel & Hardy next season, cutting the current season's number down by four. The comedians may make two features as they did this year.

Roach is also planning on eight two-reel Irvin Cobb shorts in addition to a feature.

Six musical revues in Technicolor will be on M-G-M's program next season. They will be two-reelers.

## Ferguson Lines Up Final Ampa Shows

Before Ampa suspends for the Summer on June 21, William R. Ferguson, president, has several entertaining programs lined up. For next Thursday, Boris Morros of the Paramount will be guest chairman and will provide some Russian entertainment. A call is being sent out for talent to round out the Ampa Revels program.

Meetings will be resumed Sept. 6.

## Hammerstein to M-G-M

HOLLYWOOD, May 20.—Oscar Hammerstein II is due at M-G-M from London during the early part of July to write and produce one or more musicals.

## To Star Jean Parker

HOLLYWOOD, May 20.—Starring and top featured roles are specified for Jean Parker in her new long-term contract with M-G-M.

## Rotary to Hear Flynn

SPRINGFIELD, O., May 20.—Jack Flynn, M-G-M district manager at Detroit, will be guest speaker before the local Rotary Club May 21.

Presenting . . .

# The New Queen of Dramatic Art!

Bernhardt! Duse! And now . . . Temple (*Shirley to you, Mister!*) . . . creature of many moods . . . fiery in temperament . . . fickle in romance . . . profound in dramatic depth. Worthy in every way to inherit the purple mantle of greatness. Now at the peak of her powers!

*More in Tomorrow's Paper*

# Report Is Termed "Prejudiced"

## Criticisms of Code Assailed By Johnson

(Continued from page 1)

clients in that field, and it asks his removal. Nobody here has rendered more public-spirited, disinterested and intelligent service than this division administrator."

In a review of the report by General Counsel Donald R. Richberg, the record of the film hearings by the review board is declared to be "a revelation of its methods."

"The board reports that the deputy administrator 'was invited to testify but refused to do so.' The record, including a letter from the deputy administrator, shows that he not only offered to testify, but to make all his records available to the board.

### Tells of Care in Drafting

"The code was assented to in writing by 9,039 members of the industry," Richberg pointed out. "21 complaining witnesses were heard by the board, including 15 out of 7,500 theatre operators. In contrast to 14 hours and 20 minutes of 'hearings' by the board, NRA spent over 1,200 hours on the drafting of the code, heard 206 witnesses and obtained a code acceptable, not only to the industry, but approved by all the advisory boards of NRA representing industry, labor, consumers, economic research and law.

"The board acted solely on the basis of a disorderly mess of unsworn and largely false testimony of a few malcontents (many of them discredited by previously illegal practices), covering only eight out of 288 subdivisions of the code, and arrived at sweeping conclusions upon the entire code founded on obvious ignorance of the code, of the industry and the law.

"The detailed analysis of the board's action shows conclusively that the investigation was carried on with utter disregard for fair play and that the conclusions of the board are unworthy of the slightest consideration."

Declaring that anyone "adequately informed concerning the industry" could learn without difficulty that the code is of incalculable benefit to small enterprises, Richberg asserted that "a return to the 'savage, wolfish' competition advocated by the board" would mean simply an enlargement of monopolistic power sanctioned by law.

### Refused to Hear Facts

"The refusal of the board even to receive correct information is shown in its rejection of the brief filed by seven producing-distributing companies," he concluded. "The board specifically agreed to the presentation of testimony through this brief—since all other testimony was unsworn—and then disregarded it on the announced basis that since these major producers—distributors 'could have appeared and testified' their brief should not be given serious consideration.

"Thus, by giving no attention to the vast files of information of the NRA, or the principal testimony offered in support of the code, and by refusing to listen to the exceptionally well-informed deputy administrator, the board was able to arrive at findings contrary to fact and conclusions contrary to any intelligent opinion."

Analysis of the board's report by Division Administrator Sol A. Rosenblatt goes into every detail of the development of the code and the hearings before the Darrow group.

"If the report of the National Recovery Review Board is intended to be a mere expression of opinion concerning the motion picture code, the members who signed it are entitled to their opinion," he declares in his opening statement.

"If the report is intended to be a conclusion based on testimony and findings of fact, it can be easily demonstrated that it is wholly unwarranted, unjust, prejudiced and ignorantly contrived."

### Reviews Report

The report is composed of three parts, it is pointed out, the first a formal legal conclusion that the code is designed to promote monopolies and oppress small enterprise, which is unsupported by any factual basis, and the second a number of recommendations which are "unscientific, inaccurate, unfair and inequitable" and frequently based on "flagrant misconceptions" of the provisions of the code and many of them "founded in the biased views" of the board unsupported by a scintilla of evidence in the record.

"The third is the acceptance by the board of the malicious, previously disproven, and slanderous attacks upon the deputy administrator, and a recommendation that he be removed. The report itself does not even pretend to justify this recommendation, which is totally unsupported by even the slightest proof of any kind and is based solely upon the vicious mouthings, innuendoes and conjecture of a few disgruntled and disappointed enemies of the National Industrial Recovery Act and particularly of the motion picture code."

### Outlines Negotiations

Outlining the long negotiations leading up to the code, Rosenblatt declares the document to be "the fruition of profound study, limitless patience, tolerant sacrifices by the respective groups of some of their previously unyielding positions."

On the other hand, the hearing before the review board "was not even a 'star chamber' proceeding," he asserts. "It was no proceeding at all. The statements of a few discredited and disgruntled witnesses, some of whom have been found guilty by the Supreme Court of New York of being violators of the code provisions with respect to labor, and who, it will be demonstrated later, brazingly misstated facts, constitute the basis of the report.

"None but complaining witnesses were heard, and of 7,500 theatre operators in this country only 15 appeared before the board to give unsworn statements.

"Throughout the hearings before the National Recovery Review Board, counsel for an exhibitor association which had from the first instant insisted that the NIRA did not apply to its members and which has attacked the NRA in the courts and which has used every despicable means to obstruct and sabotage the President's program, sat beside counsel for the National Recovery Review Board and virtually engineered the entire proceedings. It was he who urged and probably wrote the recommendations for changes in the code—recommendations, many of which after careful consideration had been rejected by independent exhibitors themselves.

### Statements Held False

"Flagrant misstatements of fact were anxiously devoured by the review board, ex-parte accusations were accepted as the solemn truth despite volumes of testimony at hand to disprove them. Prejudice and factionalism were poured into the ears of the board and were accepted in lieu of the impartial findings of months of investigation made by the National Recovery Administration on the same subjects."

Reciting the conferences between the acting chairman of the code authority and Counsel Lowell Mason of the board, which led to an agreement that a statement was to be filed in lieu of personal appearances of Code Authority members, Rosenblatt revealed that immediately upon the filing of the statement "and in violation of the arrangement" the board held that it would not be considered as evidence but would be treated merely as a demurrer.

### Complainants Unchallenged

"In other words," Rosenblatt comments, "the statements of complaining witnesses were to be deemed to be true and uncontradicted despite positive, incontrovertible evidence in the answering statement that representations of fact made by these witnesses were absolutely false."

Citing the report itself, Rosenblatt declares it is admitted that a great majority of the code provisions are in favor of the exhibitors, takes no issue with statements that the testimony of witnesses was misleading and false, and does not question the accuracy of statements of the number of claims for breach of contract filed against the complaining exhibitors, but comments only that "this information is obviously put in for the purpose of discrediting the testimony of these witnesses."

"So it was," the division administrator asserts. "And one would imagine that the National Recovery Review Board would be interested in discovering that its witnesses had been discredited."

Reviewing the testimony submitted during the hearings, Rosenblatt cites various statements of witnesses that they could not get product and asserts that such was not the case, giving the number of pictures they had contracted for with the various companies at the time of their statements. He also charged that many of the witnesses were known as violators of contracts, that others had been prosecuted for attempting to violate the code and that others had been named in various court proceedings.

The recommendations of the Darrow report are discussed at length, the actual effect of the provisions under scrutiny is explained and the reasons and conditions leading to their adoption outlined.

The make-up of the code authority is defended, and the board is charged with "irresponsibility" in making a blanket charge, without any support, that several of the authority members are flying false colors. The method of selecting members of boards is outlined and argument presented to show the industry as a whole does not feel that any injustice exists.

### Hits at Recommendations

With respect to the recommendation that Government representatives be given a vote, it is pointed out that this is contrary to the President's desire that the Government should not actually run business and, further, would result in the administrator being obliged possibly to overrule his own representatives.

The existing provision on shorts protects the exhibitor adequately, it is declared, and represents a con-

(Continued on page 11)

## Rosenblatt Is Defended by Administrator

### *From Johnson to Darrow*

**Washington, May 20.—Defending the machinery and the deliberations which led to formulation of the film code, Administrator Hugh S. Johnson, in typical "cracking 'em down" language, tonight charged in his reply that the findings of the National Recovery Review Board were predicated on the following:**

**"1.—Flagrant misinterpretations of the provisions of the code.**

**"2.—False unsworn statements of a few discredited complaining witnesses.**

**"3.—Misstatement and deliberate evasion of rulings made by the courts.**

**"4.—Bias and prejudice of the board's members resulting from an ex parte hearing or from preconceived notions.**

**"5—Sympathy for the 'chiseler' and 'kicker,' who for selfish reasons seeks to destroy the National Recovery Program.**

**"6.—Anticipated fears and forebodings actually disproven by past and present conduct.**

**"7.—Ludicrous counter-proposals which are completely oblivious to the reality of the situation."**

# Price-Fixing and Dual Bans Hit

## Seeks Virtual Rewriting for Industry Code

(*Continued from page 1*)

a minority report by John F. Sinclair, former vice-chairman of the board, in which no codes are discussed individually, criticizing the manner in which the majority of the board operated and recommending establishment of permanent review boards.

All of the recommendations outlined in MOTION PICTURE DAILY May 17 are contained in the Darrow report as released by the White House.

Nearly 15,000 words are required by the board to give its opinion of and recommendations for the film code. Division Administrator Sol A. Rosenblatt's reply runs about 17,000 words.

"Monopolistic practices in this industry are bold and aggressive and its small enterprise is cruelly oppressed," the board report declares in its opening statement on the film code.

"It appears that the code for this industry was made by representatives of the large producing companies. It contained, with other unusual and unjust features, provisions that named the members of Code Authority to administer the code and other provisions to make the authority so constituted self-perpetuating. In case of the retirement of any member, he is to designate his successor, subject to the approval of the rest of the authority, or failing to do so, the authority is to name the successor. The authority consists of 10 members, of whom eight are shown to be directly or indirectly connected with the eight large companies."

### Charges Are Reviewed

Briefly reviewing the many charges filed against the code, the report declares "the chief complaints of maladministration" for the benefit of the large producers and distributors and against the smaller enterprises to be:

"That they, although constituting numerically much the greater part of the industry, were not allowed to share in the making of the code.

"Unfair practices, in that the large producers and distributors insist independent exhibitors shall buy also a certain number of what are called 'short subjects' (meaning short reels) and of newsreels in order to obtain the great and vital feature pictures from which profits are mostly derived. It was averred that some of these independent theatres have in this way been forced to buy and store away more 'short subjects' and newsreels than they could show in a year. They must pay for them, nevertheless, whether they exhibit them or not. By this practice also, small producers that produce only 'short subjects' and newsreels are put at a disadvantage.

"The large producers require a large percentage of the gross receipts, sometimes 35 per cent or more, for the use of popular pictures and then dictate the days upon which they are to be shown. In the business generally, Saturday, Sunday and holidays are the best days, but it was pointed out that this arrangement deprives the independent theatre of any control over its pictures, as the large producer dictates the day the picture is to be shown, whereas it may not be suitable for certain localities upon such days.

"The theatre owner is deprived of any choice in the presentation of pictures, since he must show what is allotted to him. This works in practice to shut from the theatres, the pictures of other than the large producers, since they can choose all the best days for themselves.

"The code gives to the distributors (generally the Big Eight) the right to fix admission prices through the provision that allows them to insist upon a minimum admission price for their own pictures. It was brought out that such a control might cause to a theatre the loss of a large part of its clentele through resentment against what would be deemed an unjustifiable advance in prices while the theatre owner would be powerless to meet such an attack.

"That the large distributors are allowed to insert into their contracts with the theatres, provisions that are not authorized by the code, and are detrimental to the independent theatres. These extra-legal provisions, it was set forth, were often in the shape of an agreement against the showing of two feature pictures on the same program. The courts have held this stipulation to be unfair. In practice, it deprives the independent theatre of one means to meet the competition of the affiliated theatres, which are the theatres affiliated with or controlled by the Big Eight.

### Says Boards Are "Controlled"

"The code set up boards to classify theatres in the order in which they can have the use of popular and desirable pictures, and these boards, it is averred, are controlled by or in the interest of the large producers and distributors. The result is that in many instances independent theatres can not get the popular pictures until their competitors have largely exhausted the drawing power therein."

Declaring that it "attempts to discredit the testimony of these various independent exhibitors" and that the major producer-distributors knew of the hearing before the board and could have appeared and testified had they so desired, the board declares the belief that the so-called Bareford brief should not be "given serious consideration, particularly in view of the nature of many of the statements made therein."

Getting into a detailed consideration of the code, the board charges that it "is designed to eliminate and oppress small enterprises engaged in the motion picture industry, and tends to discriminate against them."

"The code, as at present drawn, is designed to promote a monopoly in the motion picture industry in behalf of the large producers and distributors, which have been referred to in the hearings before this board as the 'Big Eight,'" it is declared.

"It is the opinion of this board that if the code is not changed in many parts that the small independent theatre owner and operator in this country will be either forced out of business entirely, or his business will be so dominated and controlled by the large producers, distributors and affiliated theatre owners that he will only be able to conduct his business in the way and manner prescribed and desired by these large interests."

During the drafting of the code, it is charged, the various versions of the document were prepared by Rosenblatt and submitted to the several committees of the industry and committees representing independent interests were not consulted. Few of the suggestions made by independent exhibitors were adopted, and they had little, if any, influence in drafting the code.

"It would appear from the testimony before this board that the deputy administrator may be prejudiced against the independent exhibitors," the report continued.

### Calls Rosenblatt Defiant

Pointing out that Rosenblatt was present at the first hearing and was requested to testify but refused to do so, and charging that he had failed to turn over his files as requested, but instead offered "to bring over any specific thing asked for," the board holds that "because of the defiance by the Deputy Administrator of this board, and because of testimony to the effect that he is prejudiced against independent producers, distributors and exhibitors in the industry, this board recommends that the deputy administrator in charge of the motion picture code be removed from all connection with the motion picture code and another deputy administrator appointed."

Discussing the various sections of the code complained of, the report criticizes the Code Authority as a "self perpetuating" body dominated by the majors, only two members of which are not connected in some way with the affiliated group and properly classified as really independent. The appointment of Government representatives without vote is seen as useless "as they will have absolutely no power to in any effective way influence the action of Code Authority. The power of Code Authority to appoint committees also is criticized.

Forcing of shorts is declared to impose an undue burden upon exhibitors and it is held the exhibitor should have the right to buy such number of shorts and newsreels as he desires and needs and should have the right to make a selection from those offered him.

Fixing of playdates also should be eliminated as exacting an undue amount from the exhibitor showing pictures on percentage and as taking from him all voice in the programs to be shown on the most profitable days of the week and taking control of the operation of the theatre out of the hands of the owner and putting it in the hands of the distributor. It is also unfair to the independent distributor since it preempts the preferred playing time for the majors. "The provision appears to be one solely in favor of the producers and distributors, and in the opinion of this board is unfair to the small independent exhibitor," it is commented.

### Hits Price Controls

Admission-price fixing by distributors also is assailed as taking control of the theatre from the owner and as "alienating many of his patrons who would object to paying an increased price over the ordinary scale of admission to see a successful picture."

Powers of grievance boards to order a boycott of exhibitors are attacked as an authority which "should not be given to any industry board, and certainly not a board made up of business competitors."

The privilege granted distributors to incorporate provisions in the standard license agreement is declared to work "a grave injustice" upon exhibitors by allowing the major distributors to insert provisions covering practices not touched upon in the code. Specific reference is here made to the "double feature" prohibition, the tendency of which has been to drive out of business in Chicago and

(*Continued on page 12*)

## 'Little Fellow' Unprotected, It Is Charged

## *Avers Majors Dictated Code*

**Washington, May 20.—Highlights of the National Recovery Review Board's findings, in addition to urging the removal of Division Administrator Sol A. Rosenblatt, follow:**

**(1)—Code provisions were dictated by major producers. Code Authority is criticized as a "self-perpetuating" body.**

**(2)—Forcing of shorts, naming playdates and high percentages are condemned.**

**(3)—Price fixing by contract and anti-dual contract provisions are assailed.**

**(4)—Grievance boards should be retained with full power to make decisions and no new evidence should be presented to Code Authority later.**

**(5)—Clearance and zoning boards should be retained, but their decisions should be final.**

**(6)—Block booking problems should be solved "speedily."**

# TWO IN A ROW FRO

## PREVIEWED THURSDAY, APRIL 26.

## 'THIRTY DAY PRINCESS' AN EXCITING, AMUSING COMEDY

VARIETY

### Thirty Day Princess

B. P. Schulberg production for Paramount release. Directed by Marion Gering. Original, Clarence Budington Kelland. Screen play, Preston Sturges and Frank Partos. Adaptation, Sam Hellman and Edwin Justus Mayer. Art directors, Hans Dreier and Bill Ihnen. Photographer, Leon Shamroy. Cast: Sylvia Sidney, Cary Grant, Edward Arnold, Henry Stephenson, Vince Barnett, Edgar Norton, Ray Walker, Lucien Littlefield, Robert McWade, George Baxter, Marguerite Namara. Previewed at the Alexander, Glendale, April 26. Running time, 75 mins

Thirty Day Princess, an amusing variant of the royalty and commoner theme, is of that whimsical comedy type with farcical emphasis which may be counted on to stimulate the box office over wide territory

Story is ideally suited to Sylvia Sidney's talents With Cary Grant agreeably playing opposite and supported by an exceptionally well selected cast Miss Sidney's following will be amply satisfied with her dual role as the princess and the American ingenue actress who impersonates her

Light fantastic plot deals with the machinations of an American banker Edward Arnold, and the king of a mythical country to float a bond issue and to use a hungry little actress to double for the crown princess as an exploitation 'front' when the regal femme contracts a case of mumps upon her arrival in the U S A

Cary Grant puts conviction and zest into his romantic part, while Edward Arnold gives the banker character excellent proportion Henry Stevenson plays the king very humanly a bewildered baron in the regal entourage is well handled by Edgar Norton, Robert McWade clicks as a cynical wise cracking managing editor, and Vince Barnett develops a fresh comedy character for a farcical standout as the yokel count who considers himself affianced to the princess Others are sharply played bits

Marion Gering's direction is smartly pitched for laughs and amusing character relations, with here and there a fine bit of relieving pathos The five writers who share credit for the yarn, adaptation and screen play—Clarence Budington Kelland, Sam Hellman and Edwin Justus Mayer Preston Sturges and Frank Partos — give the direction and playing a fine structural and dialog underpinning

Photography is exceptionally good, and the art direction and mounting are class

Hollywood REPORTER

### Sidney, Grant and Gering High Spots

**"THIRTY DAY PRINCESS"**

**(Paramount)**

Direction .....Marion Gering
Author.....Clarence Budington Kelland
Screen Play .....Preston Sturges and Frank Partos
Adaptation. .....Sam Hellman and Edwin Justus Mayer
Art Direction. .....Hans Dreier and Bill Ihnen
Photography .....Leon Shamroy
Cast. Sylvia Sidney, Cary Grant, Edward Arnold, Henry Stephenson, Vince Barnett, Edgar Norton, Ray Walker, Lucien Littlefield, Robert McWade, George Baxter, Marguerite Namara.

Even with the impressive list of good mythical kingdom pictures for competition, Paramount's "Thirty Day Princess" makes a swell showing

It is a lovely bit of hokum—unbelievable, exciting, romantic and gay. Its fantastic plot is embellished with dialogue that is witty, impudent and meaty, and with acting that is hyper and with direction that is super.

Occasionally the film verges on the satirical, but throughout it never loses its sense of humor or its spirit of good, honest fun

Miss Sidney is very, very charming as the Princess, and very, very funny as the little actress. Cary Grant has never put more genuine spirit and vitality into a part than he does here. Arnold is good as the banker, Henry Stephenson is the King of Taronia, Vince Barnett is extremely amusing as the Princess' dumb fiance, Edgar Norton is well cast as the prime minister, Lucien Littlefield is amusing, as is Robert McWade, and Ray Walker, George Baxter and Marguerite Namara contribute a lot to the picture in smaller roles

Marion Gering directed cleverly and with a keen sense of comedy, Preston Sturges and Frank Partos wrote the screen play, based on a Clarence Budington Kelland story, and Sam Hellman and Edwin Justus Mayer made the totally amusing adaptation. Art direction by Hans Dreier and Bill Ihnen is notable, and Leon Shamroy's photography is artistically outstanding

No exhibitor in any town in the country will have difficulty selling this picture to his patrons It is squawk-proof, and will make any audience happy

MOTION PICTURE DAILY

### "Thirty Day Princess"

*(Schulberg-Paramount)*

HOLLYWOOD, April 26.—Rarely has the Cinderella formula failed, nor does it in the case of "Thirty Day Princess," in which Sylvia Sidney takes all possible advantage of a light role and kicks in with the best performance in the best picture she has done in many moons.

What goes on here whirls around the flotation of a fifty million dollar loan for one of those tucked away, miniature kingdoms, called Taronia this time. To put on the necessary show, Miss Sidney goes to America, contracts the mumps and almost wrecks the national ballyhoo deemed necessary to stimulate the American public into a bond buying orgy. Her double, also played by Miss Sydney, is dug up from somewhere in the American scene and a pleasant subterfuge is carried on. Complications threaten exposure, and finally love comes to the thirty day princess with Cary Grant at the receiving and delivering end.

Charming treatment aimed at, and successful in striking a high comedy note, plus excellent performances by all hands, place this attraction high on the list of releases just in the offing. The picture is not big in concept, but is wholesome, frothy entertainment of the kind that may not break records, but which will do generally gratifying business up and down the land. K.

## B. P. SCHULBE

*Built for B*

*Not for*

*But Still*

# "THIRTY DAY PRINCESS"

# B. P. SCHULBERG!

## PREVIEWED FRIDAY, APRIL 27.

## 'MISS MARKER' CERTAIN HIT

MOTION PICTURE DAILY

### "Little Miss Marker"

*(B. P. Schulberg-Paramount)*

HOLLYWOOD, April 29.—Chalk up a box-office bullseye for B. P. Schulberg's "Little Miss Marker," adapted from Damon Runyon's story. Packed with human interest, tenderly sentimental, sparkling with topical comedy, capitalizing on dramatic suspense, the production, motivated by colorful dialogue, zooms Shirley Temple to stardom.

The yarn rotates around Runyon, racetrack and Lindy Cafe characters. Adolphe Menjou, sorrowful, gets Miss Temple for a bad I. O. U. The baby knows only King Arthur legends and draws Menjou and Claudia Dell together, upsetting the menacing Charles Bickford romance. A slangy, tough gang is horrified as the child takes on its manners and speech, and masquerades as medieval knights to make her dreams come true. Miss Temple, hurt in a fall from a horse as Bickford busts up a party, is saved from death by his blood transfusion, making the villain a hero and clearing the way for a Menjou-Dell wedding and the child's adoption.

Menjou and Miss Dell are outstanding. Bickford is convincing as the menace to the child. Lyman Overman, Tammany Young, Sam Hardy, Warren Hymer and John Kelly excel in comedy contrast.

It is a natural for first runs. The picture, teeming with personality and production story values, also is a strong family attraction for recreating children interest. Alexander Hall directed with sympathetic understanding from a screen play by William Lipman, Sam Hellman and Gladys Lehman.

Hollywood REPORTER

### Cast, Direction, Story All Score

**"LITTLE MISS MARKER"**
**(Paramount)**

Direction .....Alexander Hall
Original .....Damon Runyon
Screen Play: William R. Lipman, Sam Hellman, Gladys Lehman.
Music and Lyrics.....Ralph Rainger and Leo Robin
Photography .....Alfred Gilks
Cast: Adolphe Menjou, Dorothy Dell, Charles Bickford, Shirley Temple, Lynne Overman, Frank McGlynn Sr., Jack Sheehan, Cary Owen, Puggy White, Sleep 'n Eat, Tammany Young, Sam Hardy, Edward Earle, John Kelly, Warren Hymer.

Here is a large helping of sentimentality, served with a lavish hand. Based upon the same formula, in fact, by the same original author, Damon Runyon, it should appeal to the same audiences that laughed and cried at "Lady for a Day." And you know what that means to the box-office. This is the second B. P. Schulberg production on successive evenings and the second hit.

That amazing four-year-old, Shirley Temple, delivers a truly astounding performance.

It is to the distinct credit of the adult members of the cast that they were not all merely feeders for Shirley. Adolphe Menjou, stripped of every familiar mannerism, contributes probably his finest characterization as the bookie Dorothy Dell looks better and better with each picture. Her screen success is assured. Charles Bickford plays a gangster with his usual assurance, and Lynne Overman scores heavily with every line. The others all have their moments, and all good, with Warren Hymer and John Kelly particularly outstanding as nursemaids, nee prizefighters.

The screen play by William Lipman, Sam Hellman and Gladys Lehman, contains some fine dialogue, and Alexander Hall's direction does not miss a trick. Several times obvious situations threaten, only to be avoided by a deft twist. Camera work by Alfred Gilks excellent.

Your campaign will have to explain the title, which should not be difficult. Once explained, it will intrigue and the rest is clear sailing. "Little Miss Marker" is sure-fire sentiment.

VARIETY

### Little Miss Marker

**B. P. Schulberg production for Paramount release. Directed by Alexander Hall. from original by Damon Runyon. Screen play, William R. Lipman, Sam Hellman, Gladys Lehman. Music, Ralph Rainger. Lyrics, Leon Robin. Camera, Alfred Gilks. Cast: Adolphe Menjou, Dorothy Dell, Charles Bickford, Shirley Temple, Lynne Overman, Frank McGlynn, Sr., Jack Sheehan, Gary Owen, Sleep 'N Eat, Puggy White, Tammany Young, Sam Hardy, Edward Earle, John Kelly, Warren Hymer. Previewed April 26, Alexander, Glendale. Running time, 75 mins.**

'Little Miss Marker' goes a long way in catapulting Shirley Temple to stardom as the four-year-old actress gives a freshness and poignancy to the yarn that is bound to pull them in at all houses. She speaks without hesitancy in argot either of racetrack touts or elves.

In the story, really suited to the little actress, her chief helpmate is Adolphe Menjou, who does a hard, wizened characterization of a race track bookie. Yarn concerns the exploits of the child left by her father as collateral on a bad bet. The father kills himself, and the bookie, with the youngster on his hands, is forced to seek aid from Dorothy Dell, a cabaret torcher and girl friend of Charles Bickford, horse owner.

The romantic theme of the story is spiraled around the three adults, with Shirley Temple pulling the wisecracking strings. Her childish simplicity breaks down the harsh manners of the trio, and finally brings Dorothy Dell and Adolphe Menjou together.

Authors of the screen play, William R. Lipman, Sam Hellman and Gladys Lehman have kept a sufficiency of Damon Runyon's original wisecracking language to make the dialog unusually marked. Characterization of Shirley Temple is spaced for laugh getters, but yet is filled at times with pathos.

Lynne Overman plays the part of a track cashier and the conscience-burdened gambler with finesse. Sam Hardy, as Benny the Gouge, member of the gambling circle, John Kelly and Warren Hymer give good characterizations. Others are bits.

Alexander Hall's direction is smartly welded, and the photography by Alfred Gilks is satisfactory.

# PRODUCTIONS

*fice Returns*

*al Praise*

*ng Both!*

# "LITTLE MISS MARKER"

# 5 PICTURE STEALERS

## UNDER PERSONAL CONTRACT TO B.P. SCHULBERG—

For information as to availability phone Business Management Corp., CR-4184.

## • EDWARD ARNOLD •

### "FORCEFUL"— "VIRILE"— "VERSATILE"

"Edward Arnold . . . all but 'wraps the picture up and walks away with it.' (Sadie McKee.) He is the drunken, party-loving millionaire who marries Joan (Crawford) in a moment of sentimental bibbing, only later to love her deeply and lose her. Arnold's drunken screen moments are classics, and the scenes in which they occur are the comedy highlights of the picture, but he matches his own comedy talents with equally swell dramatic ability in later scenes."—**Hollywood Reporter.**

"Edward Arnold, as the playboy stew, wraps the picture up and carries it out the door."—**Daily Variety.**

## • JACQUELINE WELLS •

### WAMPAS BABY STAR OF 1934—
### "LOVELY"— "ATTRACTIVE"— "TALENTED"

"Jacqueline Wells is so lovely."—Grace Kingsley in **Los Angeles Times.**

". . . Attractive young Jacqueline Wells . . ."—Jerry Hoffman in **Los Angeles Examiner.**

"Jacqueline Wells is attractive."—Mordaunt Hall in **New York Times.**

"Jacqueline Wells has a sweet singing voice."—**Hollywood Reporter.**

## • RAY WALKER •

### "FUNNY"— "LIKEABLE"— "PEPPY"

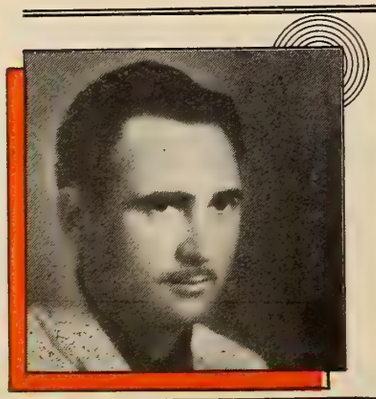
"If a composite photograph were made of Jack Oakie, Lee Tracy, Spencer Tracy and James Cagney, the resultant likeness would have a pronounced resemblance to Ray Walker. I do not mean by these statements to indicate that Walker is a paragon of all the movie virtues, or, contrariwise, that he has no personality of his own. I mean only that he appears to be an unusually valuable handy man to have about the studio—an actor who seems capable of enacting almost any kind of a role, and one who ought to be reckoned with in prognostications of who is going to be who in the movies in the days to come."—**Hollywood Citizen-News.**

## • JEAN CHATBURN •

### 'THE INGENUE FIND' OF THE YEAR!

**NEWS STORY**

"UNUSUAL BEAUTY AND BRAINS combined brought film triumph to Jean Chatburn yesterday, when she was given a featured player's seven-year contract by B. P. Schulberg, independent producer at the Paramount studios."—**Los Angeles Illustrated Daily News.**



## • LEON SHAMROY A.S.C.

### "ARTISTIC"— "DEPENDABLE"— "ECONOMICAL"

"Leon Shamroy's photography is a lesson in that art." (Good Dame)—**Hollywood Reporter.**

"Camera is well handled." (Good Dame)—**Daily Variety.**

"Leon Shamroy has delivered a most satisfactory job from behind the camera." (Three Cornered Moon)—**Hollywood Herald.**

"Photography is exceptionally good." (Thirty Day Princess) — **Daily Variety.**

"Leon Shamroy's photography is artistically outstanding." (Thirty Day Princess)—**Hollywood Reporter.**

# MARION GERING

## DIRECTED

# "THIRTY DAY PRINCESS"

"Comedy entertainment, through which runs a unique and exciting romantic theme, is the predominating audience and showmanship value of this picture. Big enough from a story, production and cast viewpoint, necessary for first run quality, it is also full of that natural clever humanness that makes for popular all-family attractions."

*Motion Picture Herald*

"CHARMING TREATMENT AIMED AT, AND SUCCESSFUL IN STRIKING A HIGH COMEDY NOTE . . . PLACE THIS ATTRACTION HIGH ON THE LIST OF RELEASES JUST IN THE OFFING."

*Motion Picture Daily*

"MARION GERING'S DIRECTION IS SMARTLY PITCHED FOR LAUGHS AND AMUSING CHARACTER RELATIONS, WITH HERE AND THERE A FINE BIT OF RELIEVING PATHOS."

*Daily Variety*

"ITS FANTASTIC PLOT IS EMBELLISHED WITH . . . ACTING THAT IS HYPER AND DIRECTION THAT IS SUPER . . . "

*Hollywood Reporter*

## a B. P. SCHULBERG PRODUCTION

PARAMOUNT PICTURE

# How Darrow Would Change Code

## Favors Group To Consider Right to Buy

(Continued from page 1)

tors, and neither of them shall be members of the Motion Picture Producers and Distributors of America, Inc. The unaffiliated exhibitor members of the Code Authority shall not be officers, members or representatives of any trade association supported in whole or in part by affiliated producers, distributors, or theatres, The Government representatives on the Code Authority shall not have any direct, personal interest in any branch of the motion picture industry, nor represent any interest adverse to the interest of those engaged therein. The members of the Code Authority representing the affiliated and unaffiliated Producers, Distributors and Exhibitors shall be appointed by the President from lists of names recommended by the two respective divisions of the industry which they represent.

**Matter of Representation**

"(b) As and when any question directly or indirectly affecting any class of employees engaged in the motion picture industry is to be considered by the Code Authority, one representative of such class, selected by the Administrator from nominations made by such class in such manner as may be prescribed by the Administrator, shall sit with and become for such purpose a member of the Code Authority with a right to vote.

"(c) At the same time that the members of the Code Authority are selected, an alternate for each member from the same general class of the industry as provided for the original member shall be designated by the President from the list of names suggested by the unaffiliated and non-affiliated Producers, Distributors and Exhibitors, and such alternate shall sit temporarily in the case of absence or incapacity of such member. In the event any member of the Code Authority resigns, or is found to be ineligible to serve as a member of the Code Authority, the President shall appoint another member in his place in the same manner as provided for the appointment of original members of the Code Authority in subsection (a) herein.

"(d) No employer in the industry shall have more than one representative at any time upon the Code Authority.

"(e) A vacancy in the Code Authority subject to being filled in the same manner as above provided in subsection (a) of this Section shall exist when any member shall cease to be a bona fide executive or a bona fide exhibitor.

"3. The Code Authority may make such rules as to meetings and other procedural matters as it may from time to time determine.

**Asks Committees**

"4. The Code Authority may from time to time appoint committees which may include or be constituted of persons other than members of the Code Authority as it shall deem necessary to effectuate the purposes of this Code, and may delegate to any such committee generally or in particular instances any power and authority within the scope of the powers granted to the Code Authority under this Code, provided that the Code Authority shall not be relieved of its responsibility and duties hereunder. Provided, however, that in the membership of any such committee the Code Authority shall maintain the same ratio of representation between the affiliated and unaffiliated Producers, Distributors and Exhibitors, and the Government representatives, as is provided for in subsection (a) herein for membership on the Code Authority. The Code Authority shall coordinate the duties of the committees with a view to promoting joint and harmonious action upon matters of common interest. Any action taken by any such committees shall be reviewed by the Code Authority.

**Formula on Data**

"5. (a) The Code Authority shall be empowered to collect from the members of the industry all data and statistics required by the President, or reasonably pertinent to the effectuation of Title I of the National Industrial Recovery Act, to compile the same and disseminate without individual identification among the members of the industry summaries thereof, all in such form and manner as the Code Authority or the Administrator shall prescribe. No such statistics, data and information of any one member of the industry shall be revealed to any other member. The dissemination of summaries of such information shall not be deemed a disclosure thereof. In addition to information required to be submitted to the Code Authority, there shall be furnished to Government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

"(b) The Code Authority shall have the right to make independent investigations of violations or alleged violations of the Code by any branch of the industry or by any person, firm, or corporation engaged in any branch of the industry.

"6. The Code Authority shall assist the Administrator in administering the provisions of this Code, in making investigations as to the functioning or observance of any of the provisions of this Code at its own instance or on the complaint of any person engaged in the industry, and shall report to the Administrator on any such matters. The Code Authority may initiate and consider such recommendations and regulations and interpretations, including those pertaining to trade practices, as may come before it.

**Additional Rules**

"7. The Code Authority, after notice and hearing, may prescribe additional rules governing the conduct of Producers, Distributors and Exhibitors among themselves and with each other and with their employees, which rules shall be submitted to the Administrator and if approved by the President after such notice and hearing as he shall deem proper, shall constitute rules of fair practice for the industry, and any violation thereof shall constitute a violation of this Code.

"8. The Code Authority shall, to such extent and in such manner as may seem most useful, utilize the facilities of national, regional and local trade associations, groups, institutes, boards and organizations in the industry.

"9. No member of the Code Authority shall sit on any matter involving his company's or his own interest directly and not as a class. In such case, the Code Authority, including such ineligible member, shall designate an alternate of the same general class not connected with the company or theatre of the ineligible member ti sit in his place.

"10. (a) The Code Authority shall have the right to appoint, remove, and fix the compensation of all persons whom it may employ to assist it in any capacity whatsoever in administering this Code.

"(b) The expense of the Code Authority in administering this Code shall be budgeted and fairly allocated among the three divisions of the industry and assessed against the respective members thereof who accept the benefits of the activities of the Code Authority or otherwise assent to this Code, in such manner as shall be determined by the Code Authority.

"(c) Any person who shall fail to promptly pay any assessment or levy made pursuant to an order of the Code Authority as an expense in administering this Code shall not be entitled to file any complaint under any ARTICLE or PART thereof."

### *Maybe It's Spinach*

**Washington, May 20.—Clarence Darrow, who authored the Review Board report, is a passionate lover of spinach. Daily he has lugged his own in the cafeteria of the hotel where he resides in the capital. If what the dieticians say about spinach is correct, some assert this must explain the punch he has put into his criticism of the NRA.**

## Wants Campi Of 15 With All to Vote

Article V, Section D, Part 5: Strike out the present provision and substitute:

"No Distributor shall require as a condition of entering into a contract for the licensing of the exhibition of motion pictures that the Exhibitor contract also for the licensing of short subjects and news reels. Any violation of this Part shall be deemed to be an unfair trade practice."

Article V, Section D, Part 9: Strike out the present provision and substitute:

"No Distributor shall require any specific day or days of the week for the exhibition of specific pictures or class of pictures by Exhibitors."

Article V, Section E, Part 3, Section 1: Eliminate proviso (b) of first sentence and all of second sentence, and add a new sentence:

**Scales Unaffected**

"This Section shall not be deemed to prohibit Exhibitors from reducing or increasing their admission scales as they see fit."

Article V, Section E, Part 3, Section 3: Eliminate entirely.

Article V, Section F, Part 1: Add:

"Provided, however, that such additional conditions or provisions shall not prohibit any exhibitor from contracting for the licensing of the exhibition at the same performance of any motion picture from any other Distributor."

Article V, Section F, Part 6, Line 4: Strike out "and the license fees of all thereof average not more than $250,000. [Ed. Note: The Code reads $250], change the words "ten percent" in line 6 to 15 percent"; strike out all of paragraphs (2) and (3) of Paragraph (b).

Article VI, Part 1, Section 2,: Strike out present provisions and substitute:

"Each such board shall consist of two representatives of Distributors, one of whom shall be a National Distributor with theatre affiliations, and one of whom shall be a distributor without theatre affiliations; two representatives of first-run theatres located in such territory, one of whom shall be an affiliated Exhibitor, if there be

(Continued on page 12)

### *Like a Novel*

**Washington, May 20.—The Darrow report, long awaited, and the reply by Administrator Hugh S. Johnson run to a total of 90,000 words.**

**One third dealt directly with the film industry and the film code.**

# Impartials Next to Get Alternates

(Continued from page 1)

that every board member has a substitute provided for him in the code. Second, in the event government representatives cannot attend meetings, these boards cannot vote. Hence disposition of cases is held up. Campi and the government do not want delays and insist on decisions as soon as possible.

With vacation time rolling around, many of the board members and impartial men will be out of town for one or more weeks. Without impartial substitutes, additional delays in handing down decisions would be encountered, it is felt.

Alternates will be designated by Rosenblatt as soon as he checks the recommendations submitted. When the division administrator was on the coast some time ago, Deputy Administrator William Farnsworth acted as temporary alternate at a Campi meeting.

## Campi Seeking to Smooth Complaints

(Continued from page 1)

withdraw code assents. Dissatisfaction from this territory has been expressed on several occasions, starting with the official appointments of board members. The Allied unit in that territory also has notified Campi of its dissatisfaction with the code a number of times.

While Code Authority looks upon the situation as a dispute between two exhibitor units, an investigation into the situation will nevertheless start this week.

Charles L. O'Reilly, president of the T.O.C.C. and a Campi member, leaves this week for Omaha to make a survey and he will report back to Code Authority at its May 31 session.

## *Code Comes First, Boards to Be Told*

Serving Code Authority is to be considered above all other jobs held by members of local clearance and zoning and grievance boards, Campi has resolved. The resolution was handed down as a result of many complaints from exchange managers on boards that they had their jobs first to look after before attending to code affairs.

Campi differs from this viewpoint in the following resolution, adopted at the last session:

"RESOLVED: That the interests of the nation and the industry shall be regarded by all members of local clearance and zoning boards and local grievance boards as the primal obligation of service subscribed to by each member upon the execution of the oath to fairly and impartially determine whatever issue is presented to such members, and it is further

"RESOLVED: That the executive secretary be and hereby is authorized to send a copy of this resolution to all members of local clearance and zoning boards and all local grievance boards."

# RKO Doubles Plan Stirs Los Angeles

Los Angeles, May 20.—RKO's decision to start the Hill Street on a double feature policy June 1 has aroused the ire of other downtown first run operators and has spread alarm generally among all exhibitors here working for the elimination of duals in the territory.

The action of the major circuit houses, coming at a time when 90 per cent of the local independent exhibitors have agreed to cooperate for the elimination of duals, is regarded by the anti-dual leaders as a setback which may nullify all the progress they have made to date.

Lou Halper, speaking for the Warner, first run house, said his company "is absolutely against duals, but if other downtown houses start the policy we will be forced to do likewise."

Robert Smith, manager of, and speaking for Loew's State, said his theatre "has nothing to fear from the Hill Street's new policy. As long as we show one good feature people will come here rather than patronize a house with two bad features."

The Paramount, the other downtown first run, declared some time ago that it had sufficient stage attractions to continue on a single feature policy until January.

## MPTOA to Ask Dual Bans in Contracts

(Continued from page 1)

distributors to force double featuring down the throats of theatre owners everywhere under the deceptive and cunning slogan of 'double features are a matter for individual decision of the exhibitor.'"

A brochure so describing double features was distributed among exhibitors recently by the Federation of the M. P. Industry, independent producers' and distributors' organization.

Kuykendall's message denies that the exhibitor competing with a double featuring house has any opportunity to exercise "individual decision," but is forced to follow suit on the policy in self defense. The message urges independent producers to make pictures "good enough to stand on their own" and points out that if duals are not banned major studios are equipped to turn out large numbers of pictures designed for dual programs.

## *End of Duals to Be Taken Up in Buffalo*

Elimination of duals in Buffalo will be discussed at the special meeting of the M.P.T.O. of Western New York next week, J. H. Michaels, president, stated prior to his departure for Buffalo.

While in New York late last week, Michaels said he came for the specific purpose of inviting Division Administrator Sol A. Rosenblatt and Executive Secretary John C. Flinn to speak on the code before the upstate exhibitors. Flinn stated on Saturday he had not been extended the invitation. He also said he was too busy with code matters to be able to get away at this time.

Rosenblatt will not attend, it was learned.

# Des Moines Seeks Price Clearances

Des Moines, May 20.—A tentative clearance schedule based on admission prices has been presented to the clearance and zoning board. The schedule was drawn up by independents at a series of meetings here and signed by A. J. Diebold, Cedar Rapids; Jake Cohen, Ottumwa, Ia.; Charles Carpentier, East Moline, Ill.; Leo Wolcott, Eldora, Ia., and Tom Brown, Iowa City, Ia.

No action has been taken by the board.

For first run pictures the committee suggested that theatres charging 40c admission or more, pictures become available seven days before release and 14 days thereafter; for 35c admission, the next 21 days; for 30c admission, the next 28 days; for 25c, the next 42 days; for 20c, the next 56 days; 15c, the next 70 days, and for 10c the next 77 days.

### Other Recommendations

The committee recommendation was that "the exchange must and shall make pictures available according to arrangements of admission prices in this schedule regardless of style or type of theatre."

"All pictures released to be established for the Des Moines territory on or before the 15th of the month for pictures to be released the following month," the proposal continued, "and the dates of picture releases are to be mailed each exhibitor by the exchange by the 15th of the preceding month."

Also the theatre owner shall participate by filing a statement with the secretary of the code board as to what his playing arrangements and admission prices are, the recommendation stated. Also, if admission prices are to be changed at any time, notice is to be made 30 days in advance to the secretary of the code board. The next clearance and zoning meeting is scheduled for May 29.

## *No Appeal Decision Made, Says Skouras*

Although reports were current Saturday Skouras Theatres Corp. would appeal the decision of the New York grievance board which recently ordered the circuit to turn over to the Embassy, Port Chester, N. Y., 22 pictures, Louis Weber, attorney for Skouras stated no decision has been reached.

Skouras last week told Motion Picture Daily he would acquiesce. He operates the Capitol, Port Chester.

## *Hickey Hits at Duals*

Portland, May 20.—Double billing is the greatest menace that ever has confronted the industry, George A. Hickey, western division representative of M-G-M, declares in Portland.

Hickey's territory includes the Pacific Coast states from Denver west, and he is in constant touch with exhibitors and distributors.

## *Call Campi Committees*

All committees appointed by Campi will meet before the next session of Code Authority May 31. A regular meeting schedule is to be instituted shortly for each committee.

# Criticisms of Code Assailed By Johnson

(Continued from page 4)

cession wrung from the distributors and producers only after long effort. Designation of playdates, it is pointed out, is permissible only under specific contract provisions, and the board's findings are declared "absurd."

The setting of minimum admissions has been held legal in the courts and the code provision was recommended by the exhibitor group itself. Double features are declared to be a matter primarily for settlement between the distributor and the exhibitor with whom he contracts; the cancellation provision grants "the greatest cancellation privilege ever afforded in the motion picture industry" and was intended particularly for the small operator, whose average license fee of a contract averages not more than $250.

"The report of the review board refers to this sum of $250 as $250,000," Rosenblatt points out. "That this is no mere typographical error is revealed by the fact that this sum of $250,000 is repeated three times.

"It is very possible that the board never even read the code provision. Certainly it never understood its simple language. If it did, it could not have made the error of assuming that the average license fees for all pictures are more than a quarter of a million dollars."

The board argues that clearance and zoning boards should not exist, and then concludes that they offer a possible solution to a troublesome question. On the next page of its report the board declares the board should be kept and then charges that they are "dominated by the distributor and first run exhibitor whose interests are the same." On the contrary, Rosenblatt points out, the distributor is a seller and the exhibitor is a buyer and their interests are diametrically opposed.

The "naive" suggestion that the boards be revamped to consist of one affiliated and one independent distributor, one affiliated and one independent first run and four unaffiliated subsequent run exhibitors, because the present make-up gives the majors domination, would, Rosenblatt points out, stack the boards just the other way. The same is true of the proposal for reorganization of the grievance boards.

## *Union to Wage Long Fight, Says Levey*

(Continued from page 1)

circuit representatives describing the strike as a "fizzle."

Levey said the local had been assured of financial assistance from the Building Service Employes International Union, the parent organization, in carrying out the strike. He said the local would concentrate on Brooklyn houses for the time being. While no additional service employes were called out of theatres over the week-end, Levey said the strike would be extended today to additional houses both here and in Brooklyn.

Circuit representatives reported no additional employes joined the strike over the week end.

# Favors Group To Consider Right to Buy

(*Continued from page* 10)

one, and one of whom shall be an unaffiliated Exhibitor; and four representatives of subsequent-run unaffiliated Exhibitors operating within such territory; and one person appointed by the Administrator who shall have no direct or indirect affiliation with any branch of the motion picture industry, who shall be regarded as the impartial representative of the Code Authority. Each member of such board shall have a vote. The Distributor representative shall be chosen by the representatives of the Distributors located in the territory; the affiliated theatre representatives shall be chosen by the representatives of the affiliated theatres located in the territory; and the unaffiliated theatre representatives shall be chosen by the unaffiliated Exhibitors located in the territory; and all such selections shall be certified to the Code Authority and the Administrator. There shall be a Chairman of each board, selected by a majority vote of the members of the board. Any vacancy in the board shall be filled from the class of members in which the vacancy occurred."

Article VI, Part 1, Section 3: Strike out "promptly after its creation and prior to January 1, 1934" in line 2 and substitute "within 60 days after its creation."

Article VI, Part 1, Section 4: Eliminate entire section.

Article VI, Part 1, Section 7: Strike out last sentence, beginning with words "Any party aggrieved" on line 11, subsection (a), and strike out all of (b).

Article VI, Part 1, Section 8 (a): Strike out, in lines 2 and 3, "and/or decisions of the Code Authority upon any appeal to it."

Article VI, Part 2, Section 1: Change "and" in line 4 to "or." In paragraph (d), first line, change "and" to "or."

### Hits Article VI

Article VI, Part 2, Section 4: Strike out section and substitute:

"All complaints and grievances of Exhibitors or Distributors concerning provisions of this Code, or otherwise, and not specifically designated to be heard or passed upon in the first instance by the Code Authority, or by arbitration, or by the local clearance and zoning board, shall be heard by the Local Grievance Board, and said board shall make findings of fact in regard to the complaints and grievances submitted to it. The Local Grievance Board upon the facts found shall make an award (a) dismissing the complaint, or (b) granting such local relief as the local board may deem proper. The Local Grievance Boards shall not have the power to award damages. All proceedings before the Local Grievance Board and before the Code Authority, in the event the action of the Local Grievance Board is appealed, shall be within the periods of time hereinafter prescribed in this Part."

Article VI, Part 2, Section 5: Eliminate entire section.

Article VI, Part 2, Section 6 (a): Eliminate present provision and substitute:

"There shall be established a Local Grievance Board in each exchange territory. Each of such boards shall consist of one representative of Distributors, either with theatre affiliations, or without theatre affiliations; and three representatives of Exhibitors, one of whom shall be an affiliated Exhibitor, if there be one, and two of whom shall be unaffiliated Exhibitors; and one person who shall have no direct or indirect affiliations with any branch of the motion picture industry, who shall be approved by the Administrator, and who shall be regarded as the impartial representative of the Code Authority. Each member of such board shall have a vote.

"The distributor representative shall be chosen by the representatives of the Distributors located in the territory; the affiliated Exhibitor representative shall be chosen by the representatives of the affiliated Exhibitors located in the territory, and the unaffiliated exhibitor representatives shall be chosen by the unaffiliated Exhibitors located in the territory; and all such selections shall be certified to the Code Authority and the Administrator.

### Chairman for Each Board

"There shall be a chairman of each board selected by a majority vote of the members of the board. Any vacancy in the board shall be filled from the class of members in which the vacancy occurred in the same manner as provided for the selection of the original members. No member of such board shall sit on any matter involving his own or his company's interest."

Article VI, Part 2, Section 7 (c): Strike out "and present additional evidence" in line 2; strike out "and considering the additional evidence" in line 4.

Article VI, Part 2, Section 8: Strike out present provision and substitute:

"The Code Authority shall cooperate with the Administrator in the furnishing of the NRA code insignia to all Producers, Distributors, and Exhibitors who assent to the Code in the manner prescribed by the Code Authority. The Code Authority also shall cooperate with the Administrator in investigating alleged violations of the Code by the possessors of the NRA code insignia to the end that the same may be withdrawn from any Producer, Distributor or Exhibitor violating the Code or any of the applicable provisions thereof. Evidence of assent to the Code shall be filed with the Code Authority within 30 days from the approval hereof."

Article VI, Part 3: Change "appointed" to "selected" in line 1.

Article VI, Part 4: Strike out "and the Code Authority shall fill the vacancy so caused by designating a representative of the same class" and substitute: "and the vacancy shall be filled by designating a representative from the same class in the manner herein provided for initial appointments."

Although block booking is not covered by the code, the board recommends the following:

"That a committee of nine members be appointed, the expense of organization and operation of which shall be borne by the Code Authority, to consider the questions of the 'right to buy films in free and open competition by exhibitors, and block booking'.

"The members of the committee shall be two representatives of producers and two representatives of distributors, to be chosen by the affiliated producer, distributor and exhibitor members of the Code Authority; and four independent theatre owners, to be chosen by the unaffiliated producer, distributor and exhibitor members of the Code Authority by unanimous vote, and in the event that such unanimous vote cannot be had within ten days, then said independent theatre owners shall be named by the chairman of the National Recovery Review Board. None of such independent theatre owners shall be in any way affiliated or connected with any producing or distributing company, and shall be independent theatre owners engaged in the exhibition branch of the motion picture industry. None of the independent theatre owners shall be officers or members of any association which receives support or aid from any producer or distributor; or a producer or distributor association. There shall be a chairman of the committee who shall be chosen by a majority vote of the above-described eight members of the committee, and who shall not have any direct personal interest in any branch of the motion picture industry. In the event that the eight members of the committee cannot agree upon a chairman within ten days, then the Chairman of the Federal Trade Commission shall name the chairman of the committee.

"The said committee shall study the questions of the right to buy films in free and open competition, and block booking, and shall submit a report to the Code Authority and the President of the United States, suggesting provisions to be included in the Code governing these two questions. Said report shall be submitted on or before August 1st, 1934, and shall be effective immediately upon approval by the President."

In the event the committee does not submit its report by Aug. 1, Article V, Section D, shall be amended by the addition of the following:

"Part 13. It shall be an unfair method of competition to deny to any exhibitor the right to buy in free and open competition whatever run or runs of pictures he requires for the operation of his theatre.

"Part 14. No distributor shall require as a condition of entering into a contract for the licensing of feature motion pictures that the exhibitor shall contract for or lease any feature pictures as a condition to the opportunity to lease all or a portion of the remaining feature pictures produced or distributed by said producer or distributor during any stated period of time."

# Admissions Must Go Up, Says Zukor

(*Continued from page* 1)

is low is erroneous. The public wants entertainment and willingly pays a higher price for good product. If the pictures are bad, it stays away regardless of the admission price.

"We need better product. That is the answer to the whole problem."

Commenting on code operations, Zukor declared the document has not been given a fair test as yet because the local boards have just swung into action. "But in a year or so we should know whether the code is working out to advantage," he added.

# *Virtual Rewriting For Code Sought*

(*Continued from page* 5)

New York independents who are making features, and it is pointed out that the 1930 consent decree against Fox West Coast expressly held unfair the interference with the right of exhibitors to show two features on one program.

This is "another interference with the right of the exhibitor to operate his theatre as he thinks best to meet competition or the desires of his patrons," the report asserts.

The present elimination provision, it is held, is not broad enough.

### Zoning Boards Approved

The idea of clearance and zoning boards is approved by the board, but their complexion is sharply assailed as depriving the independents of the fair representation to which they are entitled. Their decision, also, it is declared, should be made final, so that an exhibitor will not be put to the time and expense of appearing before the code authority in New York, and no new evidence should be permitted to be presented to Code Authority.

The same is true of the grievance boards, with respect to which the report states "the effort of this board has been to retain the various provisions of the code which are contained therein, only making such changes as are necessary to properly protect the rights of independent exhibitors; and to prevent the code from becoming oppressive and monopolistic as against these independents." To this end, the grievance boards should be retained, but if they are to hear complaints they should have the power to determine them; otherwise, complaints might as well be filed direct with the Code Authority. If the local boards are to pass on complaints, no new evidence should be permissible before Code Authority, the report pointing out that "it is very unusual procedure to allow an appellate body to receive new evidence in determining a matter appealed to it."

Solution of the problem of buying is "vital to the successful operation of the code, in order to prevent monopoly and monopolistic practices and oppression of the small branches of the industry," the board holds.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 119 | NEW YORK, TUESDAY, MAY 22, 1934 | TEN CENTS

# Will Revamp Some Codes, Drop Others; Film Stays

## Columbia Net $739,338; Up By $192,560

### *39-Week Statement at Handsome Increase*

Happy days continue to lurk around Columbia headquarters.

Yesterday the company reported a net of $739,338 after Federal taxes and all charges for the 39 weeks to March 31. This compares with $546,778 for the same period in the preceding fiscal year and represents an increase of $192,560.

Current net represents earnings of approximately $4.17 on each share of common after deducting dividends on the preferred and compares with approximately $3.02 on each share of

(*Continued on page 7*)

## Some Film Boards To Stay in Keys

Continuance of a limited number of Film Boards of Trade, probably in strategic keys only, is in prospect as a result of conferences on the subject between sales managers and C. C. Pettijohn, film board director, it was learned yesterday.

Consensus of managerial opinion is that a field organization of some kind must be maintained by the industry to handle legislative matters and a variety of civic contacts, as well as

(*Continued on page 5*)

## *First New Issue of Hearst Reel Oct. 1*

First issue of the Hearst Metrotone Newsreel to be produced by Hearst's own organization will be released Oct. 1, E. B. Hatrick, head of Hearst's

(*Continued on page 5*)

## *FWC a Defendant In $300,000 Action*

HOLLYWOOD, May 21.—Fox West Coast and other major distributing organizations were made defendants

(*Continued on page 8*)

### *Nirvana*

**Newark, O., May 21.—Says the paragrapher on the *Newark Advocate:* "A theatre owner's idea of heaven—a film in which Mickey Mouse plays opposite Mae West."**

## *G. B. Plans Own Exchanges*

**Gaumont British, powerful English producer, distributor and exhibitor, is understood making plans to invade the American market with its own exchanges in about 10 or 12 key cities. Whereas the company now has a limited number of salesmen in this field under a setup for physical distribution through independent exchanges, this plan contemplates a full-fledged distributing organization completely down the line.**

**G.B. is reported to feel the time is ripe to make a really serious effort to get a foothold here and is reputedly proceeding on this basis.**

**Arthur Lee, American representative for the company, when queried, yesterday stated the move was logical. While not denying the current report, he failed to go beyond a partial confirmation.**

## *Early Sale Set for FWC; Approve Para. Agreement*

Sale of Fox West Coast assets at foreclosure, as part of the reorganization plan for the circuit, will take place prior to July 10, it was learned yesterday. The reorganization plan is expected to be in effect by the early part of August.

Disclosure of the plan to foreclose came during a hearing on a plan

(*Continued on page 8*)

Settlement of all Paramount Publix claims against Fox West Coast arising out of a 1930 lease agreement by which the latter sub-let seven Pacific Coast theatres from Paramount was approved yesterday by Referee Oscar W. Ehrhorn.

Samuel Zirn, attorney for Paramount bondholder creditors in the

(*Continued on page 8*)

## "U" Getting Set to Make 4 Ace Efforts

HOLLYWOOD, May 21.—Instead of concentrating all resources on one big picture for 1934-35, Universal next season will aim its guns at four, each down on the budget for $500,000 or more. These will be "The Great Ziegfeld," "Show Boat," "Sutter's Gold" and a Margaret Sullavan special tentatively called "Angel." The studio literally will "shoot the works" on the quartet.

So far as production is concerned the company today finds itself in a better spot for the beginning of a new season's program probably than ever before.

Despite the fact that the new program calls for 36 features, plus six Buck Jones adventure pictures, which

(*Continued on page 7*)

## Fox Will Get 10% Interest In Fox "Met"

Fox Film will receive 27,000 shares of common stock in the reorganized Fox Metropolitan Playhouses and Sidney R. Kent, Fox president, will be one of three voting trustees who, with the president of the new company, will control its board, under the Fox "Met" bondholders reorganization plan, it was learned with distribution of the plan to creditors of the circuit yesterday, if their bid wins at the foreclosure sale.

Fox's 27,000 shares of common in the new company would be issued in return for new rights under existing Fox "Met" film contracts with the company, and would represent about 10 per cent of the maximum new issue of common proposed in the plan

(*Continued on page 8*)

## *End of Review Board by May 31 Is Indicated At White House*

WASHINGTON, May 21.—One thing stands out with some definiteness in the whirlwind of comment and charges stirred up by the National Recovery Review Board's report and the NRA administration's replies.

Codes are due for study and overhauling, and some codes—for smaller industries—will be dropped, but the film code will not be in the latter group. It is understood that the Administration wants to salvage something out of the $100,000 spent on the Darrow investigation.

Early dissolution of the review board is predicted, as the breach between the White House and the board

(*Continued on page 4*)

## Production Shows Slight Increases

HOLLYWOOD, May 21.—Production last week registered a gain of one feature and one short over the preceding week. The score shows 38 features in work, 29 preparing and 48 in the cutting rooms. On the shorts

(*Continued on page 5*)

## *Cooper to Make Two Specials for Radio*

HOLLYWOOD, May 21.—Merian C. Cooper has completed arrangements to make two spectacles as the initial offerings under his contract with Radio as a unit producer. The first will be Bulwer-Lytton's "Last Days of Pompeii."

Upon his return from Honolulu he will take a trip to Italy to gather material for the film, which will probably go into production about Sept. 1. The title of the other will not be given out until the Radio convention in Chicago on June 18, although the subject matter has been agreed upon.

### *His Reason Perfect*

**Hollywood, May 21.—Lucien Hubbard is planning a trip to Europe in July. Says Lucien: "I'm going for my health, which is perfect."**

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## RCA Wins Patent Suit

WASHINGTON, May 21.—The U. S. Supreme Court decided in favor of RCA today in its suit against the Radio Engineering Laboratories, Inc., in which it charged the defendants with infringing on the DeForest "feed back" patents which it controls. The question involved was as to priority of Armstrong and DeForest patents. The laboratory company controls the Armstrong patents.

## Robertson to Coast Soon

Guy Robertson, who is under contract to make one Monogram and one Paramount picture, leaves for the coast next week. He is under the management of Joe Rivkin of the Leo Morrison agency.

## Hecht-MacArthur Start

"Crime Without Passion," Ben Hecht-Charles MacArthur production which Paramount will release, went into work yesterday at the Eastern Service Studios.

## Briskin Coming East

Sam Briskin, production manager for Columbia, will head east from the coast shortly for important home office conferences.

## Para. Is Working on 17

HOLLYWOOD, May 21.—Seventeen films are in various stages of production this week at Paramount.

## Vita. Signs Ritz Bros.

Warners have signed the Ritz Brothers for two shorts. Joe Rivkin handled the deal.

# Insiders' Outlook

WINNIE SHEEHAN, whose prestige rides high and wide as well as handsome around the Fox lot today has ideas on costume pictures and they don't speak well for such a cycle. On the basis of watchful scrutiny of what goes on elsewhere throughout Hollywood and at the box-office, Sheehan has come to the conclusion costumers pay at the ratio of one in forty. By his reasoning, the shot is a long one and so, why take it? He isn't. . . .

▼

Why develop starring personalities at much expense and time to submerge them in wigs and trappings of bygone days that may add further to the submerging process? He poises and answers the question by viewing such a move as plain punk judgment and foresees the future, near and far, proving the point if the costume cycle, which is headline stuff on the coast these days, persists. . . .

▼

Doubles find Sheehan a determined foe, too. He sees no place for them and only danger to the business if the practice is stuck with its guns. On the M.P.T.O.A. plan to forward Hollywood reactions to pictures, particularly on unwarranted dirt and "smoker" type gags, the Fox production chief has nothing but commendation "if the exhibitors are on the level." But that sort of thing is not new to him. Twice a year and from the far corners of the globe does he have deposited on his desk reactions to Fox product as gathered in by sales representatives. Sheehan admits the dope is invaluable in fashioning product for the important and not to be ignored overseas markets. . . .

▼

Plaint of the producers, or one of them: Major studio recently paid $25,000 for a certain piece of story material. To date, it has spent $150,000 odd trying to make it filmable. . . . The reactions of various exhibitors will be interesting to the statement of Adolph Zukor that admissions must go up because "the distributor does not get a proportionate share of film cost from subsequent runs because their admissions are too low." The reaction will be unanimous to his remark that "we need better product. That is the answer to the whole promlem." We go back one day and remind again of Nick Schenck's observation. . . .

▼

The film scramble among Broadway first runs, large and small, constitutes a battle about which nothing has been said to date. "Stingaree," the story has it, never would have made the Music Hall, only RKO needed a film. The Paramount is set for two weeks and is hunting high and low after that. "Riptide" stayed at the Capitol recently for three weeks, because of re-editing of "Tarzan and His Mate," insisted upon by the coast Hays office after its minions caught the Hollywood preview. The situation is as per usual, when the old season prepares to expire. . . . KANN

## Louis Solomon Passes

Louis Solomon, one of the pioneers in equipping projection rooms for showing of films to buyers, died Friday night after a short illness at his home, 306 E. 171st St., the Bronx, and was buried Sunday at Mount Judah, Cypress Hills, it was learned yesterday. He is survived by his widow, Mrs. Rose Solomon, and three sons, Louis, William and Samuel Solomon, and one daughter, Mrs. Anna Herman.

## Trading Very Light on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30¼ | 29 | 30 | +1¾ | 300 |
| Consolidated Film Industries | 3⅞ | 3⅞ | 3⅞ | ..... | 100 |
| Consolidated Film Industries, pfd | 16 | 16 | 16 | — ½ | 100 |
| Eastman Kodak | 96½ | 94½ | 96½ | +2¼ | 100 |
| Eastman Kodak, pfd | 137 | 137 | 137 | ..... | 10 |
| Loew's, Inc. | 31¼ | 30½ | 31¼ | + ⅝ | 1,100 |
| M-G-M, pfd. | 26½ | 26½ | 26½ | + ⅜ | 100 |
| Paramount Publix, cts. | 4¼ | 4⅛ | 4¼ | — ⅛ | 200 |
| Pathe Exchange | 2⅞ | 2¾ | 2¾ | ..... | 300 |
| Pathe Exchange "A" | 19⅞ | 19¼ | 19⅞ | + ⅜ | 200 |
| RKO | 2⅞ | 2⅞ | 2⅞ | ..... | 200 |
| Warner Bros. | 6 | 5¾ | 6 | ..... | 2,200 |

## Technicolor Rises 1/8 on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9⅞ | 9¼ | 9⅝ | + ⅛ | 1,100 |

## Paramount Publix Bonds Off 1

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40, ctf | 9 | 8¾ | 8¾ | — ½ | 11 |
| Loew's 6s '41, ww deb rights | 100 | 100 | 100 | ..... | 1 |
| Paramount F. L. 6s '47 | 51 | 51 | 51 | ..... | 5 |
| Paramount Publix 5½s '50 | 51 | 50½ | 51 | —1 | 12 |
| Warner Bros. 6s '39, wd | 58¾ | 58¾ | 58¾ | — ¼ | 16 |

# Purely Personal

GEORGE R. BATCHELLER, head of Chesterfield Pictures, arrived from Hollywood yesterday on a visit of five or six weeks during which the company's new season production schedule will be determined.

BILL KEYES, operator of the Victory in Dayton, was a visitor at the Warner home office yesterday where he conferred with A. W. SMITH, Eastern and Canadian distribution head.

CHARLES BEAHAN, Columbia story editor, returned to the coast yesterday after several weeks conferring with eastern executives.

SI SEADLER, GEORGE BROWN and ED FINNEY were among those who spent their Sunday on a deep-sea fishing jaunt.

TOM WILEY doubled in brass at the M. P. Club yesterday, acting as cashier and checker in addition to his other duties.

SARAH SIEGEL went to work yesterday in the publicity department of Eastern Service Studio as aide to C. N. O'DELL.

FRANCIS MARTIN, writer under contract to Paramount, arrives in town from the coast today, vacation-bent.

SOL EDWARDS, assistant sales manager for Educational left yesterday for Boston on a business trip.

MARY SIMMONS reached New York from Hollywood yesterday. It's a holiday.

BEN BLUE started his first short on his new Warner contract yesterday.

## Frank R. Wilson Ill

Frank R. Wilson, until recently associated in executive capacities with a number of film companies, has been seriously ill of cerebral thrombosis for the past week at his Hotel Victoria apartment, but yesterday was reported as "improving."

Wilson resigned his film posts last summer to conduct public relations work for the NRA, giving particular attention to the promotion of NRA trailers by the industry.

## Metzger Going West

Lou B. Metzger, who recently closed a deal to handle British International Pictures output in the United States, leaves for the coast in a few days to wind up important affairs at his San Diego theatre. He will return after a few days on the coast.

## Ritchie Escapes Crash

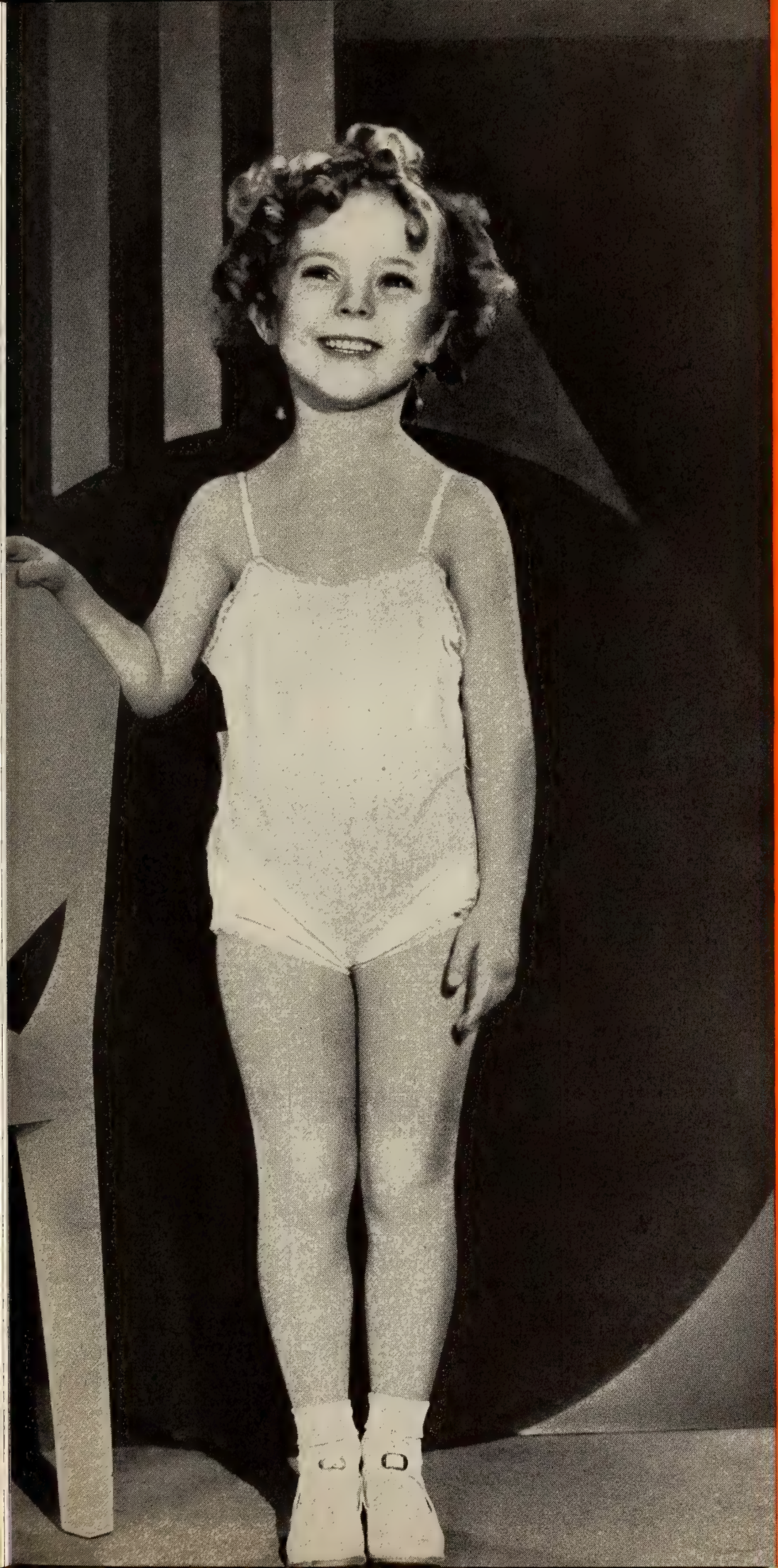
Robert Ritchie, manager for Jeanette MacDonald, had a lucky escape from either death or serious injury late last week when a Paris-London plane on which he was a passenger crashed outside of Croydon, near London.

## Zukor Gets Credit Line

"Adolph Zukor Presents" is the new credit line which will appear on Paramount productions, beginning at once, the company stated here yesterday.

## Price for Vita. Short

Georgie Price has been lined up by Warners for one short. Joe Rivkin closed the deal.



# Creator of STYLES! Mistress of CHIC!

What Shirley Temple wears today, the whole world will wear tomorrow. Women follow with envious regard every fashion whim that moves La Temple in her quest for glamour.

FOX

MORE TOMORROW!

# Codes to Go, But Film Not On the List

(*Continued from page* 1)

was widened today by the charge of the board that the President had acted "unfairly" in withholding the Darrow report until NRA officials had been given an opportunity to "pervert" it.

At the White House it was indicated that the review board would conclude its labors and dissolve May 31, but members of the board declared that they were without information on that point and were scheduling hearings on some 96 codes before them for investigation.

Members of the board were today represented as "astounded" at the reception given the report, although admitting privately that it was "full of holes" and that Chairman Darrow had done his cause no good by a supplemental report declaring the country was faced with a choice between government-controlled monopoly and socialized industry, and going on record in favor of the latter. The supplemental report, it was said, was presented by Darrow and W. O. Thompson without the knowledge of the three remaining members.

**Started in December**

Correspondence between Administrator Johnson and Senators Borah and Nye regarding the creation of a review board, made public today, shows that the former, as far back as last December, realized the need for a study of the operation of codes and urged that the senators serve on a board to undertake the task, which they refused to do because of the pressure of Senate business.

Publication of the 80,000 words of report, answer and correspondence has served, it is believed, to give the recovery administration a clean bill of health, so far as its purposes and actions are concerned, although centering attention upon the inescapable fact that there are abuses under the codes which should be eliminated.

At the Capitol the Darrow report was received with varying emotions, with many of the Republican members declaring that regardless of the debate between Darrow and Johnson the document demonstrates the need for amendment or repeal of the recovery legislation.

The report substantiated his charges that the codes protected and fostered monopoly, it was declared by Senator Nye, but Senator Borah, long-time enemy of the Recovery Administration, indicated that when he attacks that body he will depend upon his own sources of information and not on the report.

**Holds "Little Fellow" Harmed**

"The findings of the majority and minority show conclusively many of the codes are working destruction for small businesses and entrenching monopoly," Nye declared. "I have not completely digested the report, but if the NRA response as written by Mr. Rosenblatt on the moving picture industry code is a reflection of the general response, then that response must be a masterpiece of evasion and confusion."

Asked for comment upon the Senator's statement, Division Administrator Sol A. Rosenblatt contented himself with the declaration that "if a careful, truthful and complete refutation of a report based on ignorance of the facts, the code and the law is a 'masterpiece of evasion,' then it must be so if the honorable Senator so states."

Nye is expected to make a speech in the Senate tomorrow on the report.

All indications at the Capitol pointed to the probability of sharp and protracted debate upon the whole recovery situation and a strong effort to "dust off" the anti-trust laws for application to codified industries where necessary.

Aroused by the joint publication of report and answer, Clarence Darrow today called newspapermen to his office for a "conference" but contented himself, upon their arrival, with handing out a prepared statement, refusing to answer all questions. The statement originally represented the personal views of the chairman of the board, the personal pronouns later being changed to make it a board statement.

**Defines Purpose of Board**

"This board was not created to analyze industries, to devise defenses for the NRA, nor to weigh the intricacies of factory and corporation management," it was declared. "It was created for two purposes and two only, to discover if monopolistic practices existed or small enterprises were oppressed under the codes.

"Seventeen days later its report is made public together with the excited ejaculations of General Johnson and Mr. Richberg, who, apparently under the impression that the National Recovery Act is their personal property, break into shrieks of rage at the suggestion that operations are not perfect or are susceptible of improvement. But the facts should be emphasized that in their curious excitement they have forgotten their subject."

The "chaotic competition" condemned by the board "is the identical thing that the NRA seeks to eliminate," the statement continued, retorting that Richberg is guilty of the "misstating" and "stumbling" which he charges against the board.

**Second Report This Week**

The board, Darrow said, "expects to deliver before the end of this week a second report reviewing additional industries in which conditions are even worse than in those that have fevered Mr. Richberg's vision. When he comes to read the next report of this board it is likely that he will need more than 157 pages to steer around its contents."

Assailing the President for the delay in making the report public, the board declared "We hope that in common fairness the next report will not be held 17 days to give these young gentlemen a chance to read into it things that it does not contain and to pervert its meaning by placing things out of their context. If that is to be done, we shall insist that at the same time opportunity be given us to answer Mr. Richberg's misstatements, correct his errors and at least try to draw his attention to the realities of the issues involved.

"Finally, one question: Does the Administration wish to be understood as supporting monopolies?"

A bewildered city today was fighting itself out from under a snowstorm of more than 80,000 words loosed upon it in the form of the report and Administrator Johnson's answer.

## *Clearance Protest Loses in Cleveland*

CLEVELAND, May 21.—Charges brought by the Cedar Lee Theatre Co. that protection allowed Loew's Stillman Park and Granada over the complainant's Lake, Uptown and Variety was unfair have been dismissed by the clearance and zoning board on the ground that because the clearance involves more than one house no change can be made in the schedule without a general revision.

The board says a Greater Cleveland clearance schedule is now in preparation and will be completed within 10 days. After its publication any theatre, including the Cedar Lee group, may protest, the board rules.

The hearing began Friday and continued until midnight Saturday.

## *Stern Quits Place On Clearance Board*

Second United Artists representative to resign from the New York clearance and zoning advisory committee is Charles Stern, district manager. Moe Streimer, local branch manager for the company, was originally selected for the post, but quit because of ill health.

Stern claims he spends most of his time on the road and cannot be available for meetings. He just returned from New Orleans and expects to leave for another tour shortly.

## *Push New Clearance Work in Milwaukee*

MILWAUKEE, May 21.—Work on a revised clearance and zoning schedule is progressing, but it is considered doubtful whether the committee will be able to complete its work at its next meeting scheduled for Wednesday. A. C. Gutenberg, Milwaukee, is substituting on the local clearance and zoning committee at the meetings in the absence of George Fischer, who is recovering from an operation.

## *Cullman Files New Charge on Mayfair*

Having already won one case against the Mayfair, Howard S. Cullman, receiver for the Roxy, yesterday filed a second complaint before the New York grievance board, claiming that the same theatre is distributing passes among store merchants, who are giving "about three" with certain purchases.

Cullman states this is one form of premiums prohibited under the code.

## *N. O. Hears Complaint*

NEW ORLEANS, May 21.—The complaint of Crawford's McGee, McGee, Miss., charging the operation of a theatre in connection with the Sanatorium Hospital, three miles from that town, was unfair competition, was heard today by the local grievance board. Evidence revealed the hospital paid no state taxes and allowed outsiders to enter on payment of admission. A decision is expected in three days. The board decided to send Paramount's breach of contract charge against Guidry Brothers, Oakdale, La., to Campi in New York for action.

Code authorities here voted today to give publicity to board activities and decisions.

# Review Board Report Is Hit By Kuykendall

COLUMBUS, MISS., May 21.—The Darrow report was denounced here today by Ed Kuykendall, president of the M.P.T.O.A., as "unfair" and as representative of the views of only a small number of theatre owners.

His statement follows in full:

"The report of the Darrow committee shows an amazing disregard for facts and complete lack of understanding of the mechanics of the motion picture industry and is not the sentiment of any appreciable number of theatre owners. The facts are this committee heard only a few disgruntled persons, most of whom have no investment in this industry and are professional organizers and creators of law suits and strife, and by their obstructionist methods have retarded the working of the code to the detriment of the so-called independent theatre owners they pretend to help.

**Charges Desertion**

"This group ran out in Washington when they learned that those who had no investment in this industry could not participate in its code. They will continue to interfere in every way possible with its functioning because to end strife would obliterate them.

"How can anyone condemn in sincerity that which has just started and has not had time to work as yet. Mr. Darrow has been imposed upon by this little group, undoubtedly because the protests are almost the same language they used in Washington and are the wailings of a destructive minority who would delight in tearing down the code and everything else that did not agree with their radical views. It is so manifestly unfair it will have no weight with the sane men and women who make up this industry and understand its mechanics.

"I personally and my organization have complete faith in the NRA, the President of the United States and Sol A. Rosenblatt's ability and integrity as administrator of the amusement division."

## *Jersey Allied Takes Up Darrow's Report*

Discussions of the Darrow report of the National Recovery Review Board, the nationwide Catholic boycott of objectionable films, producer-made trailers and new product and sales policies occupied the meeting of Allied of New Jersey yesterday.

Sidney Samuelson, president of Allied States and head of the New Jersey unit, stated that no action was taken on any of the subjects as the meeting did not advance them beyond the discussion stage. The next meeting of the unit was set for June 4.

## *Forbids Prizes by Saxe*

MILWAUKEE, May 21.—The grievance board here has issued a cease and desist order in the complaint of the Langheinrich brothers, operators of the Burleigh, against the Saxe Amusement Management Co., Inc., which was charged with giving prizes in connection with a cooking school at the Garfield in this city.

## Mascot Set on 12 For '34-'35 List

A program of 12 features for 1934-35, to be produced at a total cost of $1,250,000, was made public yesterday by Nat Levine, president of Mascot. Work on the schedule has already started on the coast.

The lineup consists of "Young and Beautiful," "Harmony Lane," "Crimson Romance," "Waterfront Lady," "Along Came a Woman," "Confidential," "One Frightened Night," "Streamline Express," "Man from Headquarters," "Headlines," "The Marines Have Landed" and "Anything Once." In addition to these features there will be released four serials during the new season. These are "The Lost Jungle," "Burn 'em Up Barnes," "Law of the Wild" and one starring Ken Maynard.

The writing staff will consist of the following:

John Bright, Michael L. Simmons, Llewellyn Hughes, Prescott Chaplin, Marion Orth, Milton Krims, John Rathmell, Colbert Clarke, Maurice Hanline, E. Edward Roberts, Burnet Hershey, Wyndham Gittens, Al Martin, Norman Houston, Sherman Lowe, Ford Beebe, John Stewart Twist, William Worthington, George Rosener, Douglas Doty, George Sayre, William A. Grew, Adele Buffington, Barney Sarecky, Ben Cohen, David Howard, Earle Snell, Joseph Santley and Sigmund Neufeld.

## *Widening of Strike Predicted by Levey*

Additional service employes were scheduled to be called out of Loew's and RKO metropolitan houses last night by Local 118, Theatre & Amusement Employes Union, according to Charles Levey, secretary.

Circuits reported no additional employes had joined the strike over the week-end. Levey said that "10 or 15" additional houses might be affected by late today, bringing the total of houses picketed to about 30, he said.

Charges of coercion filed against Levey by the Tivoli, Brooklyn, were postponed to June 18 when the case came up for hearing in Supreme Court yesterday.

## *Stars' Show Pulls $10,000 for Start*

HOLLYWOOD, May 21.—At least 10,000 turned out for the first Screen Stars' Frolic at Gilmore Stadium. Receipts are estimated at $10,000. With four more shows scheduled, ending Sunday night, local theatres are expected to suffer a diversion of an estimated $50,000.

The heavy advertising campaign is emphasizing "See All the Stars."

The show consisted of a pageant with stars in the leading, a circus, and a rodeo. Outside the stadium was a carnival midway, with varied concessions.

## *Production Shows Slight Increases*

(*Continued from page* 1)

side are 12 working, 11 preparing and 21 in the cutting rooms.

M-G-M took the lead from Paramount, which has held it for many weeks, with a total of seven features in work, one preparing and nine cutting. Paramount has six, five and four; Fox, four, three and three; Radio, four, three and eight; Warners, three, seven and eight; Universal, three, one and three; Columbia, two, two and five; independents, nine, seven and eight.

## *Tiffany Winner in Mae Murray's Suit*

Mae Murray lost her $300,000 suit against Tiffany Productions yesterday when Supreme Court Justice Aaron Steuer after hearing four days of testimony dismissed the case in a decision rendered from the bench.

Miss Murray, who appeared in five Tiffany productions made about 12 years ago, contended in her suit that the contract she held with the company had been fraudulently settled in 1924.

## *Wanger Is Flying East*

HOLLYWOOD, May 21.—Walter Wanger started by plane for New York tonight. He will be in Kansas City all day tomorrow.

## *First New Issue of Hearst Reel Oct. 1*

(*Continued from page* 1)

film interests, stated yesterday. Release will be through M-G-M.

Hearst winds up his association with Fox Movietone News Sept. 1. Sometime next week, Hatrick will sail for Europe, probably on the *Berengaria*, to line up foreign bureaus for the organization which will have about 40 cameramen spotted throughout the world.

Edwin C. Hill has been signed to a long term contract as the new globe trotter. He will supply descriptions for various shots. Hatrick plans to be away about six to seven weeks. Mike Clofine will continue as editor of the Metrotone reel.

## Some Film Boards To Stay in Keys

(*Continued from page* 1)

advising local industry elements on participation in benefit performances, charitable activities and all other matters clearly outside the province of local code boards. Additional meetings scheduled between the managers and Pettijohn appear to be for the purpose of deciding how many of the Film Boards will remain and where they will be located.

Two or three additional meetings on the subject may be held before the future of the boards is definitely set, although a decision is expected prior to June 1. The next meeting will be held today at the Astor.

A pain in the back doesn't help your box office. People won't endure uncomfortable chairs. Easy, restful seating builds "come-back-again" patronage.

*Ask Us,*
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# "Trumpet" and Daniels-Lyon Lead Capital

WASHINGTON, May 21.—Theatres last week recovered slightly from the slump into which they had fallen, taking approximately $67,000 as against $60,600 of the previous week.

Loew's Fox was high again with $19,200 on "The Trumpet Blows" and a stage show composed of Bebe Daniels and Ben Lyon in person, with Charles Carrer, Adair and Richards, and Russ, Elmer and Armstrong as the supporting acts.

"Melody in Spring" and Allan Cross and Henry Dunn, headlining the stage show with the Van Horn Dancers, Oscar Lorraine, and Jari, Renee and Vic the other acts, brought the Earle back to $16,500.

The second week of "The House of Rothschild" went strongly at Loew's Palace to the tune of $11,200. The picture closed on Thursday night, May 17, but returns to Loew's Columbia for the week of May 25.

Bump of the week was "Sisters under the Skin" which RKO-Keith's removed after five days in favor of "Stingaree," the entire week taking $7,100, allowing the house a profit on the seven-day period.

Estimated takings, exclusive of tax, for the week ending May 17:

**"MELODY IN SPRING" (Para.)**
EARLE—(2,323), 25c-77, 7 days. Stage show. **Gross:** $16,500.

**"TARZAN AND HIS MATE" (M-G-M)**
LOEW'S COLUMBIA—(1,232), 25c-40c 7 days (return engagement). **Gross:** $3,200.

**"THE TRUMPET BLOWS" (Para.)**
LOEW'S FOX—(3 434), 25c-66c, 7 days. Stage show. **Gross:** $19,200.

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
LOEW'S PALACE—(2,363), 35c-77c, 7 days, 2nd week. **Gross:** $11,200.

**"20 MILLION SWEETHEARTS" (F. N.)**
METROPOLITAN—(1,600), 25c-40c, 7 days (return egagement). **Gross:** $3,700.

**"THE BLACK CAT" (Univ.)**
RIALTO—(1,800), 25c-75c, 7 days. **Gross:** $6,000.

**"SISTERS UNDER THE SKIN" (Col.)**
RKO-KEITH'S—(1,830), 25c-55c, 5 days. **Gross:** $3,800.

**"STINGAREE" (Radio)**
RKO-KEITH'S—2 days, to complete week of above. **Gross:** $3,300. (Total Gross 7 days, $7,100.)

# "Dangerous," Show Top in Providence

PROVIDENCE, May 21.—In a week marked by low grosses Fay's was the one theatre to eke out a better-than-average total with a combo bill of "Such Women Are Dangerous" and the "New York Casino Follies" on the stage. The take was $7,300.

Loew's dropped down to $9,000 with "Manhattan Melodrama" and a stage bill headed by Gracella and Theodore.

Total first run business was $33,000. Average is $40,500.

Estimated takings for the week ending May 17:

**"MANHATTAN MELODRAMA" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Gracella and Theodore. **Gross:** $9,000. (Average, $12,000.)

**"WE'RE NOT DRESSING" (Para.)**
**"CITY LIMITS" (Monogram)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $6,000. (Average, $6,500.)

**"JOURNAL OF CRIME" (Warners)**
**"HALF A SINNER" (Univ.)**
MAJESTIC—(2,400) 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000.)

(*Continued on page 7*)

# "Melody" and Show $10,000 Seattle Lead

SEATTLE, May 21.—Two big stage attractions at the Fifth Avenue and Paramount theatres were responsible for above-normal business at each of those houses during the week just ended. Al Pearce and his NBC radio gang with "Melody in Spring" at the Fifth Avenue took about $3,000 over the average $7,000. Jay Flippen and his "World's Fair Follies" and "Wharf Angel" at the Paramount, together with five acts of vaudeville and a picture, were good for $1,500 over the normal $6,000.

"House of Rothschild" had a good second week at the Music Hall, and moved to the Music Box for an extended run.

Total first run business was $34,750, Normal is $31,000.

Estimated takings for the week ending May 18:

**"SMARTY" (Warners)**
**"THE CROSBY CASE" (Univ.)**
BLUE MOUSE—(950), 25c-35c, 7 days. Gross: $3,000. (Average, $3,500.)

**"MELODY IN SPRING" (Para.)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. Al Pearce and NBC radio gang on stage. **Gross:** $10,000. (Average, $7,000.)

**"THE NINTH GUEST" (Col.)**
**"SPEED WINGS" (Col.)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,250. (Average, $4,000.)

**"LOOKING FOR TROUBLE" (U. A.)**
MUSIC BOX—(950), 25c-35c-50c, 9 days. **Gross:** $4,000. (Average, 7 days, $4,000.)

**"HOUSE OF ROTHSCHILD" (U. A.)**
MUSIC HALL—(2,275) 25c-40c-55c, 7 days, 2nd week. **Gross:** $7,000. (Average, 1st week, $6,500.)

**"WHARF ANGEL" (Para.)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Stage: Jay Flippen's World's Fair Follies and five acts of vaudeville headed by Long & Short on stage. **Gross:** $7,500. (Average, $6,000.)

## *Loyola Boycott Ordered*

NEW ORLEANS, May 21.—The fight launched on indecent films has reached New Orleans. The sodality at Loyola University has ordered a boycott on "Riptide," "George White's Scandals," "Glamour," "Finishing School" and "The Trumpet Blows."

## *Birmingham Pledges Out*

BIRMINGHAM, May 21.—A campaign against "vile, unwholesome, salacious" films has been inaugurated here, following the adoption of a resolution by Catholic women. Hundreds of pledge cards have been circulated in the district for the Legion of Decency.

## *Two Close in Long Beach*

LOS ANGELES, May 21.—Two Long Beach first runs closed Saturday night. Pacific National Theatres darkened the Palace because of bad business and Milt Arthur, who has been operating the Capitol for F. W. C., has closed until sufficient stock can be delivered to him to establish his rights in the property.

## *K. C. All 25c. Friday*

KANSAS CITY, May 21.—Beginning Friday the RKO Mainstreet goes to a new policy of double features at 25 cents. This will make 25 cents the prevailing price at all local downtown first runs.

## *Duals 10c-17c*

**Columbus, May 21.—Several neighborhood houses here are continuing to show double features and shorts, despite having recently inaugurated "summer prices," which have been reduced to 10 and 17 cents, including 10 per cent state tax on the higher admission.**

# "Stand Up" Is $20,000 Hit, Philadelphia

PHILADELPHIA, May 21.—Several hit films, all backed by extensive ad campaigns, raised grosses to a remarkable high for this time of year.

"Stand Up and Cheer" was a standout at the Fox, grossing $20,000. It was held a second week. "Sadie McKee" tilted the Boyd's cash-register to $16,500 and was held over. "Rothschild," in its third week maintained its winning pace with a top notch $13,000. At least two more weeks loom for this one.

The Earle also did nifty business with George Jessel and "You're Telling Me" to a $15,500 intake. The only weak spots were "Laughing Boy" and "Merry Wives of Reno."

Total receipts were $85,500. Average is $67,900.

Estimated takings for the week ending May 17:

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
ALDINE—(1,300), 40c-55c-65c, 6 days, 3rd week. **Gross:** $13,000. (Average, $7,000.)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
(2nd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,600. (Average, $2,400.)

**"SADIE McKEE" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $16,500. (Average, $12,000.)

**"YOU'RE TELLING ME" (Para.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: George Jessel, Seiler and Wills. **Gross:** $15,500. (Average, $12,000.)

**"STAND UP AND CHEER" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage: Bob Hall, Gilbert Diaz, Tom, Dick and Harry, "Popeye, the Sailor." **Gross:** $20,000. (Average, $12,000.)

**"LAUGHING BOY" (M-G-M)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,500. (Average, $3,500.)

**"WE'RE NOT DRESSING" (Para.)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $11,000. (Average, $12,000.)

**"MERRY WIVES OF RENO" (Warners)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,400. (Average, $7,000.)

## *Ampa's "Beefsteak" Looks Like Sellout*

Ampa's "beefsteak" tonight at the M. P. Club looks like a sellout with practically all of the 260 seats disposed of at an early hour last night.

In addition to the dinner, President William R. Ferguson has lined up some varied entertainment.

## *Mady Christians Cast*

HOLLYWOOD, May 21.—Mady Christians, signed several days ago by M-G-M, will star in "Wicked Woman," formerly announced as a vehicle for Helen Hayes. The latter goes into Hugh Walpole's "Vanessa" instead.

# "Rothschild" Gets $9,000, Minneapolis

MINNEAPOLIS, May 21.—"House of Rothschild" did $5,000 easily in a 1,650 seat house and was held over for a second week. Roxy and his gang ran the Minnesota gross well up to $9,000 for top money. "Gambling Lady" led in St. Paul with $6,000 at the Paramount.

Minneapolis' five regular theatres, usually grossing $22,000, got about $23,500 and the Century's special engagement brought it to $28,500. St. Paul's five, which usually get $16,000, made it $17,000.

Estimated takings:

***Minneapolis:***
***Week Ending May 17:***

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $5,000. (Reopened).

**"TARZAN AND HIS MATE" (M-G-M)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

**"MEN IN WHITE" (M-G-M)**
MINNESOTA—(4,000), 25c-50c, 7 days. Roxy and his gang. **Gross:** $9,000. (Average, $7,500.)

***Week Ending May 18:***

**"20TH CENTURY" (Col.)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $5,500. (Average, $5,500.)

**"THE WITCHING HOUR" (Para.)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500.)

**"BELOVED" (Univ.)**
WORLD—(400), 25c-75c 7 days. **Gross:** $2,000. (Average, $2,000.)

***St. Paul:***
***Week Ending May 18:***

**"GAMBLING LADY" (Warners)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500.)

**"MYSTERY OF MR. X" (M-G-M)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $2,000. (Average for week, $3,500.)

**"THREE ON A HONEYMOON" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days **Gross:** $1,500. (Average for week, $3,500.)

**"20TH CENTURY" (Col.)**
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $4,000. (Average, $4,000.)

**"TARZAN AND HIS MATE" (M-G-M)**
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $700.)

**"HALF A SINNER" (Univ.)**
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average $800.)

**"THE CONSTANT NYMPH" (Fox)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000.)

# "Men in White" Is Oklahoma City Hit

OKLAHOMA CITY, May 21.—Although summer weather with other diversions rapped city houses last week, business held up, but all houses did not hit par. The Criterion, with "Men in White," led the field with a $5,800 take, or $800 above average.

The Mid-West was let down with $3,400 on "Stand Up And Cheer" which was $600 off par. The Liberty went $1,500 above its average week on a take of $3,500 for two changes, "Man's Castle" and "Smarty" supported by two different stage shows. The Capitol went down the river on "A Very Honorable Guy," taking only $1,500, which was $1,000 below average.

Total first run business was $14,200. Average is $13,500.

Estimated takings for the week ending May 19:

**"MEN IN WHITE" (M-G-M)**
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $5,800. (Average, $5,000.)

(*Continued on page 7*)

# "U" Getting Set to Make 4 Ace Efforts

(Continued from page 1)

is an increase of 10 over the current year's program, the company, through diligent and careful preparation during the past six months, has lined up and has prepared more than 75 per cent of the new product. This will enable James R. Grainger, sales head to go before the annual sales meet next month, prepared to promise the delivery of more definite stories than ever before in the history of Universal sales conventions.

So enthusiastic is Carl Laemmle, Sr., over the present lineup that after the budget had already been set for the entire program, he added another million to insure plenty of latitude.

This season's program will wind up with the completion of "Little Man, What Now?" reviewed elsewhere in this issue; "Imitation of Life" and "One More River." First of the pictures for the new program will get under way around June 1 with the schedule so arranged that there will be no complete studio shutdown for a year to come.

As for man power and players, Universal feels it has already entrenched itself with top line producers, directors and writers. As for players, the studio has doubled its stock list to such an extent that it is the largest ever assembled in its history. Many have been imported from Broadway, but the majority were contracted here after proving themselves for stellar roles through past performances. This list, which will be called from time to time to support Universal stars, consists of Sally Eilers, Heather Angel, Henry Hull, Frank Lawton, Jane Wyatt, Victor Moore, Louise Latimer, Douglas Fowley, Binnie Barnes, Ann Darling, Lois January, Eral Eby, Onslow Stevens, Andy Devine, Russ Brown, Dean Denton, Henry Armetta, Sterling Holloway, June Knight and Alice White.

In the star list, there are Miss Sullavan. Boris Karloff, Paul Lukas, Chester Morris, Edmund Lowe, Buck Jones, Russ Columbo, Gloria Stuart, Roger Pryor and the team of Summerville and Pitts.

Preparing for an active year, Universal has reopened its laboratory, where not only the daily rushes will be processed, but the bulk of release prints as well. Two of the old stages are being converted into modern sound stages.

## "Ziegfeld" First of Quartet by McGuire

HOLLYWOOD, May 21.—First of four pictures to be made by William Anthony McGuire on a new ticket with Universal will be his own story, "The Great Ziegfeld."

Billie Burke, widow of the Follies impresario, will assist McGuire in the preparation of the screen biography.

## Werner After Talent

David Werner, Universal casting director, reached New York yesterday to stay one month in search of new talent. This is part of a three-month effort to line up new faces.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Little Man, What Now?"

(*Universal*)

HOLLYWOOD, May 21.—Reaching primary emotions with undertones of spiritual power, this drama of a boy and a girl, madly in love and caught in the web of modern economic forces, rises to heights of magnificent entertainment.

It's today's story of youth in any land, adapted by William Anthony McGuire from Hans Fallada's novel. It is youth seeking the rainbow, assaulting the world for food and clothing and clinging close to womanly affection.

Losing one job because he wouldn't play up to the boss's daughter, Douglas Montgomery, with his bride, Margaret Sullavan, go to live with his mother, Catharine Doucet, who secretly runs a sort of lonely club. Her consort, Alan Hale, helps Montgomery secure a job in a department store, and then tries to inveigle himself with Miss Sullavan. Montgomery loses his job, his wife has a baby and a friend proffers work.

Miss Sullavan again demonstrates her outstanding artistry and charm. Montgomery gives a sterling performance. Hale, Christian Rub, Muriel Kirkland and De Witt Jennings contribute gems in support. Frank Borzage's masterful craftsmanship solidifies him as the industry's great heart director.

The production is flawless and refreshing, rich in qualities that stir the masses, whose drama is splendidly mirrored and romantically unfolded.

## "Fog Over Frisco"

(*Warners*)

HOLLYWOOD, May 21.—Although the story gets involved in its own complicated plot, "Fog Over Frisco" is an exciting murder mystery of the "blood and thunder" type.

The story revolves around Bette Davis, a neurotic girl member of a gang of crooks dealing in stolen securities which Miss Davis unloads on her stepfather's firm through Lyle Talbot, her fiance. Things begin to happen when Miss Davis disappears mysteriously from her home following an argument with one of her gang, leaving her engagement ring behind. Follows a suicide, the kidnaping of Margaret Lindsay, Miss Davis' half-sister, and a double murder, all involving a butler, newspapermen, a partner of the banker's firm and persons unknown.

All members of the cast do well, particularly Miss Davis, Miss Lindsay, Talbot, Donald Woods, Hugh Herbert and Robert Barrat. William Dieterle directed.

The picture should click in spots where Miss Davis and Talbot are box-office and in neighborhood houses where they take their melodrama straight.

## "I Give My Love"

(*Universal*)

HOLLYWOOD, May 21.—Based on a proved entertainment premise, this romantic drama is a standard program attraction with a strong feminine appeal. Its realism centers sympathy on the heroine, with a tempo impressive with action and dialogue balanced in carrying the story.

The yarn concerns an artist's model driven to desperation by her egomaniac husband. Jailed for his accidental murder, the woman returns to the home of her benefactor, finding her son turned against her. Becoming a wanderer, she lands in Paris, and the son, now an artist, has her pose for a painting. When it is finished, the boy's foster father identifies the model as the young artist's mother, as well as the woman he has always loved. The climax reunites mother and son and brings married happiness to the battered woman.

The production, adapted from Vicki Baum's story by Milton Krims, preserves the dramatic human qualities. Wynne Gibson and Paul Lukas turn in convincing performances. As the young husband John Darrow is outstanding, while Tad Alexander as a boy of 10 and Eric Linden, carrying the same role 10 years later, add much to the conflict and heart interest.

## To Renew Bruce Ticket

HOLLYWOOD, May 21.—M-G-M is reputed writing out a long-term contract for Virginia Bruce.

## "Sorrell" Opens Monday

"Sorrell and Son," United Artists release, will have its premiere at the Mayfair next Monday.

# Columbia Net $739,338; Up By $192,560

(Continued from page 1)

common for the identical preceding period.

The consolidated balance sheet as at March 31, 1934, shows total assets of $7,407,358.68 against which there were total liabilities of $2,072,417.91. Earned surplus amounts to $2,685,-440.27. Cash aggregated $712,664.05.

Total current and working assets of $5,717,580.08 against total current liabilities of $1,200,450.17 show a ratio of almost five to one.

## Columbia Organizes Company for China

DOVER, Del., May 21.—Columbia Films of China, Ltd., has been chartered here. The incorporators are Max Seligman, New York; Richard Philpott, Belrose, L. I., and Floyd Weber, Brooklyn.

Columbia Films of China, Ltd., is the company organized to carry on Columbia's own distribution in China. Columbia recently opened its own office at Shanghai, after distributing for number of years through Hongkong Amusement Co., a native organization.

## Golden Leaves for Salt Lake Session

Edward Golden, general sales manager for Monogram, left for Salt Lake City yesterday afternoon to attend the first of four regional sales meetings. The session is being held May 26 at the Utah Hotel with about 40 in attendance. Golden will preside.

At the Cincinnati meeting June 2 and New York session June 9, W. Ray Johnston, president, will preside.

HOLLYWOOD, May 21. — John Wayne's eight westerns for Lone Star and to be released by Monogram are: "The Trail Beyond," "Texas Terror," "The Desert Trail," "'Neath Arizona Skies," "The Dawn Rider," "Rainbow Valley," "Lawless Frontier" and "Paradise Canyon."

## "Men in White" Is Oklahoma City Hit

(Continued from page 6)

**"MAN'S CASTLE" (Col.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $2,000. (Average week $2,000.)

**"SMARTY" (Warners)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1.500. (Average week, $2,000.)

**"STAND UP AND CHEER" (Fox)**
MID-WEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,400. (Average, $4,000.)

**"VERY HONORABLE GUY" (F. N.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,500. (Average, $2,500.)

## "Dangerous," Show Top in Providence

(Continued from page 6)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
FAY'S—(1,600), 15c-40c 7 days. Stage: "New York Casino Follies." **Gross:** $7,300. (Average, $7,000.)

**"FINISHING SCHOOL" (Radio)**
**"WHIRLPOOL" (Col.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $4,500. (Average, $7,000.)

**"THE MAN TRAILER" (Col.)**
**"CRIME OF HELEN STANLEY" (Col.)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000.)

# Fox Will Get 10% Interest In Fox "Met"

(Continued from page 1)

for the capitalization of the new company. In addition to the stock, there would be issued 6,880,350 of new secured five per cent debentures, due in 1944.

Holding companies of the new Fox "Met" organization would subscribe for $650,000 of the new debentures at par and all of the remainder, together with the new common stock, will be issued to depositing noteholders, who propose to bid in the company at foreclosure on June 20. The noteholders are to receive $500 of the new debentures, 20 shares of common and a warrant for additional shares to be pro-rated later, and $50 in cash for each $1,000 of bonds in the present Fox "Met" deposited with the committee.

This would apparently involve a settlement to noteholders of approximately 75 cents on the dollar, exclusive of their continued holdings in a going concern.

Financing of the reorganization is to be accomplished with a sum of $1,430,000 in Fox "Met" cash now on hand and subject, in the opinion of the reorganization committee to outstanding mortgages held by it. Provision will also be made from this cash for approximately $200,000 of working capital for the new company. Any excess amount remaining is to be prorated among the depositing noteholders.

**Trustees to Be Managers**

Management of the new company will be in the hands of the voting trustees and the board of seven members of the new company. The voting trustees, in addition to Kent, are: Herbert P. Howell, president of the Commercial National Bank & Trust Co., and Richard C. Hunt, member of the law firm of Chadbourne, Hunt, Jaeckel & Brown. The trustees will also be members of the board and with its president will control the new company.

Operations will go to Skouras and Randforce, with the latter sub-letting from the new company approximately 36 Brooklyn houses, and Skouras the remaining 44 in Manhattan, Long Island and New Jersey. The operators will have a 50 per cent interest in the operating companies and the new Fox "Met" parent company will retain the other 50 per cent. Aggregate salaries to be paid the operators, Louis Frisch and Samuel Rinzler of Randforce, and Spyros, Charles and George Skouras, will amount to $119,200 per year.

The plan also provides for compromise settlements of a claim of $4,500,000 of Fox Theatres Corp. and one of $288,000 of Fox Film against Fox Met., and for the payment in full of $7,000 of unsecured creditors' claims.

Jurisdiction over the plan was accepted by the Federal Court here last week.

The consolidated corporate and receivers' income report on Fox "Met" for the period from June 4, 1932, to Dec. 31, 1933, made public yesterday, showed a net loss after interest and other charges of $2,095,226.

# *Early Sale Set for FWC; Approve Para. Agreement*

(Continued from page 1)

of settlement of Paramount Publix claims against Fox Film and Fox West Coast before Referee Oscar W. Ehrhorn yesterday. Attorneys for the Paramount Publix trustees stated at the hearing that trustees of Fox West Coast had advised them on May 10 that the sale would take place within 60 days.

At the same time it was stated that Chase National Bank and Fox Film were the principal creditors of Fox West Coast and the implication was that these two organizations would control whatever group took over the West Coast assets at the sale. The reorganization plan itself, which will go into effect shortly after the foreclosure, will not alter the present Fox West Coast operating setup in any material way, it was learned earlier. Regarded as the most important change involved in the plan is the contemplated election of Sidney R. Kent, Fox president, to the presidency of the reorganized West Coast company.

## *FWC a Defendant In $300,000 Action*

(Continued from page 1)

in a suit filed in the Federal courts today by H. W. and C. W. Chotiner charging violation of the Sherman and Clayton anti-trust statutes. The plaintiffs charged discrimination in the showing of first run pictures at their Parisian and Ravenna theatres.

In addition to $300,000 damages an injunction is sought forcing the defendants to give the plaintiffs "equitable picture leasing contracts."

## *Campi Issues Report On Extra Committee*

HOLLYWOOD, May 21.—Mrs. Mable Kinney today received Campi's report on the study of the extra situation made by John C. Flinn, executive secretary of Code Authority, on his recent visit to the coast. The report was contained in a letter from Flinn and ordered the standing committee discharged "from further considering and recommending any interpretations or terms of any provisions made for extras under the code."

## *End 'Bank', 'Race' Nights*

PORTLAND, May 21.—The grievance board here today agreed that all "bank," "race" and other nights be eliminated as business stimulants at all Oregon theatres, but is asking Campi in New York if it has the authority to take this action. Zoning meetings will be held Mondays, with grievance sessions set for Tuesdays.

## *Ralph R. Doyle in U. S.*

HOLLYWOOD, May 21.—Ralph R. Doyle, managing director for Radio in Australia and New Zealand, has arrived here. Saturday he leaves for New York. He returns home after the sales convention. Reporting his territory is rapidly recovering from the depression, Doyle asserts theatre attendance there is "better than ever."

(Continued from page 1)

amount of approximately $30,000, registered the only opposition to the settlements. Basing his opposition on the alleged former associations of Charles E. Richardson and Eugene W. Leake, Paramount trustees, with Chase National Bank, and Richardson's additional association with Fox Film, Zirn contended that the trustees were thereby disqualified from acting in the present F. W. C. settlement.

It was pointed out that Richardson took no part in the F. W. C. settlement because of his former post as treasurer of Fox Film. Referee Ehrhorn also pointed out that in Zirn's action for the removal of the Paramount trustees the U. S. Circuit Court of Appeals held that the former Chase bank associations of the trustees did not disqualify them for serving as trustees of Paramount. Zirn's suit for the removal of the trustees is being carried by him to the U. S. Supreme Court.

**Other Objections**

Zirn also objected that the new leases involved in the settlements with F. W. C. were for shorter terms than the originals, for reduced rentals and were not guaranteed by Fox Film. Referee Ehrhorn stated that he would be guided by the trustees' recommendations and the voting of the other creditors on these objections. Creditors representing a minimum of $50,000,000 in claims, as opposed to Zirn's $30,000, approved the trustees' recommendations to proceed with the settlements.

Paramount's claims against F. W. C. arose from the latter's non-performance of the 1930 lease agreement on the seven theatres, the St. Francis, Paramount and California, at San Francisco; the Paramount at Oakland, Paramount and Rialto at Portland, and the Paramount, Seattle.

Under the terms of the settlement authorized by Referee Ehrhorn yesterday, which were set forth at length in MOTION PICTURE DAILY of May 14, F. W. C. takes new 10-year leases on the three San Francisco theatres at an average rental of $214,000, and pays Paramount $114,299 in back rentals and an additional amount to be determined on net income from the houses for an additional period. In addition, Paramount is to receive 37½ per cent of the net earnings of all downtown San Francisco houses in which F. W. C. has an interest during the life of the leases.

F. W. C. also takes a new lease on the Paramount, Oakland, and pays $390,000 to Paramount, guaranteed by Fox Film, for back rentals and claims. The landlord of the house withdraws a claim of $2,211,500 filed against Paramount for breach of lease.

**Zirn Opposes the Plan**

Zirn objected to the Oakland settlement on the implication that the landlord, the Broadway & Twentieth Corp., was linked in some way with Paramount due to the fact that it was the friendly applicant for a Paramount consent receivership in Jan., 1933, on the basis of a $29,000 unpaid rent claim. Zirn contended that Broadway & Twentieth, if it had no other objective than to collect its claim, could have done so by impounding Paramount's cash deposits in California which amounted to $150,000 at the time, according to Zirn. Other creditors approved this settlement yesterday.

The settlement also provides for a payment by F. W. C. of $35,030 to Paramount for back rent on the Paramount and Rialto, Portland, and the Paramount, Seattle. The Rialto has been repossessed by the landlord and is not included in the new leases involved in the present settlement. The Paramount, Portland, will be operated for 10 years by a new company in which F. W. C. will have a 75 per cent stock interest and Paramount a 25 per cent interest. New leasing arrangements on the Paramount, Seattle, are contingent on a reorganization of a bondholders' claim. Paramount picture franchises are involved in the new F. W. C. leases.

Involved in the agreement are other plans for compromises of claims against Paramount involving the California Theatre Bldg., San Francisco, and the Paramount, Portland, which were also approved by the referee yesterday. The Paramount trustees asked and were granted authority to pay $15,000 to Lawrence Stern & Co. of Chicago, for services rendered in preparing these compromise plans. Zirn objected to this payment on the ground that Albert D. Lasker, former Paramount director, and John Hertz, former Paramount treasurer, were associated with Stern at one time.

## *Kent Quits Coast for N.Y.*

HOLLYWOOD, May 21.—Sidney R. Kent was eastbound tonight.

with

NEIL HAMILTON
MIRIAM JORDAN

Hardie Albright
Dorothy Appleby
Henry Armetta
Edward Martindel

"A truly brilliant comedy-drama of the first . . . the second . . . the third year; its chuckles and chagrins, smiles and sighs, triumphs and tears! Suggested by Dorothy Canfield's best seller, 'The Eternal Masculine,' directed by William Nigh. Screen story by Albert De Mond."

1934 LIBERTY PICTURES 1935

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 119 | NEW YORK, TUESDAY, MAY 22, 1934 | TEN CENTS

# Will Revamp Some Codes, Drop Others; Film Stays

## Columbia Net $739,338; Up By $192,560

### *39-Week Statement at Handsome Increase*

Happy days continue to lurk around Columbia headquarters.

Yesterday the company reported a net of $739,338 after Federal taxes and all charges for the 39 weeks to March 31. This compares with $546,778 for the same period in the preceding fiscal year and represents an increase of $192,560.

Current net represents earnings of approximately $4.17 on each share of common after deducting dividends on the preferred and compares with approximately $3.02 on each share of

(Continued on page 7)

## Some Film Boards To Stay in Keys

Continuance of a limited number of Film Boards of Trade, probably in strategic keys only, is in prospect as a result of conferences on the subject between sales managers and C. C. Pettijohn, film board director, it was learned yesterday.

Consensus of managerial opinion is that a field organization of some kind must be maintained by the industry to handle legislative matters and a variety of civic contacts, as well as

(Continued on page 5)

## *First New Issue of Hearst Reel Oct. 1*

First issue of the Hearst Metrotone Newsreel to be produced by Hearst's own organization will be released Oct. 1, E. B. Hatrick, head of Hearst's

(Continued on page 5)

## *FWC a Defendant In $300,000 Action*

HOLLYWOOD, May 21.—Fox West Coast and other major distributing organizations were made defendants

(Continued on page 8)

### *Nirvana*

**Newark, O., May 21.—Says the paragrapher on the *Newark Advocate:* "A theatre owner's idea of heaven—a film in which Mickey Mouse plays opposite Mae West."**

## *G. B. Plans Own Exchanges*

**Gaumont British, powerful English producer, distributor and exhibitor, is understood making plans to invade the American market with its own exchanges in about 10 or 12 key cities. Whereas the company now has a limited number of salesmen in this field under a setup for physical distribution through independent exchanges, this plan contemplates a full-fledged distributing organization completely down the line.**

**G.B. is reported to feel the time is ripe to make a really serious effort to get a foothold here and is reputedly proceeding on this basis.**

**Arthur Lee, American representative for the company, when queried, yesterday stated the move was logical. While not denying the current report, he failed to go beyond a partial confirmation.**

## *Early Sale Set for FWC; Approve Para. Agreement*

Sale of Fox West Coast assets at foreclosure, as part of the reorganization plan for the circuit, will take place prior to July 10, it was learned yesterday. The reorganization plan is expected to be in effect by the early part of August.

Disclosure of the plan to foreclose came during a hearing on a plan

(Continued on page 8)

Settlement of all Paramount Publix claims against Fox West Coast arising out of a 1930 lease agreement by which the latter sub-let seven Pacific Coast theatres from Paramount was approved yesterday by Referee Oscar W. Ehrhorn.

Samuel Zirn, attorney for Paramount bondholder creditors in the

(Continued on page 8)

## "U" Getting Set to Make 4 Ace Efforts

HOLLYWOOD, May 21.—Instead of concentrating all resources on one big picture for 1934-35, Universal next season will aim its guns at four, each down on the budget for $500,000 or more. These will be "The Great Ziegfeld," "Show Boat," "Sutter's Gold" and a Margaret Sullavan special tentatively called "Angel." The studio literally will "shoot the works" on the quartet.

So far as production is concerned the company today finds itself in a better spot for the beginning of a new season's program probably than ever before.

Despite the fact that the new program calls for 36 features, plus six Buck Jones adventure pictures, which

(Continued on page 7)

## Fox Will Get 10% Interest In Fox "Met"

Fox Film will receive 27,000 shares of common stock in the reorganized Fox Metropolitan Playhouses and Sidney R. Kent, Fox president, will be one of three voting trustees who, with the president of the new company, will control its board, under the Fox "Met" bondholders reorganization plan, it was learned with distribution of the plan to creditors of the circuit yesterday, if their bid wins at the foreclosure sale.

Fox's 27,000 shares of common in the new company would be issued in return for new rights under existing Fox "Met" film contracts with the company, and would represent about 10 per cent of the maximum new issue of common proposed in the plan

(Continued on page 8)

## *End of Review Board by May 31 Is Indicated At White House*

WASHINGTON, May 21.—One thing stands out with some definiteness in the whirlwind of comment and charges stirred up by the National Recovery Review Board's report and the NRA administration's replies.

Codes are due for study and overhauling, and some codes—for smaller industries—will be dropped, but the film code will not be in the latter group. It is understood that the Administration wants to salvage something out of the $100,000 spent on the Darrow investigation.

Early dissolution of the review board is predicted, as the breach between the White House and the board

(Continued on page 4)

## Production Shows Slight Increases

HOLLYWOOD, May 21.—Production last week registered a gain of one feature and one short over the preceding week. The score shows 38 features in work, 29 preparing and 48 in the cutting rooms. On the shorts

(Continued on page 5)

## *Cooper to Make Two Specials for Radio*

HOLLYWOOD, May 21.—Merian C. Cooper has completed arrangements to make two spectacles as the initial offerings under his contract with Radio as a unit producer. The first will be Bulwer-Lytton's "Last Days of Pompeii."

Upon his return from Honolulu he will take a trip to Italy to gather material for the film, which will probably go into production about Sept. 1. The title of the other will not be given out until the Radio convention in Chicago on June 18, although the subject matter has been agreed upon.

### *His Reason Perfect*

**Hollywood, May 21.—Lucien Hubbard is planning a trip to Europe in July. Says Lucien: "I'm going for my health, which is perfect."**

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## RCA Wins Patent Suit

WASHINGTON, May 21.—The U. S. Supreme Court decided in favor of RCA today in its suit against the Radio Engineering Laboratories, Inc., in which it charged the defendants with infringing on the DeForest "feed back" patents which it controls. The question involved was as to priority of Armstrong and DeForest patents. The laboratory company controls the Armstrong patents.

## Robertson to Coast Soon

Guy Robertson, who is under contract to make one Monogram and one Paramount picture, leaves for the coast next week. He is under the management of Joe Rivkin of the Leo Morrison agency.

## Hecht-MacArthur Start

"Crime Without Passion," Ben Hecht-Charles MacArthur production which Paramount will release, went into work yesterday at the Eastern Service Studios.

## Briskin Coming East

Sam Briskin, production manager for Columbia, will head east from the coast shortly for important home office conferences.

## Para. Is Working on 17

HOLLYWOOD, May 21.—Seventeen films are in various stages of production this week at Paramount.

## Vita. Signs Ritz Bros.

Warners have signed the Ritz Brothers for two shorts. Joe Rivkin handled the deal.

# Insiders' Outlook

WINNIE SHEEHAN, whose prestige rides high and wide as well as handsome around the Fox lot today has ideas on costume pictures and they don't speak well for such a cycle. On the basis of watchful scrutiny of what goes on elsewhere throughout Hollywood and at the box-office, Sheehan has come to the conclusion costumers pay at the ratio of one in forty. By his reasoning, the shot is a long one and so, why take it? He isn't. . . .

▼

Why develop starring personalities at much expense and time to submerge them in wigs and trappings of bygone days that may add further to the submerging process? He poises and answers the question by viewing such a move as plain punk judgment and foresees the future, near and far, proving the point if the costume cycle, which is headline stuff on the coast these days, persists. . . .

▼

Doubles find Sheehan a determined foe, too. He sees no place for them and only danger to the business if the practice is stuck with its guns. On the M.P.T.O.A. plan to forward Hollywood reactions to pictures, particularly on unwarranted dirt and "smoker" type gags, the Fox production chief has nothing but commendation "if the exhibitors are on the level." But that sort of thing is not new to him. Twice a year and from the far corners of the globe does he have deposited on his desk reactions to Fox product as gathered in by sales representatives. Sheehan admits the dope is invaluable in fashioning product for the important and not to be ignored overseas markets. . . .

▼

Plaint of the producers, or one of them: Major studio recently paid $25,000 for a certain piece of story material. To date, it has spent $150,000 odd trying to make it filmable. . . . The reactions of various exhibitors will be interesting to the statement of Adolph Zukor that admissions must go up because "the distributor does not get a proportionate share of film cost from subsequent runs because their admissions are too low." The reaction will be unanimous to his remark that "we need better product. That is the answer to the whole promlem." We go back one day and remind again of Nick Schenck's observation. . . .

▼

The film scramble among Broadway first runs, large and small, constitutes a battle about which nothing has been said to date. "Stingaree," the story has it, never would have made the Music Hall, only RKO needed a film. The Paramount is set for two weeks and is hunting high and low after that. "Riptide" stayed at the Capitol recently for three weeks, because of re-editing of "Tarzan and His Mate," insisted upon by the coast Hays office after its minions caught the Hollywood preview. The situation is as per usual, when the old season prepares to expire. . . . KANN

## Louis Solomon Passes

Louis Solomon, one of the pioneers in equipping projection rooms for showing of films to buyers, died Friday night after a short illness at his home, 306 E. 171st St., the Bronx, and was buried Sunday at Mount Judah, Cypress Hills, it was learned yesterday. He is survived by his widow, Mrs. Rose Solomon, and three sons, Louis, William and Samuel Solomon, and one daughter, Mrs. Anna Herman.

## Trading Very Light on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30¼ | 29 | 30 | +1¾ | 300 |
| Consolidated Film Industries | 3⅞ | 3⅞ | 3⅞ | ..... | 100 |
| Consolidated Film Industries, pfd | 16 | 16 | 16 | — ½ | 100 |
| Eastman Kodak | 96½ | 94½ | 96½ | +2¼ | 100 |
| Eastman Kodak, pfd | 137 | 137 | 137 | ..... | 10 |
| Loew's, Inc. | 31¼ | 30½ | 31¼ | + ⅝ | 1,100 |
| M-G-M, pfd. | 26½ | 26½ | 26½ | + ⅜ | 100 |
| Paramount Publix, cts. | 4¼ | 4⅛ | 4¼ | — ⅛ | 200 |
| Pathe Exchange | 2⅞ | 2¾ | 2¾ | ..... | 300 |
| Pathe Exchange "A" | 19⅞ | 19¼ | 19⅞ | + ⅜ | 200 |
| RKO | 2⅞ | 2⅞ | 2⅞ | ..... | 200 |
| Warner Bros. | 6 | 5¾ | 6 | ..... | 2,200 |

## Technicolor Rises ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 9⅛ | 9¼ | 9⅝ | + ⅛ | 1,100 |

## Paramount Publix Bonds Off 1

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40, ctf | 9 | 8¾ | 8¾ | — ½ | 11 |
| Loew's 6s '41, ww deb rights | 100 | 100 | 100 | ..... | 1 |
| Paramount F. L. 6s '47 | 51 | 51 | 51 | ..... | 5 |
| Paramount Publix 5½s '50 | 51 | 50½ | 51 | —1 | 12 |
| Warner Bros. 6s '39, wd | 58¾ | 58¾ | 58¾ | — ¼ | 16 |

# Purely Personal

GEORGE R. BATCHELLER, head of Chesterfield Pictures, arrived from Hollywood yesterday on a visit of five or six weeks during which the company's new season production schedule will be determined.

BILL KEYES, operator of the Victory in Dayton, was a visitor at the Warner home office yesterday where he conferred with A. W. SMITH, Eastern and Canadian distribution head.

CHARLES BEAHAN, Columbia story editor, returned to the coast yesterday after several weeks conferring with eastern executives.

SI SEADLER, GEORGE BROWN and ED FINNEY were among those who spent their Sunday on a deep-sea fishing jaunt.

TOM WILEY doubled in brass at the M. P. Club yesterday, acting as cashier and checker in addition to his other duties.

SARAH SIEGEL went to work yesterday in the publicity department of Eastern Service Studio as aide to C. N. O'DELL.

FRANCIS MARTIN, writer under contract to Paramount, arrives in town from the coast today, vacation-bent.

SOL EDWARDS, assistant sales manager for Educational left yesterday for Boston on a business trip.

MARY SIMMONS reached New York from Hollywood yesterday. It's a holiday.

BEN BLUE started his first short on his new Warner contract yesterday.

## Frank R. Wilson Ill

Frank R. Wilson, until recently associated in executive capacities with a number of film companies, has been seriously ill of cerebral thrombosis for the past week at his Hotel Victoria apartment, but yesterday was reported as "improving."

Wilson resigned his film posts last summer to conduct public relations work for the NRA, giving particular attention to the promotion of NRA trailers by the industry.

## Metzger Going West

Lou B. Metzger, who recently closed a deal to handle British International Pictures output in the United States, leaves for the coast in a few days to wind up important affairs at his San Diego theatre. He will return after a few days on the coast.

## Ritchie Escapes Crash

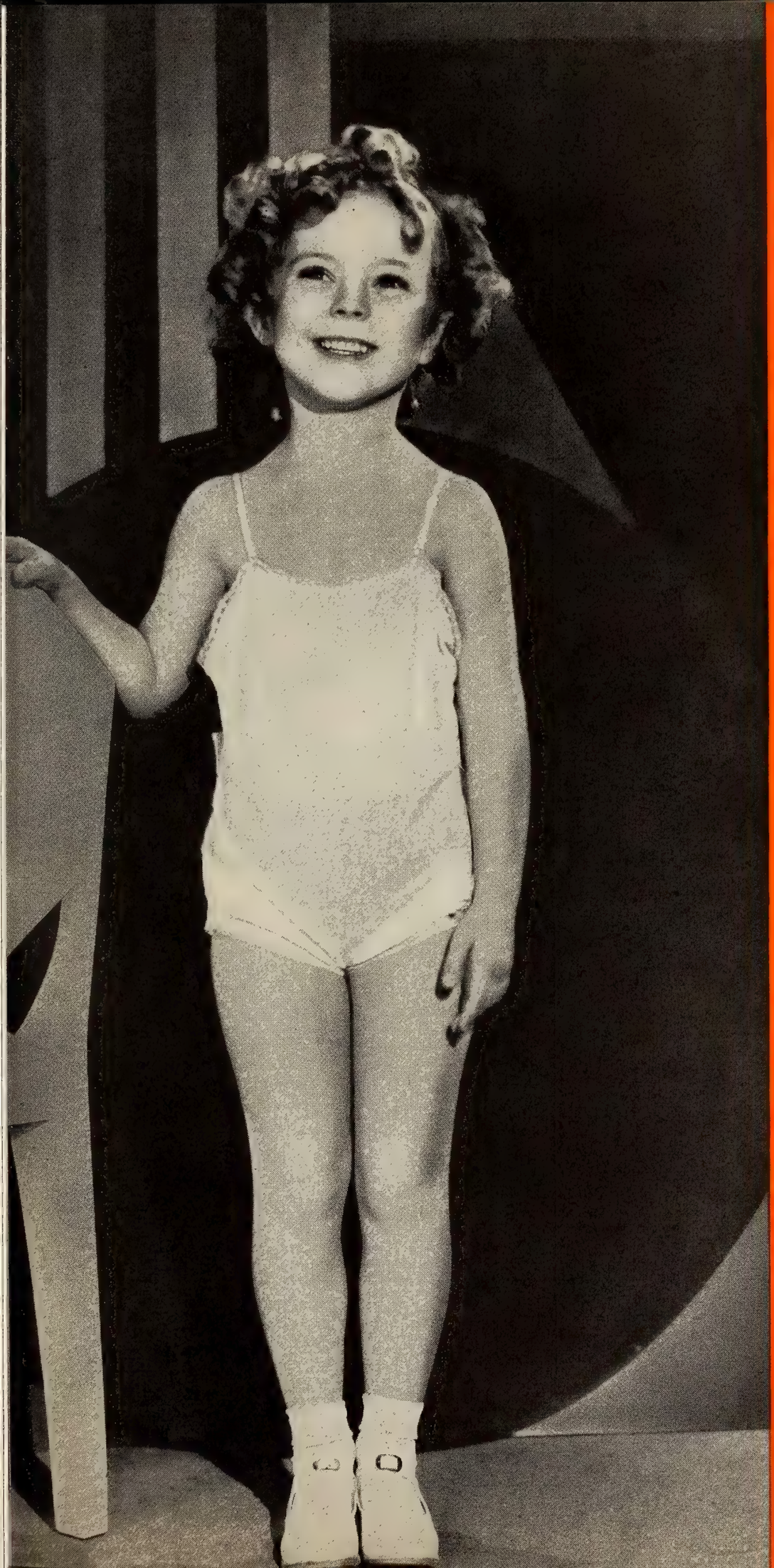
Robert Ritchie, manager for Jeanette MacDonald, had a lucky escape from either death or serious injury late last week when a Paris-London plane on which he was a passenger crashed outside of Croydon, near London.

## Zukor Gets Credit Line

"Adolph Zukor Presents" is the new credit line which will appear on Paramount productions, beginning at once, the company stated here yesterday.

## Price for Vita. Short

Georgie Price has been lined up by Warners for one short. Joe Rivkin closed the deal.



# Creator of STYLES! Mistress of CHIC!

What Shirley Temple wears today, the whole world will wear tomorrow. Women follow with envious regard every fashion whim that moves La Temple in her quest for glamour.

FOX

MORE TOMORROW!

# Codes to Go, But Film Not On the List

(*Continued from page 1*)

was widened today by the charge of the board that the President had acted "unfairly" in withholding the Darrow report until NRA officials had been given an opportunity to "pervert" it.

At the White House it was indicated that the review board would conclude its labors and dissolve May 31, but members of the board declared that they were without information on that point and were scheduling hearings on some 96 codes before them for investigation.

Members of the board were today represented as "astounded" at the reception given the report, although admitting privately that it was "full of holes" and that Chairman Darrow had done his cause no good by a supplemental report declaring the country was faced with a choice between government-controlled monopoly and socialized industry, and going on record in favor of the latter. The supplemental report, it was said, was presented by Darrow and W. O. Thompson without the knowledge of the three remaining members.

**Started in December**

Correspondence between Administrator Johnson and Senators Borah and Nye regarding the creation of a review board, made public today, shows that the former, as far back as last December, realized the need for a study of the operation of codes and urged that the senators serve on a board to undertake the task, which they refused to do because of the pressure of Senate business.

Publication of the 80,000 words of report, answer and correspondence has served, it is believed, to give the recovery administration a clean bill of health, so far as its purposes and actions are concerned, although centering attention upon the inescapable fact that there are abuses under the codes which should be eliminated.

At the Capitol the Darrow report was received with varying emotions, with many of the Republican members declaring that regardless of the debate between Darrow and Johnson the document demonstrates the need for amendment or repeal of the recovery legislation.

The report substantiated his charges that the codes protected and fostered monopoly, it was declared by Senator Nye, but Senator Borah, long-time enemy of the Recovery Administration, indicated that when he attacks that body he will depend upon his own sources of information and not on the report.

**Holds "Little Fellow" Harmed**

"The findings of the majority and minority show conclusively many of the codes are working destruction for small businesses and entrenching monopoly," Nye declared. "I have not completely digested the report, but if the NRA response as written by Mr. Rosenblatt on the moving picture industry code is a reflection of the general response, then that response must be a masterpiece of evasion and confusion."

Asked for comment upon the Senator's statement, Division Administrator Sol A. Rosenblatt contented himself with the declaration that "if a careful, truthful and complete refutation of a report based on ignorance of the facts, the code and the law is a 'masterpiece of evasion,' then it must be so if the honorable Senator so states."

Nye is expected to make a speech in the Senate tomorrow on the report.

All indications at the Capitol pointed to the probability of sharp and protracted debate upon the whole recovery situation and a strong effort to "dust off" the anti-trust laws for application to codified industries where necessary.

Aroused by the joint publication of report and answer, Clarence Darrow today called newspapermen to his office for a "conference" but contented himself, upon their arrival, with handing out a prepared statement, refusing to answer all questions. The statement originally represented the personal views of the chairman of the board, the personal pronouns later being changed to make it a board statement.

**Defines Purpose of Board**

"This board was not created to analyze industries, to devise defenses for the NRA, nor to weigh the intricacies of factory and corporation management," it was declared. "It was created for two purposes and two only, to discover if monopolistic practices existed or small enterprises were oppressed under the codes.

"Seventeen days later its report is made public together with the excited ejaculations of General Johnson and Mr. Richberg, who, apparently under the impression that the National Recovery Act is their personal property, break into shrieks of rage at the suggestion that operations are not perfect or are susceptible of improvement. But the facts should be emphasized that in their curious excitement they have forgotten their subject."

The "chaotic competition" condemned by the board "is the identical thing that the NRA seeks to eliminate," the statement continued, retorting that Richberg is guilty of the "misstating" and "stumbling" which he charges against the board.

**Second Report This Week**

The board, Darrow said, "expects to deliver before the end of this week a second report reviewing additional industries in which conditions are even worse than in those that have fevered Mr. Richberg's vision. When he comes to read the next report of this board it is likely that he will need more than 157 pages to steer around its contents."

Assailing the President for the delay in making the report public, the board declared "We hope that in common fairness the next report will not be held 17 days to give these young gentlemen a chance to read into it things that it does not contain and to pervert its meaning by placing things out of their context. If that is to be done, we shall insist that at the same time opportunity be given us to answer Mr. Richberg's misstatements, correct his errors and at least try to draw his attention to the realities of the issues involved.

"Finally, one question: Does the Administration wish to be understood as supporting monopolies?"

A bewildered city today was fighting itself out from under a snowstorm of more than 80,000 words loosed upon it in the form of the report and Administrator Johnson's answer.

## *Clearance Protest Loses in Cleveland*

CLEVELAND, May 21.—Charges brought by the Cedar Lee Theatre Co. that protection allowed Loew's Stillman Park and Granada over the complainant's Lake, Uptown and Variety was unfair have been dismissed by the clearance and zoning board on the ground that because the clearance involves more than one house no change can be made in the schedule without a general revision.

The board says a Greater Cleveland clearance schedule is now in preparation and will be completed within 10 days. After its publication any theatre, including the Cedar Lee group, may protest, the board rules.

The hearing began Friday and continued until midnight Saturday.

## *Stern Quits Place On Clearance Board*

Second United Artists representative to resign from the New York clearance and zoning advisory committee is Charles Stern, district manager. Moe Streimer, local branch manager for the company, was originally selected for the post, but quit because of ill health.

Stern claims he spends most of his time on the road and cannot be available for meetings. He just returned from New Orleans and expects to leave for another tour shortly.

## *Push New Clearance Work in Milwaukee*

MILWAUKEE, May 21.—Work on a revised clearance and zoning schedule is progressing, but it is considered doubtful whether the committee will be able to complete its work at its next meeting scheduled for Wednesday. A. C. Gutenberg, Milwaukee, is substituting on the local clearance and zoning committee at the meetings in the absence of George Fischer, who is recovering from an operation.

## *Cullman Files New Charge on Mayfair*

Having already won one case against the Mayfair, Howard S. Cullman, receiver for the Roxy, yesterday filed a second complaint before the New York grievance board, claiming that the same theatre is distributing passes among store merchants, who are giving "about three" with certain purchases.

Cullman states this is one form of premiums prohibited under the code.

## *N. O. Hears Complaint*

NEW ORLEANS, May 21.—The complaint of Crawford's McGee, McGee, Miss., charging the operation of a theatre in connection with the Sanatorium Hospital, three miles from that town, was unfair competition, was heard today by the local grievance board. Evidence revealed the hospital paid no state taxes and allowed outsiders to enter on payment of admission. A decision is expected in three days. The board decided to send Paramount's breach of contract charge against Guidry Brothers, Oakdale, La., to Campi in New York for action.

Code authorities here voted today to give publicity to board activities and decisions.

# Review Board Report Is Hit By Kuykendall

COLUMBUS, MISS., May 21.—The Darrow report was denounced here today by Ed Kuykendall, president of the M.P.T.O.A., as "unfair" and as representative of the views of only a small number of theatre owners.

His statement follows in full:

"The report of the Darrow committee shows an amazing disregard for facts and complete lack of understanding of the mechanics of the motion picture industry and is not the sentiment of any appreciable number of theatre owners. The facts are this committee heard only a few disgruntled persons, most of whom have no investment in this industry and are professional organizers and creators of law suits and strife, and by their obstructionist methods have retarded the working of the code to the detriment of the so-called independent theatre owners they pretend to help.

**Charges Desertion**

"This group ran out in Washington when they learned that those who had no investment in this industry could not participate in its code. They will continue to interfere in every way possible with its functioning because to end strife would obliterate them.

"How can anyone condemn in sincerity that which has just started and has not had time to work as yet. Mr. Darrow has been imposed upon by this little group, undoubtedly because the protests are almost the same language they used in Washington and are the wailings of a destructive minority who would delight in tearing down the code and everything else that did not agree with their radical views. It is so manifestly unfair it will have no weight with the sane men and women who make up this industry and understand its mechanics.

"I personally and my organization have complete faith in the NRA, the President of the United States and Sol A. Rosenblatt's ability and integrity as administrator of the amusement division."

## *Jersey Allied Takes Up Darrow's Report*

Discussions of the Darrow report of the National Recovery Review Board, the nationwide Catholic boycott of objectionable films, producer-made trailers and new product and sales policies occupied the meeting of Allied of New Jersey yesterday.

Sidney Samuelson, president of Allied States and head of the New Jersey unit, stated that no action was taken on any of the subjects as the meeting did not advance them beyond the discussion stage. The next meeting of the unit was set for June 4.

## *Forbids Prizes by Saxe*

MILWAUKEE, May 21.—The grievance board here has issued a cease and desist order in the complaint of the Langheinrich brothers, operators of the Burleigh, against the Saxe Amusement Management Co., Inc., which was charged with giving prizes in connection with a cooking school at the Garfield in this city.

## Mascot Set on 12 For '34-'35 List

A program of 12 features for 1934-35, to be produced at a total cost of $1,250,000, was made public yesterday by Nat Levine, president of Mascot. Work on the schedule has already started on the coast.

The lineup consists of "Young and Beautiful," "Harmony Lane," "Crimson Romance," "Waterfront Lady," "Along Came a Woman," "Confidential," "One Frightened Night," "Streamline Express," "Man from Headquarters," "Headlines," "The Marines Have Landed" and "Anything Once." In addition to these features there will be released four serials during the new season. These are "The Lost Jungle," "Burn 'em Up Barnes," "Law of the Wild" and one starring Ken Maynard.

The writing staff will consist of the following:

John Bright, Michael L. Simmons, Llewellyn Hughes, Prescott Chaplin, Marion Orth, Milton Krims, John Rathmell, Colbert Clarke, Maurice Hanline, E. Edward Roberts, Burnet Hershey, Wyndham Gittens, Al Martin, Norman Houston, Sherman Lowe, Ford Beebe, John Stewart Twist, William Worthington, George Rosener, Douglas Doty, George Sayre, William A. Grew, Adele Buffington, Barney Sarecky, Ben Cohen, David Howard, Earle Snell, Joseph Santley and Sigmund Neufeld.

## *Widening of Strike Predicted by Levey*

Additional service employes were scheduled to be called out of Loew's and RKO metropolitan houses last night by Local 118, Theatre & Amusement Employes Union, according to Charles Levey, secretary.

Circuits reported no additional employes had joined the strike over the week-end. Levey said that "10 or 15" additional houses might be affected by late today, bringing the total of houses picketed to about 30, he said.

Charges of coercion filed against Levey by the Tivoli, Brooklyn, were postponed to June 18 when the case came up for hearing in Supreme Court yesterday.

## *Stars' Show Pulls $10,000 for Start*

HOLLYWOOD, May 21.—At least 10,000 turned out for the first Screen Stars' Frolic at Gilmore Stadium. Receipts are estimated at $10,000. With four more shows scheduled, ending Sunday night, local theatres are expected to suffer a diversion of an estimated $50,000.

The heavy advertising campaign is emphasizing "See All the Stars."

The show consisted of a pageant with stars in the leading, a circus, and a rodeo. Outside the stadium was a carnival midway, with varied concessions.

## *Production Shows Slight Increases*

(*Continued from page* 1)

side are 12 working, 11 preparing and 21 in the cutting rooms.

M-G-M took the lead from Paramount, which has held it for many weeks, with a total of seven features in work, one preparing and nine cutting. Paramount has six, five and four; Fox, four, three and three; Radio, four, three and eight; Warners, three, seven and eight; Universal, three, one and three; Columbia, two, two and five; independents, nine, seven and eight.

## *Tiffany Winner in Mae Murray's Suit*

Mae Murray lost her $300,000 suit against Tiffany Productions yesterday when Supreme Court Justice Aaron Steuer after hearing four days of testimony dismissed the case in a decision rendered from the bench.

Miss Murray, who appeared in five Tiffany productions made about 12 years ago, contended in her suit that the contract she held with the company had been fraudulently settled in 1924.

## *Wanger Is Flying East*

HOLLYWOOD, May 21.—Walter Wanger started by plane for New York tonight. He will be in Kansas City all day tomorrow.

## *First New Issue of Hearst Reel Oct. 1*

(*Continued from page* 1)

film interests, stated yesterday. Release will be through M-G-M.

Hearst winds up his association with Fox Movietone News Sept. 1. Sometime next week, Hatrick will sail for Europe, probably on the *Berengaria*, to line up foreign bureaus for the organization which will have about 40 cameramen spotted throughout the world.

Edwin C. Hill has been signed to a long term contract as the new globe trotter. He will supply descriptions for various shots. Hatrick plans to be away about six to seven weeks. Mike Clofine will continue as editor of the Metrotone reel.

## Some Film Boards To Stay in Keys

(*Continued from page* 1)

advising local industry elements on participation in benefit performances, charitable activities and all other matters clearly outside the province of local code boards. Additional meetings scheduled between the managers and Pettijohn appear to be for the purpose of deciding how many of the Film Boards will remain and where they will be located.

Two or three additional meetings on the subject may be held before the future of the boards is definitely set, although a decision is expected prior to June 1. The next meeting will be held today at the Astor.

A pain in the back doesn't help your box office. People won't endure uncomfortable chairs. Easy, restful seating builds "come-back-again" patronage.

*Ask Us,*

"How can I reseat and pay for new chairs conveniently?"

**American Seating Company**

*Makers of Dependable Seating for Theatres and Auditoriums*

General Offices: Grand Rapids, Michigan

BRANCHES IN ALL PRINCIPAL CITIES

NRA MEMBER U.S. WE DO OUR PART

# "Trumpet" and Daniels-Lyon Lead Capital

WASHINGTON, May 21.—Theatres last week recovered slightly from the slump into which they had fallen, taking approximately $67,000 as against $60,600 of the previous week.

Loew's Fox was high again with $19,200 on "The Trumpet Blows" and a stage show composed of Bebe Daniels and Ben Lyon in person, with Charles Carrer, Adair and Richards, and Russ, Elmer and Armstrong as the supporting acts.

"Melody in Spring" and Allan Cross and Henry Dunn, headlining the stage show with the Van Horn Dancers, Oscar Lorraine, and Jari, Renee and Vic the other acts, brought the Earle back to $16,500.

The second week of "The House of Rothschild" went strongly at Loew's Palace to the tune of $11,200. The picture closed on Thursday night, May 17, but returns to Loew's Columbia for the week of May 25.

Bump of the week was "Sisters under the Skin" which RKO-Keith's removed after five days in favor of "Stingaree," the entire week taking $7,100, allowing the house a profit on the seven-day period.

Estimated takings, exclusive of tax, for the week ending May 17:

**"MELODY IN SPRING" (Para.)**
EARLE—(2,323), 25c-77, 7 days. Stage show. **Gross:** $16,500.

**"TARZAN AND HIS MATE" (M-G-M)**
LOEW'S COLUMBIA—(1,232), 25c-40c 7 days (return engagement). **Gross:** $3,200.

**"THE TRUMPET BLOWS" (Para.)**
LOEW'S FOX—(3 434), 25c-66c, 7 days. Stage show. **Gross:** $19,200.

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
LOEW'S PALACE—(2,363), 35c-77c, 7 days, 2nd week. **Gross:** $11,200.

**"20 MILLION SWEETHEARTS" (F. N.)**
METROPOLITAN—(1,600), 25c-40c, 7 days (return egagement). **Gross:** $3,700.

**"THE BLACK CAT" (Univ.)**
RIALTO—(1,800), 25c-75c, 7 days. **Gross:** $6,000.

**"SISTERS UNDER THE SKIN" (Col.)**
RKO-KEITH'S—(1,830), 25c-55c, 5 days. **Gross:** $3,800.

**"STINGAREE" (Radio)**
RKO-KEITH'S—2 days, to complete week of above. **Gross:** $3,300. (Total Gross 7 days, $7,100.)

# "Dangerous," Show Top in Providence

PROVIDENCE, May 21.—In a week marked by low grosses Fay's was the one theatre to eke out a better-than-average total with a combo bill of "Such Women Are Dangerous" and the "New York Casino Follies" on the stage. The take was $7,300.

Loew's dropped down to $9,000 with "Manhattan Melodrama" and a stage bill headed by Gracella and Theodore.

Total first run business was $33,000. Average is $40,500.

Estimated takings for the week ending May 17:

**"MANHATTAN MELODRAMA" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Gracella and Theodore. **Gross:** $9,000. (Average, $12,000.)

**"WE'RE NOT DRESSING" (Para.)**
**"CITY LIMITS" (Monogram)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $6,000. (Average, $6,500.)

**"JOURNAL OF CRIME" (Warners)**
**"HALF A SINNER" (Univ.)**
MAJESTIC—(2,400) 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000.)

(Continued on page 7)

# "Melody" and Show $10,000 Seattle Lead

SEATTLE, May 21.—Two big stage attractions at the Fifth Avenue and Paramount theatres were responsible for above-normal business at each of those houses during the week just ended. Al Pearce and his NBC radio gang with "Melody in Spring" at the Fifth Avenue took about $3,000 over the average $7,000. Jay Flippen and his "World's Fair Follies" and "Wharf Angel" at the Paramount, together with five acts of vaudeville and a picture, were good for $1,500 over the normal $6,000.

"House of Rothschild" had a good second week at the Music Hall, and moved to the Music Box for an extended run.

Total first run business was $34,750, Normal is $31,000.

Estimated takings for the week ending May 18:

**"SMARTY" (Warners)**
**"THE CROSBY CASE" (Univ.)**
BLUE MOUSE—(950), 25c-35c, 7 days. Gross: $3,000. (Average, $3,500.)

**"MELODY IN SPRING" (Para.)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. Al Pearce and NBC radio gang on stage. **Gross:** $10,000. (Average, $7,000.)

**"THE NINTH GUEST" (Col.)**
**"SPEED WINGS" (Col.)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,250. (Average, $4,000.)

**"LOOKING FOR TROUBLE" (U. A.)**
MUSIC BOX—(950), 25c-35c-50c, 9 days. **Gross:** $4,000. (Average, 7 days, $4,000.)

**"HOUSE OF ROTHSCHILD" (U. A.)**
MUSIC HALL—(2,275) 25c-40c-55c, 7 days, 2nd week. **Gross:** $7,000. (Average, 1st week, $6,500.)

**"WHARF ANGEL" (Para.)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Stage: Jay Flippen's World's Fair Follies and five acts of vaudeville headed by Long & Short on stage. **Gross:** $7,500. (Average, $6,000.)

## *Loyola Boycott Ordered*

NEW ORLEANS, May 21.—The fight launched on indecent films has reached New Orleans. The sodality at Loyola University has ordered a boycott on "Riptide," "George White's Scandals," "Glamour," "Finishing School" and "The Trumpet Blows."

## *Birmingham Pledges Out*

BIRMINGHAM, May 21.—A campaign against "vile, unwholesome, salacious" films has been inaugurated here, following the adoption of a resolution by Catholic women. Hundreds of pledge cards have been circulated in the district for the Legion of Decency.

## *Two Close in Long Beach*

LOS ANGELES, May 21.—Two Long Beach first runs closed Saturday night. Pacific National Theatres darkened the Palace because of bad business and Milt Arthur, who has been operating the Capitol for F. W. C., has closed until sufficient stock can be delivered to him to establish his rights in the property.

## *K. C. All 25c. Friday*

KANSAS CITY, May 21.—Beginning Friday the RKO Mainstreet goes to a new policy of double features at 25 cents. This will make 25 cents the prevailing price at all local downtown first runs.

## *Duals 10c-17c*

**Columbus, May 21.—Several neighborhood houses here are continuing to show double features and shorts, despite having recently inaugurated "summer prices," which have been reduced to 10 and 17 cents, including 10 per cent state tax on the higher admission.**

# "Stand Up" Is $20,000 Hit, Philadelphia

PHILADELPHIA, May 21.—Several hit films, all backed by extensive ad campaigns, raised grosses to a remarkable high for this time of year.

"Stand Up and Cheer" was a standout at the Fox, grossing $20,000. It was held a second week. "Sadie McKee" tilted the Boyd's cash-register to $16,500 and was held over. "Rothschild," in its third week maintained its winning pace with a top notch $13,000. At least two more weeks loom for this one.

The Earle also did nifty business with George Jessel and "You're Telling Me" to a $15,500 intake. The only weak spots were "Laughing Boy" and "Merry Wives of Reno."

Total receipts were $85,500. Average is $67,900.

Estimated takings for the week ending May 17:

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
ALDINE—(1,300), 40c-55c-65c, 6 days, 3rd week. **Gross:** $13,000. (Average, $7,000.)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
(2nd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,600. (Average, $2,400.)

**"SADIE McKEE" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $16,500. (Average, $12,000.)

**"YOU'RE TELLING ME" (Para.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: George Jessel, Seiler and Wills. **Gross:** $15,500. (Average, $12,000.)

**"STAND UP AND CHEER" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage: Bob Hall, Gilbert Diaz, Tom, Dick and Harry, "Popeye, the Sailor." **Gross:** $20,000. (Average, $12,000.)

**"LAUGHING BOY" (M-G-M)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,500. (Average, $3,500.)

**"WE'RE NOT DRESSING" (Para.)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $11,000. (Average, $12,000.)

**"MERRY WIVES OF RENO" (Warners)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,400. (Average, $7,000.)

## *Ampa's "Beefsteak" Looks Like Sellout*

Ampa's "beefsteak" tonight at the M. P. Club looks like a sellout with practically all of the 260 seats disposed of at an early hour last night.

In addition to the dinner, President William R. Ferguson has lined up some varied entertainment.

## *Mady Christians Cast*

HOLLYWOOD, May 21.—Mady Christians, signed several days ago by M-G-M, will star in "Wicked Woman," formerly announced as a vehicle for Helen Hayes. The latter goes into Hugh Walpole's "Vanessa" instead.

# "Rothschild" Gets $9,000, Minneapolis

MINNEAPOLIS, May 21.—"House of Rothschild" did $5,000 easily in a 1,650 seat house and was held over for a second week. Roxy and his gang ran the Minnesota gross well up to $9,000 for top money. "Gambling Lady" led in St. Paul with $6,000 at the Paramount.

Minneapolis' five regular theatres, usually grossing $22,000, got about $23,500 and the Century's special engagement brought it to $28,500. St. Paul's five, which usually get $16,000, made it $17,000.

Estimated takings:

***Minneapolis:***
***Week Ending May 17:***

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $5,000. (Reopened).

**"TARZAN AND HIS MATE" (M-G-M)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

**"MEN IN WHITE" (M-G-M)**
MINNESOTA—(4,000), 25c-50c, 7 days. Roxy and his gang. **Gross:** $9,000. (Average, $7,500.)

***Week Ending May 18:***

**"20TH CENTURY" (Col.)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $5,500. (Average, $5,500.)

**"THE WITCHING HOUR" (Para.)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500.)

**"BELOVED" (Univ.)**
WORLD—(400), 25c-75c 7 days. **Gross:** $2,000. (Average, $2,000.)

***St. Paul:***
***Week Ending May 18:***

**"GAMBLING LADY" (Warners)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500.)

**"MYSTERY OF MR. X" (M-G-M)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $2,000. (Average for week, $3,500.)

**"THREE ON A HONEYMOON" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days **Gross:** $1,500. (Average for week, $3,500.)

**"20TH CENTURY" (Col.)**
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $4,000. (Average, $4,000.)

**"TARZAN AND HIS MATE" (M-G-M)**
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $700.)

**"HALF A SINNER" (Univ.)**
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average $800.)

**"THE CONSTANT NYMPH" (Fox)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000.)

# "Men in White" Is Oklahoma City Hit

OKLAHOMA CITY, May 21.—Although summer weather with other diversions rapped city houses last week, business held up, but all houses did not hit par. The Criterion, with "Men in White," led the field with a $5,800 take, or $800 above average.

The Mid-West was let down with $3,400 on "Stand Up And Cheer" which was $600 off par. The Liberty went $1,500 above its average week on a take of $3,500 for two changes, "Man's Castle" and "Smarty" supported by two different stage shows. The Capitol went down the river on "A Very Honorable Guy," taking only $1,500, which was $1,000 below average.

Total first run business was $14,200. Average is $13,500.

Estimated takings for the week ending May 19:

**"MEN IN WHITE" (M-G-M)**
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c. 7 days. **Gross:** $5,800. (Average, $5,000.)

(Continued on page 7)

# "U" Getting Set to Make 4 Ace Efforts

(Continued from page 1)

is an increase of 10 over the current year's program, the company, through diligent and careful preparation during the past six months, has lined up and has prepared more than 75 per cent of the new product. This will enable James R. Grainger, sales head to go before the annual sales meet next month, prepared to promise the delivery of more definite stories than ever before in the history of Universal sales conventions.

So enthusiastic is Carl Laemmle, Sr., over the present lineup that after the budget had already been set for the entire program, he added another million to insure plenty of latitude.

This season's program will wind up with the completion of "Little Man, What Now?" reviewed elsewhere in this issue; "Imitation of Life" and "One More River." First of the pictures for the new program will get under way around June 1 with the schedule so arranged that there will be no complete studio shutdown for a year to come.

As for man power and players, Universal feels it has already entrenched itself with top line producers, directors and writers. As for players, the studio has doubled its stock list to such an extent that it is the largest ever assembled in its history. Many have been imported from Broadway, but the majority were contracted here after proving themselves for stellar roles through past performances. This list, which will be called from time to time to support Universal stars, consists of Sally Eilers, Heather Angel, Henry Hull, Frank Lawton, Jane Wyatt, Victor Moore, Louise Latimer, Douglas Fowley, Binnie Barnes, Ann Darling, Lois January, Eral Eby, Onslow Stevens, Andy Devine, Russ Brown, Dean Denton, Henry Armetta, Sterling Holloway, June Knight and Alice White.

In the star list, there are Miss Sullavan. Boris Karloff, Paul Lukas, Chester Morris, Edmund Lowe, Buck Jones, Russ Columbo, Gloria Stuart, Roger Pryor and the team of Summerville and Pitts.

Preparing for an active year, Universal has reopened its laboratory, where not only the daily rushes will be processed, but the bulk of release prints as well. Two of the old stages are being converted into modern sound stages.

## "Ziegfeld" First of Quartet by McGuire

Hollywood, May 21.—First of four pictures to be made by William Anthony McGuire on a new ticket with Universal will be his own story, "The Great Ziegfeld."

Billie Burke, widow of the Follies impresario, will assist McGuire in the preparation of the screen biography.

## Werner After Talent

David Werner, Universal casting director, reached New York yesterday to stay one month in search of new talent. This is part of a three-month effort to line up new faces.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Little Man, What Now?"

(*Universal*)

Hollywood, May 21.—Reaching primary emotions with undertones of spiritual power, this drama of a boy and a girl, madly in love and caught in the web of modern economic forces, rises to heights of magnificent entertainment.

It's today's story of youth in any land, adapted by William Anthony McGuire from Hans Fallada's novel. It is youth seeking the rainbow, assaulting the world for food and clothing and clinging close to womanly affection.

Losing one job because he wouldn't play up to the boss's daughter, Douglas Montgomery, with his bride, Margaret Sullavan, go to live with his mother, Catharine Doucet, who secretly runs a sort of lonely club. Her consort, Alan Hale, helps Montgomery secure a job in a department store, and then tries to inveigle himself with Miss Sullavan. Montgomery loses his job, his wife has a baby and a friend proffers work.

Miss Sullavan again demonstrates her outstanding artistry and charm. Montgomery gives a sterling performance. Hale, Christian Rub, Muriel Kirkland and De Witt Jennings contribute gems in support. Frank Borzage's masterful craftsmanship solidifies him as the industry's great heart director.

The production is flawless and refreshing, rich in qualities that stir the masses, whose drama is splendidly mirrored and romantically unfolded.

## "Fog Over Frisco"

(*Warners*)

Hollywood, May 21.—Although the story gets involved in its own complicated plot, "Fog Over Frisco" is an exciting murder mystery of the "blood and thunder" type.

The story revolves around Bette Davis, a neurotic girl member of a gang of crooks dealing in stolen securities which Miss Davis unloads on her stepfather's firm through Lyle Talbot, her fiance. Things begin to happen when Miss Davis disappears mysteriously from her home following an argument with one of her gang, leaving her engagement ring behind. Follows a suicide, the kidnaping of Margaret Lindsay, Miss Davis' half-sister, and a double murder, all involving a butler, newspapermen, a partner of the banker's firm and persons unknown.

All members of the cast do well, particularly Miss Davis, Miss Lindsay, Talbot, Donald Woods, Hugh Herbert and Robert Barrat. William Dieterle directed.

The picture should click in spots where Miss Davis and Talbot are box-office and in neighborhood houses where they take their melodrama straight.

## "I Give My Love"

(*Universal*)

Hollywood, May 21.—Based on a proved entertainment premise, this romantic drama is a standard program attraction with a strong feminine appeal. Its realism centers sympathy on the heroine, with a tempo impressive with action and dialogue balanced in carrying the story.

The yarn concerns an artist's model driven to desperation by her egomaniac husband. Jailed for his accidental murder, the woman returns to the home of her benefactor, finding her son turned against her. Becoming a wanderer, she lands in Paris, and the son, now an artist, has her pose for a painting. When it is finished, the boy's foster father identifies the model as the young artist's mother, as well as the woman he has always loved. The climax reunites mother and son and brings married happiness to the battered woman.

The production, adapted from Vicki Baum's story by Milton Krims, preserves the dramatic human qualities. Wynne Gibson and Paul Lukas turn in convincing performances. As the young husband John Darrow is outstanding, while Tad Alexander as a boy of 10 and Eric Linden, carrying the same role 10 years later, add much to the conflict and heart interest.

## To Renew Bruce Ticket

Hollywood, May 21.—M-G-M is reputed writing out a long-term contract for Virginia Bruce.

## "Sorrell" Opens Monday

"Sorrell and Son," United Artists release, will have its premiere at the Mayfair next Monday.

# Columbia Net $739,338; Up By $192,560

(Continued from page 1)

common for the identical preceding period.

The consolidated balance sheet as at March 31, 1934, shows total assets of $7,407,358.68 against which there were total liabilities of $2,072,417.91. Earned surplus amounts to $2,685,-440.27. Cash aggregated $712,664.05.

Total current and working assets of $5,717,580.08 against total current liabilities of $1,200,450.17 show a ratio of almost five to one.

## Columbia Organizes Company for China

Dover, Del., May 21.—Columbia Films of China, Ltd., has been chartered here. The incorporators are Max Seligman, New York; Richard Philpott, Belrose, L. I., and Floyd Weber, Brooklyn.

Columbia Films of China, Ltd., is the company organized to carry on Columbia's own distribution in China. Columbia recently opened its own office at Shanghai, after distributing for number of years through Hongkong Amusement Co., a native organization.

## Golden Leaves for Salt Lake Session

Edward Golden, general sales manager for Monogram, left for Salt Lake City yesterday afternoon to attend the first of four regional sales meetings. The session is being held May 26 at the Utah Hotel with about 40 in attendance. Golden will preside.

At the Cincinnati meeting June 2 and New York session June 9, W. Ray Johnston, president, will preside.

Hollywood, May 21. — John Wayne's eight westerns for Lone Star and to be released by Monogram are: "The Trail Beyond," "Texas Terror," "The Desert Trail," "'Neath Arizona Skies," "The Dawn Rider," "Rainbow Valley," "Lawless Frontier" and "Paradise Canyon."

## "Men in White" Is Oklahoma City Hit

(Continued from page 6)

**"MAN'S CASTLE" (Col.)**

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $2,000. (Average week $2,000.)

**"SMARTY" (Warners)**

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,500. (Average week, $2,000.)

**"STAND UP AND CHEER" (Fox)**

MID-WEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,400. (Average, $4,000.)

**"VERY HONORABLE GUY" (F. N.)**

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,500. (Average, $2,500.)

## "Dangerous," Show Top in Providence

(Continued from page 6)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**

FAY'S—(1,600), 15c-40c 7 days. Stage: "New York Casino Follies." **Gross:** $7,300. (Average, $7,000.)

**"FINISHING SCHOOL" (Radio)**

**"WHIRLPOOL" (Col.)**

RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $4,500. (Average, $7,000.)

**"THE MAN TRAILER" (Col.)**

**"CRIME OF HELEN STANLEY" (Col.)**

RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000.)

# Fox Will Get 10% Interest In Fox "Met"

(Continued from page 1)

for the capitalization of the new company. In addition to the stock, there would be issued 6,880,350 of new secured five per cent debentures, due in 1944.

Holding companies of the new Fox "Met" organization would subscribe for $650,000 of the new debentures at par and all of the remainder, together with the new common stock, will be issued to depositing noteholders, who propose to bid in the company at foreclosure on June 20. The noteholders are to receive $500 of the new debentures, 20 shares of common and a warrant for additional shares to be pro-rated later, and $50 in cash for each $1,000 of bonds in the present Fox "Met" deposited with the committee.

This would apparently involve a settlement to noteholders of approximately 75 cents on the dollar, exclusive of their continued holdings in a going concern.

Financing of the reorganization is to be accomplished with a sum of $1,430,000 in Fox "Met" cash now on hand and subject, in the opinion of the reorganization committee to outstanding mortgages held by it. Provision will also be made from this cash for approximately $200,000 of working capital for the new company. Any excess amount remaining is to be prorated among the depositing noteholders.

### Trustees to Be Managers

Management of the new company will be in the hands of the voting trustees and the board of seven members of the new company. The voting trustees, in addition to Kent, are: Herbert P. Howell, president of the Commercial National Bank & Trust Co., and Richard C. Hunt, member of the law firm of Chadbourne, Hunt, Jaeckel & Brown. The trustees will also be members of the board and with its president will control the new company.

Operations will go to Skouras and Randforce, with the latter sub-letting from the new company approximately 36 Brooklyn houses, and Skouras the remaining 44 in Manhattan, Long Island and New Jersey. The operators will have a 50 per cent interest in the operating companies and the new Fox "Met" parent company will retain the other 50 per cent. Aggregate salaries to be paid the operators, Louis Frisch and Samuel Rinzler of Randforce, and Spyros, Charles and George Skouras, will amount to $119,200 per year.

The plan also provides for compromise settlements of a claim of $4,500,000 of Fox Theatres Corp. and one of $288,000 of Fox Film against Fox Met., and for the payment in full of $7,000 of unsecured creditors' claims.

Jurisdiction over the plan was accepted by the Federal Court here last week.

The consolidated corporate and receivers' income report on Fox "Met" for the period from June 4, 1932, to Dec. 31, 1933, made public yesterday, showed a net loss after interest and other charges of $2,095,226.

# *Early Sale Set for FWC; Approve Para. Agreement*

(Continued from page 1)

of settlement of Paramount Publix claims against Fox Film and Fox West Coast before Referee Oscar W. Ehrhorn yesterday. Attorneys for the Paramount Publix trustees stated at the hearing that trustees of Fox West Coast had advised them on May 10 that the sale would take place within 60 days.

At the same time it was stated that Chase National Bank and Fox Film were the principal creditors of Fox West Coast and the implication was that these two organizations would control whatever group took over the West Coast assets at the sale. The reorganization plan itself, which will go into effect shortly after the foreclosure, will not alter the present Fox West Coast operating setup in any material way, it was learned earlier. Regarded as the most important change involved in the plan is the contemplated election of Sidney R. Kent, Fox president, to the presidency of the reorganized West Coast company.

## *FWC a Defendant In $300,000 Action*

(Continued from page 1)

in a suit filed in the Federal courts today by H. W. and C. W. Chotiner charging violation of the Sherman and Clayton anti-trust statutes. The plaintiffs charged discrimination in the showing of first run pictures at their Parisian and Ravenna theatres.

In addition to $300,000 damages an injunction is sought forcing the defendants to give the plaintiffs "equitable picture leasing contracts."

## *Campi Issues Report On Extra Committee*

HOLLYWOOD, May 21.—Mrs. Mable Kinney today received Campi's report on the study of the extra situation made by John C. Flinn, executive secretary of Code Authority, on his recent visit to the coast. The report was contained in a letter from Flinn and ordered the standing committee discharged "from further considering and recommending any interpretations or terms of any provisions made for extras under the code."

## *End 'Bank', 'Race' Nights*

PORTLAND, May 21.—The grievance board here today agreed that all "bank," "race" and other nights be eliminated as business stimulants at all Oregon theatres, but is asking Campi in New York if it has the authority to take this action. Zoning meetings will be held Mondays, with grievance sessions set for Tuesdays.

## *Ralph R. Doyle in U. S.*

HOLLYWOOD, May 21.—Ralph R. Doyle, managing director for Radio in Australia and New Zealand, has arrived here. Saturday he leaves for New York. He returns home after the sales convention. Reporting his territory is rapidly recovering from the depression, Doyle asserts theatre attendance there is "better than ever."

(Continued from page 1)

amount of approximately $30,000, registered the only opposition to the settlements. Basing his opposition on the alleged former associations of Charles E. Richardson and Eugene W. Leake, Paramount trustees, with Chase National Bank, and Richardson's additional association with Fox Film, Zirn contended that the trustees were thereby disqualified from acting in the present F. W. C. settlement.

It was pointed out that Richardson took no part in the F. W. C. settlement because of his former post as treasurer of Fox Film. Referee Ehrhorn also pointed out that in Zirn's action for the removal of the Paramount trustees the U. S. Circuit Court of Appeals held that the former Chase bank associations of the trustees did not disqualify them for serving as trustees of Paramount. Zirn's suit for the removal of the trustees is being carried by him to the U. S. Supreme Court.

### Other Objections

Zirn also objected that the new leases involved in the settlements with F. W. C. were for shorter terms than the originals, for reduced rentals and were not guaranteed by Fox Film. Referee Ehrhorn stated that he would be guided by the trustees' recommendations and the voting of the other creditors on these objections. Creditors representing a minimum of $50,000,000 in claims, as opposed to Zirn's $30,000, approved the trustees' recommendations to proceed with the settlements.

Paramount's claims against F. W. C. arose from the latter's non-performance of the 1930 lease agreement on the seven theatres, the St. Francis, Paramount and California, at San Francisco; the Paramount at Oakland, Paramount and Rialto at Portland, and the Paramount, Seattle.

Under the terms of the settlement authorized by Referee Ehrhorn yesterday, which were set forth at length in MOTION PICTURE DAILY of May 14, F. W. C. takes new 10-year leases on the three San Francisco theatres at an average rental of $214,000, and pays Paramount $114,299 in back rentals and an additional amount to be determined on net income from the houses for an additional period. In addition, Paramount is to receive 37½ per cent of the net earnings of all downtown San Francisco houses in which F. W. C. has an interest during the life of the leases.

F. W. C. also takes a new lease on the Paramount, Oakland, and pays $390,000 to Paramount, guaranteed by Fox Film, for back rentals and claims. The landlord of the house withdraws a claim of $2,211,500 filed against Paramount for breach of lease.

### Zirn Opposes the Plan

Zirn objected to the Oakland settlement on the implication that the landlord, the Broadway & Twentieth Corp., was linked in some way with Paramount due to the fact that it was the friendly applicant for a Paramount consent receivership in Jan., 1933, on the basis of a $29,000 unpaid rent claim. Zirn contended that Broadway & Twentieth, if it had no other objective than to collect its claim, could have done so by impounding Paramount's cash deposits in California which amounted to $150,000 at the time, according to Zirn. Other creditors approved this settlement yesterday.

The settlement also provides for a payment by F. W. C. of $35,030 to Paramount for back rent on the Paramount and Rialto, Portland, and the Paramount, Seattle. The Rialto has been repossessed by the landlord and is not included in the new leases involved in the present settlement. The Paramount, Portland, will be operated for 10 years by a new company in which F. W. C. will have a 75 per cent stock interest and Paramount a 25 per cent interest. New leasing arrangements on the Paramount, Seattle, are contingent on a reorganization of a bondholders' claim. Paramount picture franchises are involved in the new F. W. C. leases.

Involved in the agreement are other plans for compromises of claims against Paramount involving the California Theatre Bldg., San Francisco, and the Paramount, Portland, which were also approved by the referee yesterday. The Paramount trustees asked and were granted authority to pay $15,000 to Lawrence Stern & Co. of Chicago, for services rendered in preparing these compromise plans. Zirn objected to this payment on the ground that Albert D. Lasker, former Paramount director, and John Hertz, former Paramount treasurer, were associated with Stern at one time.

## *Kent Quits Coast for N.Y.*

HOLLYWOOD, May 21.—Sidney R. Kent was eastbound tonight.

with

NEIL HAMILTON
MIRIAM JORDAN

Hardie Albright
Dorothy Appleby
Henry Armetta
Edward Martindel

"A truly brilliant comedy-drama of the first . . . the second . . . the third year; its chuckles and chagrins, smiles and sighs, triumphs and tears! Suggested by Dorothy Canfield's best seller, 'The Eternal Masculine,' directed by William Nigh. Screen story by Albert De Mond."

1934 LIBERTY PICTURES 1935

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 120 NEW YORK, WEDNESDAY, MAY 23, 1934 TEN CENTS

# Darrow-Johnson Code Fight Reaches Congress

## RKO Goes on Profit Side By $498,131

### *Receivers Report for First 1934 Quarter*

Continued financial improvement throughout RKO is reflected in the receiver's report filed in U. S. District Court here yesterday by Irving Trust Co., showing a consolidated profit for the first quarter of this year, before income taxes, of $498,131.

This compares with an estimated loss of $1,098,447 for the same period of 1933, after the elimination of operations of subsidiaries in bankruptcy or receivership.

For the year ending Dec. 31, 1933,

(*Continued on page* 10)

## Irving Trust Asks $225,000 RKO Fees

Irving Trust Co., receiver for RKO, and Donovan, Leisure, Newton & Lumbard, attorneys for the receiver, have filed a petition for partial allowances aggregating $225,000, it was learned yesterday.

The petition asks for $100,000 as

(*Continued on page* 10)

## *Ostrer Silent Upon G-B Exchange Plans*

By BRUCE ALLAN

LONDON, May 22.—David Ostrer, export manager of Gaumont British, today was non-committal on reports current in New York that his company planned its own exchanges in America, although he hinted a statement would be made in New York "eventually."

Apparently, the G. B. board either has not made a final decision or, if it has, will not make it public at this time. C. M. Woolf, managing director of G. B., is out of the city.

## *Lichtman Summons Convention June 2*

Al Lichtman has changed his mind about holding an annual sales convention for United Artists this year and has advised all branch heads to gather in Chicago on June 2 for a two-day session.

Headquarters for the sales talks will be the Drake with Lichtman presiding. He will discuss the policy on the company's new lineup of 20 features for next season in addition to the Walt Disney lineup.

## *Five New Appeals Filed With Campi for Decision*

Five new appeal cases are on the docket of Code Authority for hearing and disposition. No dates have been set for the hearings, but it is likely only one case will be heard at future meetings of Campi. This does not include the adjourned hearing of the Fox West Coast appeal from the Los Angeles grievance board which granted Simon M. Lazarus, operating the Garfield in Alhambra, Cal., 20 pictures of the F. W. C. schedule bought.

The quintet of appeals pending are: Charles Wander of the Tivoli, Miami, from the Miami clearance and zoning board; Walter Reade of the Mayfair against Howard S. Cullman of the Roxy, who won a decision ordering

(*Continued on page* 8)

### *Limit Appeals*

**Film Board procedure is out as far as code board operations are concerned. Distributors made parties to complaints cannot appeal to Campi from decisions rendered by the boards.**

**Also differing from Film Board operations in the past is the procedure whereby no man can be challenged unless his company is involved in a case being tried. When Film Boards met, any man could be challenged before a case was heard.**

## Early Breakup Expected for Theatre Union

Dissolution of Local 118, Theatre & Amusement Employes' Union, within the next few weeks appears inevitable as a result of a succession of setbacks suffered by the organization yesterday following the settlement of its five-day strike against Loew's and RKO metropolitan houses.

Following quickly upon the settlement of the strike came word that Justice Faber in Brooklyn Supreme Court had issued a permanent injunction against the local restraining it

(*Continued on page* 10)

## *Group Will Evolve Film Board Setup*

Definite decisions to maintain an industry field organization were reached yesterday by sales executives meeting with C. C. Pettijohn, M. P. P. D. A. general counsel and Film Board of Trade head, at the Astor, to consider the future of the Film Boards.

Several proposals were made as to

(*Continued on page* 10)

## New Holding Company Set On Fox Units

A new holding company to replace Wesco is provided for in the reorganization plans of Fox West Coast and subsidiary theatre units, operating around 400 theatres, it was learned yesterday.

S. R. Kent is to be elected president of the new company, which is scheduled to be ready for operation in about 60 days. Spyros Skouras will be operating head of all the units. In addition he will be vice-president and general manager of the compa-

(*Continued on page* 12)

## *"U" to Complete Its List, Says Laemmle*

HOLLYWOOD, May 22.—Universal will deliver the entire list of 36 pictures announced at its sales convention last June, declared Carl Laemmle, Sr., today.

The company has nine more to go between June 4 and Sept. 1. They are "Little Man, What Now?", "One

(*Continued on page* 12)

## *Britten for Abolition Of NRA—Nye Begins General Attack*

WASHINGTON, May 22.—Repercussions of the Darrow-Johnson outburst over the National Recovery Review Board's code report developed today in both the House and Senate.

In the House Congressman Britten of Illinois introduced a resolution calling for investigation of the whole NRA by a special committee of the House and its abolition if the review board's findings are upheld. Britten's resolution would keep the board in office until the end of the investigation.

At the other end of the Capitol Senator Nye of North Dakota began his anticipated attack on the Recovery Administration.

At the Recovery Administration and the review board conditions by this

(*Continued on page* 8)

## First Challenge of CampiMemberMade

First instance of a code board member being challenged by one of the litigants involved in a grievance case occurred yesterday when the New York board met to discuss the overbuying complaint of Herman Yaffa, operating the Gem and Majestic, against Springer & Cocalis, operating

(*Continued on page* 8)

## *Denver Board Ends "Family" Matinees*

DENVER, May 22.—The first cases heard here by the grievance board were three charges by J. J. Goodstein against Everett Cole, both of Alamosa. The board ordered Cole to discontinue "family" matinees at a flat price per family. Goodstein withdrew the charge that Cole had bought too many pictures and the board dismissed the charge that double bills by Cole were unfair trade practice because the complainant had also run a double bill.

## *Cleveland "Bargain" Hour Ordered Ended*

CLEVELAND, May 22.—"Bargain" hours after 6 o'clock are held an unfair trade practice in a unanimous

(*Continued on page* 8)

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## McBride for Newman

PORTLAND, May 22.—H. D. McBride, formerly manager of the Orpheum, Seattle, has been named manager of the Orpheum, Spokane, replacing Frank L. Newman, Jr., who has been transferred to Portland as city manager for Evergreen Theatres.

Charles Pincus, formerly publicity manager of the Orpheum, San Francisco, is advance man on the Olsen & Johnson act which has been booked into Hamrick's Music Box, June 2.

## Jack Benny's First Set

HOLLYWOOD, May 22.—Jack Benny's first under his contract with Reliance will be "Transatlantic Show Boat," an original by Leon Gordon. Production will start early in June.

Jack Benny is scheduled to leave for the coast Saturday.

## Lewis Portland Hit

PORTLAND, May 22.—Ted Lewis packed Hamrick's Oriental opening day. The film attraction was "Reno Wives." The take was $2,000.


DuWorld Pictures, Inc.

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"'Girl in the Case' makes Savo Chaplin's Heir" —AL SHERMAN *Morning Telegraph*

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## Hanson Going Into Score Levy Detail

TORONTO, May 22.—A statistical survey of the score charge situation in Canada by Oscar Hanson, of Ontario Allied, shows that the levy percentage in ratio to the booking costs of individual theatres ranges from five to 12 per cent. Figures from theatres in a wide classification indicate the smallest pay the highest score charge while the exhibitors with the heaviest film bills get off easy.

Hanson is preparing the case for the Parliamentary Investigation Committee in his campaign for the removal of score charges after July 1.

## Mrs. Rubien Hurt; Her Sister Killed

Mrs. Abner J. Rubien, wife of the attorney for I. A. T. S. E., was injured in an automobile accident near Saratoga Springs and her sister, Mrs. Dorothy Heiman, was killed, it was learned here yesterday.

Mrs. Rubien was brought to her home here suffering from cuts and bruises. Her condition yesterday was reported to be not serious.

## Gets Receiver Retainers

BOSTON, May 22.—Harry Le Baron Sampson of Cambridge was allowed a fee of $35,000 on account, and Samuel Pinanski of Brookline, was allowed a fee of $25,000 on account, for services as receivers of the Olympia Theatres, Inc., and the Olympia Theatre Operating Co., by Judge Joseph Walsh in Suffolk Superior court.

The court ordered that each company contribute one-half of the fees, or $30,000 each. The receivership has been in operation about a year.

## Rental Parley Delayed

Third in the series of exhibitor parleys to discuss rentals, percentage pictures and preferred playing time, set for the Hotel Astor yesterday, was postponed to an undetermined date because of inability of several theatremen to attend.

## McKay Back Friday

Willard McKay, general counsel for Universal, returns from Europe Friday.

## Kalmus Reelected as Head of Technicolor

Dr. Herbert T. Kalmus was reelected president of Technicolor yesterday when the company's board of directors met. A. W. Erickson of the McCann-Erickson Agency was named chairman of the executive committee. George F. Lewis was elected a vice-president and S. M. Corekin was made treasurer.

Members of the executive committee which, according to Kalmus, is the most important cog in the Technicolor structure, are, aside from Erickson, John McHugh, A. W. Hawkes, Eversley Childs and Kalmus himself. Hawkes is identified with the Congoleum Co. and Childs with the Bon Ami Co.

## D. M. Thomas Plans 6 for New Concern

D. M. Thomas, who produced "The Sea Wolf" with Ralph Ince and "Smoke Bellew," yesterday formed Major Prod., Inc., to make six pictures, the first of which will be "Convention Girl" by George Boyle. Luther Reed, director of "Rio Rita" and "Hit the Deck," will direct and the opening opus will be produced in Atlantic City beginning June 25. The others are scheduled to be made in the Irvington studio at Irvington-on-the-Hudson. Thomas had nothing to say yesterday about distribution, but he hopes for a national release.

## To Stage Fashions

KANSAS CITY, May 22.—Paramount theatres in New York and Kansas City are to stage fashion shows in which a highlight will be costumes from "Cleopatra," "The Scarlet Empress" and "It Ain't No Sin." Gretchen Messer, Paramount studio fashion editor, en route to New York, announced preliminary plans.

## Upholds "Elysia" Ban

LOUISVILLE, May 22.—Judge Churchill Humphrey of the Circuit Court has upheld the decision of Dunlap Wakefield, director of safety, barring "Elysia." He expressed "regret" that he had to class the film as obscene.

## Eastman Drops 3¼ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 32 | 30 | 30½ | + ½ | 3,700 |
| Consolidated Film Industries | 3⅞ | 3¾ | 3⅞ | ..... | 100 |
| Consolidated Film Industries, pfd | 16½ | 16¼ | 16¼ | + ¼ | 300 |
| Eastman Kodak | 96 | 93 | 93¼ | —3¼ | 700 |
| Loew's, Inc. | 31⅝ | 30½ | 30⅞ | —⅜ | 8,000 |
| M-G-M, pfd. | 26¾ | 26¾ | 26¾ | + ¼ | 100 |
| Paramount, cts. | 4½ | 4¼ | 4⅜ | + ⅛ | 5,200 |
| Pathe Exchange | 2¾ | 2¾ | 2¾ | ..... | 500 |
| Pathe Exchange "A" | 21 | 20 | 20¾ | + ⅞ | 4,900 |
| RKO | 3 | 2⅞ | 2⅞ | ..... | 200 |
| Warner Bros. | 6 | 5⅝ | 5⅝ | — ⅜ | 9,800 |
| Warner Bros., pfd | 23 | 23 | 23 | +1¼ | 100 |

## Sentry Gains ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ⅜ | ⅜ | ⅜ | + ⅛ | 200 |
| Technicolor | 10⅞ | 9¾ | 10 | + ⅜ | 5,400 |
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 100 |

## Pathe Bonds Up 1½

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¼ | 9¼ | 9¼ | — ½ | 2 |
| General Theatre Equipment 6s '40, ctf | 9 | 9 | 9 | + ¼ | 2 |
| Keith B. F. 6s '46 | 67¾ | 67¾ | 67¾ | — ¼ | 1 |
| Loew's 6s '41, ww deb rights | 100½ | 100⅛ | 100⅛ | + ⅛ | 2 |
| Paramount Broadway 5½s '51 | 46 | 46 | 46 | + ½ | 3 |
| Paramount F. L. 6½s '47 | 49¾ | 49¾ | 49¾ | — ⅜ | 2 |
| Paramount Publix 5½s '50 | 50 | 49½ | 49¼ | —1¼ | 5 |
| Pathe 7s '37, ww | 95½ | 95½ | 95½ | +1½ | 1 |
| Warner Bros. 6s '39, wd | 59¾ | 58¾ | 58¾ | ..... | 25 |

## Purely Personal

ETIENNE PALLOS, general sales manager for London Films who is now in New York, leaves for Rochester tonight to inspect the Eastman plant. He will go from there to Toronto and Chicago and will return to New York Monday.

GEORGE R. BATCHELLER, head of Chesterfield Pictures, has arrived from Hollywood on a visit of five or six weeks during which the company's new season production schedule will be determined.

HARRY C. ARTHUR is planning a trip to St. Louis in the fall, when he expects to have five F. & M. theatres operating in that town.

FLORENCE ROSS, formerly with the U. A. publicity department, will be married today to BILL SCHORR, director of the stage play, "The Milky Way."

FRANZ WAXMANN, who is doing the musical adaptation of "Music in the Air" for Fox, arrived yesterday on the *Ile de France*.

JERRY WALD's "Sweet Music" has been purchased by Warners for production this summer.

CHARLES AHEARN, vaudeville star, starts work tomorrow on a Vitaphone short at the Brooklyn studio.

JAMES R. GRAINGER dropped down to Washington last night and returns this afternoon.

JUNE ASTOR arrives on the *Bremen* today and goes straight to Hollywood for a looksee at the studios.

LAUDY LAWRENCE has delayed his trip to return to Europe until next week.

JOHN M. CRINNION, Amity chief, is back from a two-week tour of the midwest.

PHIL REISMAN is donning smoked glasses to combat the hot sun.

AL FRIEDLANDER is in Pittsburgh on First Division business.

## Clark Due Tomorrow

John D. Clark, general sales manager of Fox, is due from Hollywood tomorrow. While on the coast, Clark got the final lowdown on the company's new product to be announced at the annual convention next week.

## Old Fox Studio to Close

HOLLYWOOD, May 22.—The Fox Western Ave. studio will close for two weeks starting Friday for a recess between the old and new season's product from the Sol Wurtzel and John Stone units.

## Guild Luncheon Today

The Jewish Theatrical Guild of America will hold a luncheon at the Astor Hotel today at 1 P. M. Rev. Dr. Randolph Ray of the Little Church Around the Corner will be the principal speaker.

## Mayfair Books "Sorrell"

"Sorrell and Son" will open at the Mayfair June 4 instead of May 28 as previously stated by United Artists.

# READ BETWEEN THE LIONS!

NORMA SHEARER

JOAN CRAWFORD

CLARK GABLE, MYRNA LOY

**There is nothing unusual about the**

JOHNNY WEISSMULLER

GABLE, WM. POWELL, M. LOY

WALLACE BEERY

**amazing run of hits that M-G-M is**

WILLIAM POWELL, MYRNA LOY

ALL STAR MUSICAL

MARION DAVIES, GARY COOPER

**delivering. It has always happened**

WALLACE BEERY, JACKIE COOPER

JEAN HARLOW

MYRNA LOY, GEORGE BRENT

**and you can always depend on it!**

# "A SMASH HIT"

*—Variety*

"Done with taste, feeling and honesty, 'Little Man, What Now?' is an important picture, both from the money and artistic standpoints," says Variety, "And will add to the prestige of all concerned . . . Frank Borzage is at his best, sharp, crisp, reaching his emotional punches without going maudlin . . . For Margaret Sullavan it is another outstanding triumph."

# "MAGNIFICENT ENTERTAINMENT"

*—Motion Picture Daily*

"This drama of a boy and girl madly in love, caught in the web of modern economic forces, rises to heights of magnificent entertainment," says Motion Picture Daily... Margaret Sullavan again demonstrates her artistry and charm... Douglass Montgomery gives a sterling performance! . . . Frank Borzage's masterful craftsmanship solidifies him as the industry's great heart director."

# "REMARKABLE EVENT"

*—Los Angeles Times*

"A beautiful achievement, and heart-moving if there ever was one on the screen," says Edwin Schallert, in the Los Angeles Times. "In acting it blends the talents of Margaret Sullavan and Douglass Montgomery . . . Sheer enchantment distinguishes the performance of Miss Sullavan, particularly in an exquisite final scene, as radiant a depiction of motherhood as has been shown in practically any picture . . . No less noteworthy are supporting portrayals in this film."

CARL LAEMMLE

*has the honor to present that great Universal Picture – – –*

MARGARET SULLAVAN

in

# LITTLE MAN, WHAT NOW?

with

DOUGLASS MONTGOMERY

Fred Kohler, Alan Hale, Mae Marsh, George Meeker, Muriel Kirkland, De Witt Jennings, Hedda Hopper, Catherine Doucet, Bodil Rosing. From the novel by Hans Fallada. Screenplay by William Anthony McGuire.

Directed by Frank Borzage.

*The Most Important FRANK BORZAGE Production Since The Immortal "Seventh Heaven"*

★ ★ ★

"Three Stars for 'Beyond Bengal.' Proves thrilling and interesting. You'll find all you're looking for and then some, at the Gaiety this week."
—*N. Y. Daily News*

"I have seen every animal picture that has been released in the United States, but never have I seen one that is as fascinating and thrilling as "BEYOND BENGAL" . . . should be shown everywhere." —*Harrison's Reports*

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"Brings a new note to the wild animal film. . . . Gripping to the highest degree." —*The Columbus Dispatch*

"It is nothing short of amazing what an alert gentleman with a camera can find in the Maylayan jungles. After seeing what Harry Schenck found and fashioned into a motion picture called 'Beyond Bengal,' we are tempted to believe nothing impossible in Malaya. It is a veritable cornucopia of photographic thrills." —*The Cincinnati Post*

"A rousing climax . . . . you're on your seat's edge."
—*The Columbus Citizen*

"Sheerly exciting."
—*N. Y. Times*

"Thrills destined to play the stops of the average spinal column."
—*N. Y. Mirror*

"Thrilling events genuinely exciting."
*N. Y. Herald Tribune*

Released by SHOWMENS PICTURES, Inc. • D. J.

actionful
of its kind,
big game
Malayan
ufficiently
be in a
lf. It has
ploitation
—*Film Daily*

"The picture has plenty of excitement, and if it's excitement you want, don't miss it... plenty to thrill in 'Beyond Bengal'."
—*N. Y. Morning Telegraph*

"Amazing jungle film. Breath-taking thrills. Death-defying sequences. Will astound any audience. Tops them all. Should pack 'em in anywhere."
—*Film Curb*

# NTRY GOING
# OND
# GAL

"Harry Schenck has succeeded in crowding a remarkable number of thrills into a jungle picture made in the Maylay Peninsula. . . . It's loaded with exploitable angles throughout."
—*M. P. Daily*

"It is a film of definite interest, of wide appeal, and certainly may be sold. Woven into this record is a romance between Mr. Schenck's young native servant and the unusually attractive native girl who acted as maid for Miss Baldwin, a British scientist who accompanied Mr. Schenck — named Ali and Bee. Both are appealing characters."—*M. P. Herald*

## Y SCHENCK
## DUCTION

ond Bengal'
atmosphere
nenticity . . .
animal se-
es...'Beyond
l' is one of the
its kind."
—*New York Sun*

"Two capacity audiences were held in rapt attention by the daring Schenck and his native hunters and by the suspenseful action and unusual, intimate shots from fearless cameramen."
—*The Ohio State Journal*

"Loaded with hair-raising and breath-taking action. Builds swiftly to terrifically climatic sequences. The film ranks with the best of its genre."
—*New York American*

NTAN, President • 723 SEVENTH AVENUE, NEW YORK, N. Y.

# Review Board Row Reaches Legislature

(Continued from page 1)

morning had become normal, the only outburst being a statement by Administrator Johnson that the second report of the board, expected this week at the White House, would be handled in the same way as was the initial statement; that is, the reply to the board's allegations will be prepared for simultaneous release with the charges.

Carrying a bitter attack on the Administration for having increased living costs without a corresponding advance in wages and declaring that the Darrow report "claims that under the present setup there is no hope for the small business man," the Britten resolution calls for the appointment of a committee of five to study the report and, should its investigation substantiate Darrow's findings" recommend to the House proper legislation for the immediate abolition of the National Recovery Administration.

### Refers to Film Code

The resolution refers specifically to the film code, quoting the board's finding that "monopolistic practices in the motion picture industry are bold and aggressive and small enterprises are cruelly oppressed," and that "no power under the National Recovery Administration has shown itself capable of protecting the small business man."

Immediate action will be sought on the resolution, Congressman Britten declaring that "abolishment of the Roosevelt-Darrow board must not occur until its findings, just made public, have been thoroughly investigated by a Congressional committee."

Opening his attack on the administration with a one-hour speech, which he will continue tomorrow, Senator Nye declared that "just what has been done by the NRA is debatable" but that "from the attitude which has been shown by departments of government in this administration there is little or no sympathy left for small business."

The NRA, he told the Senate, is undoubtedly planned to lend larger aid to "monopoly and monopolists" and the administration "was the creation of the same monopolists who were guiding America's economic structure during the days leading up to the New Deal." "Under the NRA," he asserted, "monopoly has been enthroned as it was never enthroned in America before."

### Nye Charges Deception

Charging the administration with "continuous deception," Nye charged "there ie endless evidence as to how monopoly is being aided and no end of evidence as to how the small business man is being stricken from the picture entirely."

Administrator Johnson and Donald R. Richberg, his chief counsel, the Senator continued, seized upon the supplemental report signed only by Darrow and Thompson, carrying the now famous endorsement of socialized industry, as a "camouflage" to hide the charges in the main report.

He criticized Richberg's attack upon Darrow, declaring that it was Richberg who had suggested Darrow as chairman of the board when Johnson and the President were "finally prevailed" upon to create the organization. Adjournment of Congress will be marked by "wholesale resignations" from the Recovery Administration as a result of Johnson's "despotism and militarism," he predicted.

## Cleveland "Bargain" Hour Ordered Ended

(Continued from page 1)

decision handed down by the grievance board today. The case was referred to Code Authority for advice following a hearing last week.

Complaint was brought by Frank Gross, Grand Theatre, against Sam Barck, Market Square Theatre, that dime shows from 6:30 to 7:30 o'clock were unfair. The board held at the same time that Barck had not violated Article V-E, Part 3, Section 3 of the code.

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SALT LAKE CITY, May 22.—Advertising passes for women are held an unfair trade practice and have been ordered stopped by the grievance board.

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CINCINNATI, May 22.—Ten-cent admissions with tickets distributed by merchants were ordered stopped yesterday by the grievance board. The complaint was filed against Phil Chakers, operating the State, Greenville, O., by I. F. Wingert, operator of the Grand, Union City, Ind., 13 miles away.

## K. C. Suburbans Hit New Clearance Setup

KANSAS CITY, May 22.—The new clearance schedule for this territory was denounced as discriminatory and as a threat to their existence today by independent suburbans at an open meeting called by the clearance and zoning board to hear protests against the setup.

## Named to Studio Body

HOLLYWOOD, May 22.—W. J. Davis, Los Angeles attorney, was today named by Division Administrator Sol A. Rosenblatt as impartial member of the studio code labor committee, with Pat Casey representing the studios, and E. L. Smith, local representative of studio labor unions, representing labor.

## First Challenge of Campi Member Made

(Continued from page 1)

the Empress and Lane, and Warners, Fox, RKO and Universal.

Benjamin Rich, attorney for Springer and Cocalis, challenged Louis Geller, independent member, as being prejudiced, but the board ruled that Geller is a government appointee and cannot be removed by anyone other than Division Administrator Sol A. Rosenblatt, who sanctioned his appointment. Rich's request for a postponement of the case on the ground that he was not fully prepared also was denied. The case, heard briefly, was adjourned until the next session, May 29.

Because it was believed the complaint of the Strand, Rockville Center, against RKO, the Century circuit, Skouras and other distributors, would be settled in about a week, the case was put off until May 29.

Sylvester Rosenthal's grievance against Sam Cantor and Abe Ratner, charging that the defendants negotiated and secured a lease on the Arian, Middle Village, L. I., while he was operating will be deliberated today. Also to be decided today is the premature advertising complaint of Loew's, operating the Grand, Paradise and Burnside, against the Mosholu.

## Single Request for Zone Change Looms

Only one protest for change in zoning and clearance comes before the Brooklyn and Queens advisory committee of the New York board today. This is the request of the Newton, Elmhurst, L. I., to have the protection of the Jackson, Jackson Heights, L. I. and Corona, Corona, L. I., altered.

Paramount, Warner Brothers-First National, Columbia and Universal are defendants in the case.

## Elucidation Wanted On Rogowsky Ruling

Skouras Theatre Corp. has asked the New York grievance board for an elucidation of the decision handed down recently when the board granted the Rogowsky Brothers 22 pictures of the Skouras allotment.

Skouras operates the Capitol, Port Chester, and the Rogowskys the Embassy, same city. The board meets today to elucidate.

# Campi Names Committee to Handle Extras

HOLLYWOOD, May 22.—Hereafter all extras' problems will be handled by a committee of three responsible directly to Code Authority, subject to review by the administrator.

The committee consists of three members, Mabel E. Kinney, as chairman, representing the public; Larry Steers, representing extras, and Fred Schuessler, representing studios. Alternates are: For Mrs. Kinney, Martha A. Wright; for Steers, Lee Phelps; for Schuessler, Phil Freedman.

This committee replaces the group of five headed by Mrs. Kinney which has been drawing up regulations for the guidance of Campi. Membership of the new committee will be changed from time to time at the will of Code Authority.

### Letter to Mrs. Kinney

In a letter to Mrs. Kinney, Executive Secretary John Flinn wrote: "In order that there shall be no misapprehension on the part of any members of your committee as to their responsibility to Code Authority with respect to the duties of the standing committee on extras, I refer you to Article 4, Section 3, Paragraph 1 of the code. It provides for a standing committee representative of employers, extras and the public to effectuate the foregoing purposes, to interpret the terms of any provisions made for extras, and to supervise the same, receive and pass on complaints and grievances and to otherwise aid in effectuating the foregoing provisions."

Flinn wrote that Campi had analyzed all the recommendations of the committee and had also studied Order 16-A of the California Industrial Welfare Commission concerning casting agencies. These, he wrote, are recognized as setting up the present provisions called for in the code, and have been adopted as part of the rules and regulations to be adopted by all casting agencies and producers with respect to extras.

Rules heretofore applicable only to women and children are extended to men as well.

Campi has also recommended to the administrator, Flinn wrote, that an amendment be made to the order setting up a standard of wages so that any extra, regardless of trade, who speaks atmospheric words commonly known as "omnies" be entitled to the basic figure set for that particular call.

Any extra who is selected or called for any individual line, or lines, shall receive not less than $25 per day, effective immediately.

## Coast Extras Refuse Names on Complaints

HOLLYWOOD, May 22.—Submission of extras' complaints over individual names to the complaint and grievance committee is opposed by the Hollywood Picture Players' Ass'n. Hereafter members will refuse to submit any complaints signed by themselves.

The association's officers claim more than five months have passed without any relief and that conditions are worse than at the time of the signing of the code.

# Five New Appeals Filed With Campi for Decision

(Continued from page 1)

the Mayfair to stop distribution of cut rate tickets; Max Cluster of the Cluster, Baltimore, against Moe Cohn of the Leader, Baltimore, on a decision involving premiums and reduced admissions; the Gwynn, Washington, against the Forrest, same city, the latter appealing an overbuying decision involving selective contracts; the Luxor, Bronx, against the New York grievance board's decision which denied the plaintiff elimination of clearance over Loew's Grand. Consolidated Amusements, operating the Luxor, claims the decision "goes beyond the scope of the complaint."

## ITOA Case Not Heard

ALBANY, May 22.—No decision is expected during the present term of the Court of Appeals on the I.T.O.A.-Local 306 case in which the independents attack the constitutionality of the NRA. The case has not been argued yet.

## No Notice from Cutts

PORTLAND, May 22.—William Cutts has failed to give written notice of his resignation from the clearance and zoning board and will be considered a member until he does so.

*Genius of Make-up!*

Even the veteran stars of Hollywood envy the supreme artistry of Shirley Temple in adding those subtle touches which make her characterizations unforgettable.

MORE TOMORROW!

FOX

# RKO Goes on Profit Side By $498,131

(Continued from page 1)

RKO showed a consolidated loss of $4,384,064, as compared with a loss of $10,695,503 for the preceding year. The 1933 report includes 11 months of the company's equity receivership. The results of operations for the year thus indicate an improvement of $6,311,439 over 1932, without the operations for the last 11 months of 1933 of the subsidiaries in bankruptcy or receivership. With comparable eliminations made for 1932, the resulting improvement last year is reduced to $2,780,924.

Theatre operations, exclusive of Radio City houses, showed an operating profit of $99,650, before income taxes, for the first quarter of this year, as compared with an estimated 1933 loss of $33,000.

Combined operations of the producing and distributing subsidiaries showed a first quarter profit this year of $308,602, before income taxes, as compared with a loss of $603,293 for the same period last year, or an indicated improvement of $912,000 for the quarter. For the entire year of 1933 the producing and distributing subsidiaries showed a loss after all charges of $1,290,685, compared with a 1932 loss of $5,381,051.

### Profit from Radio City

Radio City theatre operations for seven months ending last March 31 returned a profit of $58,282 to the subsidiary corporations operating the Music Hall and RKO Center, and resulted in payments of $45,000 to RKO Service Corp. for management services for the houses. In addition, it is pointed out that RKO Radio Pictures has received "substantial payments" from the houses for its product. These returns are after deduction of $50,000 per month rent to Rockefeller Center and an additional participation of Rockefeller Center in surplus income of the two houses, estimated to have been $116,564 for the seven-month period. The payments to RKO are also after deduction of all operating costs of the two houses and additional deductions for two working and reserve funds which are to be maintained at a total of $125,000.

The receiver's report states that $2,031,000 of claims filed against RKO have been withdrawn and that hearings on $24,000,000 of claims have been completed before Special Master Thomas D. Thacher, who, however, has made no report yet to the U. S. District Court on the claims heard.

Total claims filed against RKO aggregated $35,413,733, exclusive of the holders of securities representing the funded indebtedness of RKO in the aggregate amount of $16,240,000, who have been exempt from filing claims subject to the further order of the court.

Added to the claims since the receiver's last report, filed approximately six months ago, is one by Rockefeller Center for approximately $12,100,000, the amount of which was determined recently. This claim is based upon breach of leases by RKO on the two Radio City theatres and office space in the RKO Building and breach of an original agreement to pay the cost of the two theatres in the event of default on rent payments.

The receiver's report relates that operations under a revolving fund were begun by Radio Pictures last April 10, at which time the company paid two notes aggregating approximately $300,000 to Chemical Bank & Trust Co., as trustee, and then borrowed the same amount on delivery of new notes for $326,000 secured by chattel mortgages on two completed films. The agreement by which these arrangements for carrying on operations of RKO subsidiaries was provided was related in detail by MOTION PICTURE DAILY of May 3, at which time the Circuit Court of Appeals here approved the agreement after it had been attacked in that and the lower court by Walter Reade's Broadway & 47th St. Corp., an unsecured RKO creditor.

The report makes note that prospects for increased admissions at this time "are not very bright," due to the fact that Federal admission taxes tend to keep admissions under 40 cents, together with the belief that purchasing power of a large segment of theatre patronage is still too low to absorb increases. It is also stated that attendance during the first quarter of this year was only "slightly above" that for the same period a year ago, and that operating expenses were "substantially increased" by compliance with the NRA code.

"Substantial improvements in operating results" for this quarter, as compared with the first quarter of 1933, are attributed by the report to reductions in theatre rentals and tax reductions.

## *Westerns for Para.*

**Hollywood, May 22.—Paramount has rescinded its plan not to make any Westerns and will have at least four next season, starring Randolph Scott.**

## RKO Service Drops To $60,352 Per Month

Average monthly expense of RKO Service Corp., the home office company which provides administrative services for the theatres, has been reduced to an average monthly cost of $60,352, the receiver's report discloses. The former average monthly cost for the seven-month period ending July 31, 1933, was $105,043.

As a result of this reduction, it is stated, the general office fee paid the service company by each theatre has been reduced from five per cent of the average weekly gross receipts in 1933 to three and one-half per cent beginning with the first week of 1934.

## RKO's Film Business Increases by $900,000

RKO's income from film distribution during the first quarter of 1934 was approximately $900,000 over the same period of 1933, the receiver's report notes. The increase was divided about evenly between domestic and foreign business.

The combined cash balances of these companies increased from approximately $681,000 on Dec. 31, 1933, to $1,864,000 on March 31, 1934. The improvements have been brought about largely by reduction in the negative costs of pictures and "improvement in quality of pictures," the report states.

Total RKO receiver's receipts from Jan. 27, 1933, to May 15, 1934, were $177,987. Disbursements were $35,715, leaving a balance of $142,272.

## RKO Vaudeville End Reports Net of $11,839

Combined net profit of RKO Vaudeville Exchange, Inc., and Vaudeville Collection Agency, Inc., for the five-month period ended March 31 was $11,839, according to the receiver's report. This compares with a combined loss of $75,401 for the eight-month period ended Aug. 31, 1933.

## Draws $179,848 from Radio City Rent Fund

During the past seven months Rockefeller Center has withdrawn $179,848 from a special fund to cover deficiencies in rent on the two Radio City theatres, the receiver's report notes. The fund originally amounted to $1,000,000. The balance as of last March 31 was $122,457.

Rockefeller Center has been paid $350,000 in rent during the same period and participated in excess revenue of the houses in the estimated amount of $233,128. Under RKO's lease with Rockefeller Center, the maximum fixed by the court to be paid in rent during a year is $953,972.

## Pre-Financing Loss Was $300,134 in 1933

Combined loss of RKO Radio Pictures and RKO Pathe before financing expenses for 1933 was only $300,134, the receiver's report shows. All of the financing expenses, aggregating $990,550, represents interest on the indebtedness of the two companies to RKO.

## Plunkett's Suit Ends; RKO Paid Him $16,000

The suit of Joseph Plunkett, former RKO theatre head, begun against that company some time ago for breach of contract, has been settled for $16,000, it is revealed in the receiver's third report on RKO operations.

## Irving Trust Asks $225,000 RKO Fees

(Continued from page 1)

partial fees for the receiver and $125,000 for the law firm, and represents only a petition for payment on account. A petition for final allowances will probably be filed on the close of the RKO receivership.

Equity receivers for Paramount Publix, and their attorneys, petitioned $285,000 for the four and one-half months of that company's equity receivership. This was subsequently reduced to approximately $210,000 by the referee and has not yet been given the final approval of the U. S. District Court here.

## *Radio at Radio City*

Ned E. Depinet, representing Radio Pictures, and W. G. Van Schmus, representing Radio City Music Hall, have closed a long-term contract for the former's features, shorts and Pathe News to play the latter's theatre.

# Early Breakup Expected for Theatre Union

(Continued from page 1)

from picketing the Tivoli, Brooklyn, where the union had been on strike for the past month. The theatre petitioned the injunction recently following disturbances which resulted in one of the local's pickets assigned to the theatre being arrested and charged with assault. The Tivoli also brought charges of coercion against Charles Levey, local secretary, alleging that stench bombs had been discharged in the theatre on its refusal to reinstate discharged employes.

In addition, five of the local's strikers formerly cleaning company employes at Radio City Music Hall and the RKO Center, were held in Harlem jail yesterday in $2,500 bond each, charged with assault in connection with strike activities. A hearing for the five has been set for tomorrow.

Settlement of the local's strike of service employes against Loew's and RKO came swiftly late Monday night at a meeting of circuit representatives and Ben Golden of the Regional Labor Board in C. C. Moskowitz's office at Loew's. On the agreement of the circuit representatives to reinstate the strikers a settlement was reached. Levey estimated that approximately 150 service employes participated in the strike.

While Levey denied yesterday that the local would be dissolved at once he indicated that owing to personal ill health and the approach of an inactive summer season the organization's activities would be curtailed almost immediately. With the loss of the strike and the resignation of large numbers of the local's membership, however, ultimate dissolution of the organization appears to be only a matter of time. Indications are, however, that a new organization of janitors and cleaners only may develop later from the same sources. Ushers, doormen and cashiers proved to be the weak links in the present organization and probably would have no part in a successor to it, it was stated on good authority.

## *Group Will Evolve Film Board Setup*

(Continued from page 1)

the form in which the field organization will be continued and a committee consisting of Neil Agnew, Paramount; Al Lichtman, United Artists; Gradwell Sears, Warners, and Abe Montague, Columbia, was appointed to consider the proposals made or to develop an entirely new one of its own. The committee was instructed to report back to a future meeting as soon as possible to facilitate a settlement of the Board's future by June 1, if possible.

Also attending yesterday's meeting were Felix F. Feist, M-G-M; Frank McCarthy, Universal; W. C. Michel, Fox, and representatives of several independent distribution companies.

## *Board Hears 5 Plaints*

WASHINGTON, May 22.—Five complaints were heard by the local grievance board at its session today.

The whole story
and all the documents
in the Code Controversy
— what Darrow said,
what Johnson said,
what Richberg said,
what Rosenblatt said,
appears in full in
this week's issue of

Motion Picture Herald

# New Holding Company Set On Fox Units

(Continued from page 1)

nies involved. Plans will be completed on the coast within the next few weeks.

Under the proposed setups for the various companies, the present heads will continue without change. Charles Skouras will be elected president of the reorganized Fox West Coast Theatres. Subsidiary companies like Fox Rocky Mountain and Fox Midwest will continue under their present operating personnel.

Bankruptcy sales of the subsidiary companies will take place around July 10, and, according to the present plan, Chase National Bank, Fox Film and other large creditors will be given stock in the new top company in exchange for present holdings. Frank L. Newman, heading the Evergreen States Co., will operate independently of the about-to-be-formed holding company.

About 400 theatres are involved in the reorganization plans. With the settlement of the Wolff-Shanberg suit, involving $500,000, and the Paramount claims against Fox West Coast, Charles Skouras, Charles A. Buckley, William Powers and Edward Zabel left for the coast yesterday.

## Move to Reorganize Fox Midland in K. C.

KANSAS CITY, May 22.—Steps were taken in bankruptcy court today toward reorganization of Fox Midland and Rocky Mountain Theatre Co. at a meeting of creditors delayed since Herbert M. Woolf and M. B. Shanberg stayed proceedings more than a year ago.


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## Flash Reviews

### "Vergie Winters"
(*Radio*)

HOLLYWOOD, May 22.— . . . excellent in all departments, with appeal directed to women, yet appealing to all classes.

### "Return of the Terror"
(*Warners*)

HOLLYWOOD, May 22.— . . . well-produced screen version of the Edgar Wallace yarn.

### "Voice in the Night"
(*Columbia*)

. . . fast bit of entertainment filled with many exciting moments. . . .

### "Along Came Sally"
(*Gaumont British*)

. . . Average entertainment.

### "The Man from Utah"
(*Monogram*)

. . . one of the best westerns John Wayne has appeared in for some time. . . .

### "The Man Trailer"
(*Columbia*)

Buck Jones . . . in one of those strenuous roles that have come to be typical of him. . . .

*These films will be reviewed in full in an early issue of* MOTION PICTURE DAILY.

## "U" to Complete Its List, Says Laemmle

(Continued from page 1)

More River," "Imitation of Life," "The Love Captive," "Let's Talk It Over," "I Give My Love," "Embarrassing Moments," "Romance in the Rain" and "The Human Side."

Rian James, former columnist of the *Brooklyn Daily Eagle* and latterly a writer, has been made an associate producer. "It Happened in New York" will be his first with Heather Angel, borrowed from Fox, in the lead.

Leopold Atlas, playwright, reached the studio from New York today.

## Morris Joseph Honor Guest in New Haven

NEW HAVEN, May 22.—Morris Joseph, branch manager of Universal, was tendered a testimonial banquet at the Taft Hotel here tonight by local exhibitors and employes of the Universal exchange in honor of his 20th year with the company. Exhibitors from other New England points and New York attended.

Joseph was presented an embossed set of resolutions from the M. P. T. O. of Connecticut.

Among those who attended the banquet were R. H. Cochrane, Frank J. A. McCarthy, Sig Wittman, Sidney Singerman, Eddie Bonns, Paul Gulick, Samuel Sedran and James Dermody.

## Defends Rosenblatt

A. C. ("Abe") Berman, formerly prominent in the foreign department of United Artists and now active again in the private practice of law, came to the defense of Division Administrator Sol A. Rosenblatt yesterday in a wire to the President. In it, Berman describes Clarence Darrow's attack on Rosenblatt as "wholly unjustified and unfair" and said the latter "has been standing by the ship" at what is called a "great personal sacrifice."

## Large Crowd Present At Ampa Beefsteak

Ampa members and executives of the New York home offices participated last night in a beefsteak dinner at the M. P. Club. William R. Ferguson, Ampa president, presided. Paul Benjamin of National Screen was toastmaster. There were some 220 persons present.

The evening started off with dinner and entertainment, which included a screening of "Beyond Bengal," and wound up with dancing.

Among those in attendance besides Ferguson and Benjamin, were John C. Flinn, Rutgers Neilsen, Kay Kamen, S. Barrett McCormick, Tom Wiley, James Cunningham, Julius Cohen, Arnold Van Leer, Louis Nizer, Tess Michaels, Jack Harrower, Marvin Kirsch, Alec Moss, Bill Pine, Phil Di Angelis, Joe Bernat, Ben Serowich, Ed Edelstein, Vincent Trotta, James Jerauld and Marge Morrow.

## Nat Levine Upholds Right to Dual Bills

Upholding the exhibitors right to dual billing, Nat Levine, president of Mascot, asserted in a statement yesterday that "the hue and cry against double features is merely a red herring drawn across the trail to cover more important matters now affecting the industry."

"I believe," added Levine, "that film programs and their presentation are best left to the individual involved."

## Mose Koltinsky Dies

CINCINNATI, May 22.—Mose Koltinsky, 62, for nine years treasurer of Keith's, and subsequently occupying the same post at the Orpheum, until these houses discontinued vaudeville, died at the Jewish hospital. One sister survives.


Spot News from Columbia

Four stars ★★★★ from Liberty Magazine means "Extraordinary!" And this comedy smash is all that Liberty says it is! John Barrymore in "20th Century" with Carole Lombard, Walter Connolly, Roscoe Karns. A Howard Hawks Production from the notable New York stage success by Ben Hecht, Charles MacArthur and Charles Bruce Millholland.

Date this outstanding dramatic smash! Great cast, great story, great direction! Coming soon to Radio City Music Hall! Elissa Landi in "Sisters Under the Skin" with Frank Morgan, Joseph Schildkraut. Directed by David Burton.

One of the grandest light comedies you've ever played—packed with laughs, roars and thrills! "The Hell Cat" with Robert Armstrong, Ann Sothern, Minna Gombell. Directed by Albert Rogell. Date it now—it's a sure thing at the box-office!

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 121 | NEW YORK, THURSDAY, MAY 24, 1934 | TEN CENTS

# Nye Attacks Rosenblatt Reply to Darrow Report

## *Kicked for a Headline*

**FROTHING in soap-box oratory, Senator Nye of North Dakota gave the industry the works in Washington yesterday. He did it by publicly castigating Division Administrator Sol A. Rosenblatt and the code.**

**It had nothing at all to do with politics and what may sneak up on the horizon in the fall of the year, of course. It had no bearing whatsoever on the magic which is in the mere mention of "movies." Naturally, and as a consequence, it could not possibly have tied in with a desire to crack the nation's headlines by dragging in a business which has been a sucker for attack so long any other sort of treatment is no longer expected.**

**The code is not perfect. Who said it was? Rosenblatt did a bad or a good job, depending upon who is talking and what he represents. The question and the apparent mystery to ponder over and wonder about are what makes the senator from North Dakota so solicitous over this particular industry?**

**Senator Nye kicked motion pictures in the pants, it is the suspicion voiced here and now, to keep his name on or near page one. The picture business has plenty of fine showmen in its ranks, but some of the gentlemen of the broad-brimmed hats and the flowing black ties in Washington aren't so dusty either.**

**Suggesting, therefore, that the industry remember there is more to blasts roaring out of Washington than surface indications may point up, the discerning reader could do worse than discern as he reads what Nye had to say.**

**KANN**

## *"Misrepresentation and Evasion," He Asserts In Senate Speech*

WASHINGTON, May 23.—Charging Division Administrator Sol A. Rosenblatt with even greater misrepresentation and evasion than the NRA official had attributed to the National Recovery Review Board, Senator Nye of North Dakota, today launched a scathing attack in the Senate upon Rosenblatt's reply to the Darrow findings on the code.

"I submit that the title 'analysis' constitutes a misnomer unparalleled in Government reports," he asserted.

"This motion picture code is a splendid example of what some people seem

(*Continued on page* 4)

## Campi Holds Up New Moves On Clearance

### *New Schedules to Await Orders from New York*

In a move to prevent spread of dissatisfaction over clearance schedules already drawn up and against which protests of individual exhibitors are being heard in Dallas, Kansas City, Los Angeles and St. Louis, Campi yesterday wired board secretaries to suspend publication of schedules pending instructions from New York.

In some instances where new zoning schedules have been published, jurisdiction determined on behalf of protesting theatres has developed unforeseen results in the nature of additional

(*Continued on page* 5)

## Chicago Split on Films Is Ordered

CHICAGO, May 23.—The grievance board handed down its first important decision today when it ordered four major distributors to release a total of 46 films to Ben Bartlestein, who was sustained in his overbuying complaint against the Schoenstadt circuit. The total was made up as follows: Fox,

(*Continued on page* 5)

## Miami's Clearance Appealed to Campi

MIAMI, May 23.—Charging that the two Miami circuits, Sparks and Wolfson-Meyer, are accorded "special privileges" under the new clearance

(*Continued on page* 5)

## *Warners Set Third Session in Chicago*

The third of the series of four regionals to be held by Warners has been set for the Drake Hotel, Chicago, June 11 and 12. Gradwell Sears, in

(*Continued on page* 12)

### *Wholesale*

**Indicating the Loew circuit has plenty of grievances to file against local exhibitors, the circuit has asked the New York board for "as many blanks as you can spare, about 75."**

## Cravath to Defend 10 of Para. Board

Cravath, De Gersdorff, Swaine & Wood, lawyers for Paramount for many years, will represent the bulk of the defendants in the action brought against members of Paramount's

(*Continued on page* 8)

## Third Rental Talk May Be on Tuesday

Third of the meetings of independent exhibitor leaders in connection with discussions on high rentals and preferred playing time is tentatively scheduled for the Astor next Tuesday.

(*Continued on page* 8)

## *Key City Grosses Recede Below Dull Lenten Level*

Declines in grosses from 22 cities set in after the Easter revival ending May 3-4. The total, $1,256,631, dipped below the dullest week of Lent and came close to the weak takings registered last December just before Christmas.

Declines were not uniform, however, eight cities registering increases for the

(*Continued on page* 8)

## Rumors Revived on Erpi-Vita. Peace

WILMINGTON, May 23.—Reports of a settlement of the Vitaphone-Erpi litigation which has been pending in Chancery Court and the U. S. District Court here for the past 19 months were revived today in authoritative quarters here.

A consent decree dismissing the important action, which is said to involve more than $40,000,000 in claims

(*Continued on page* 12)

## *Box-Offices Spotty In Cincy Territory*

CINCINNATI, May 23.—Although first runs are showing satisfactory results, especially with the better product, business generally in the Cincinnati territory is reported spotty.

(*Continued on page* 12)

## *Fox Midland Affairs Nearer to Solution*

KANSAS CITY, May 23.—Reorganization of Fox Midland and Fox Rocky Mountain Theatres was advanced in court here yesterday with

(*Continued on page* 12)

### *Can't Make Notes*

**Hollywood, May 23.—Joe Shea finds drawbacks to riding with the boss, Gabe Yorke. He can't make notes on the neck of a black horse.**

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Lee Denies G-B Has Plan for Exchanges

Arthur A. Lee, vice-president of Gaumont British Corp. of America, who made no flat denial when MOTION PICTURE DAILY recently asked him regarding a report his company would open its own exchanges in America, became more emphatic yesterday and, in a statement, definitely denied any such move was in prospect "at the present time."

## Schless in Warner European Exchanges

Robert Schless, formerly in charge of Warner offices in France, Belgium and Switzerland, has been appointed to succeed the late William Kaufman as head of the company's continental exchanges. Sam Morris, head of all foreign activities for Warners-First National, made the appointment.

## Carr to Make Talk

SALT LAKE CITY, May 23.—Trem Carr, Monogram vice-president in charge of production, will talk before the company's regional beginning here Saturday.

One hundred and seventy-five Monogram men will be present at three planned regionals. Cincinnati and New York follow Salt Lake, stated W. Ray Johnston yesterday.

## Heifetz with Majestic

HOLLYWOOD, May 23.—Lou Heifetz has been appointed publicity head of Majestic by Larry Darmour. Heifetz will handle studio publicity.

# Insiders' Outlook

JUST where does well-defined business practice cease and experiment in production begin is a question which bothers Jess L. Lasky. He thinks he has the answer and again he thinks he has not. Sitting in his pleasant bungalow, tucked away in a corner of the imposing Fox studio in the Westwood Hills not so many days back, he warmed up to his question, poised the pros and the cons and left the problem where it was, perhaps for determination by circumstance or another day. . . .

▼

"The question of personalities is one of insurmountable difficulty," he declared. "I think, on the one hand, producers generally make a mistake in the constant use and re-use of well-established box-office names, although I recognize, of course, such a procedure is perhaps the thing to do from the straight, immediate commercial point of view. What I have been trying to determine, however, is whether or not it might not be a better investment for the long haul to experiment with a cast of unknowns, providing they show the necessary promise, to the end there might be developed therefrom starring equations for ultimate use and, of course, ultimate profit.". . .

▼

He cited the case of Galsworthy's "Apple Tree" which was planned as one of his eight on the new Fox program. Lasky figured Leslie Howard and a well-known woman, name not divulged, for his principals, but found it impossible to get either one because of contractual obligations elsewhere. As against that situation, he plotted what he described as a perfect cast. The handicap entered the scene in that his choices were made up of unknowns. At the same time, the producer is reasonably certain a star would emerge in the feminine lead. Is the chance that "The Apple Tree" with unknowns and so perhaps a flop worth the price as against the gamble of creating a new marquee name? Lasky veers both ways and maintains passing judgment on this count is an extremely difficult thing to do. It is. . . .

▼

Lasky, like Goldwyn, is a firm believer in the doctrine of fewer pictures. "If a given studio should cut its annual output from 60 to 25 features, it does not necessarily follow that the 25 will be better than the 60. But isn't it reasonable to suppose that the chances for their being better will increase thereby." There, too, is an argument hard to batter down. On a better understanding and greater mutuality in Hollywood, he is not particularly sanguine. He strikes the attitude that if the business did nothing radical by way of eliminating evils during the depression period what reason is there to believe it will with better times gradually returning? Others are looking for the very reason Lasky talked about. . . .

KANN

## Cullman Report Up Soon

Hearing of Howard S. Cullman's six months' report of Roxy Theatre operations will probably come before Federal Judge Francis G. Caffey on June 13, two days before the preseent six months' receivership term expires.

## Most Off on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 31¼ | 30½ | 31 | + ½ | 1.500 |
| Consolidated Film Industries | 3⅝ | 3⅝ | 3⅝ | — ¼ | 100 |
| Consolidated Film Industries, pfd | 16¼ | 16⅛ | 16⅛ | — ⅛ | 200 |
| Eastman Kodak | 93 | 92 | 93 | — ¼ | 300 |
| Eastman Kodak, pfd | 138 | 138 | 138 | +1 | 1,000 |
| Fox Film "A" | 14¼ | 14 | 14 | — ⅞ | 300 |
| Loew's, Inc. | 30⅞ | 30⅛ | 30½ | —⅜ | 2.400 |
| M-G-M, pfd. | 26½ | 26½ | 26½ | — ¼ | 100 |
| Paramount, cts. | 4½ | 4¼ | 4⅜ | ..... | 1,300 |
| Pathe Exchange | 2⅞ | 2⅝ | 2¾ | ..... | 5.100 |
| Pathe Exchange "A" | 21¾ | 20½ | 20½ | — ¼ | 4.900 |
| RKO | 2⅞ | 2¾ | 2¾ | — ⅛ | 700 |
| Warner Bros. | 5¾ | 5½ | 5½ | — ⅛ | 4,300 |

## Technicolor Down ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10⅜ | 9¾ | 9¾ | — ¼ | 2.000 |
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 100 |

## Pathe Bonds Advance 1½ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅜ | 9 | 9 | — ¼ | 3 |
| General Theatre Equipment 6s '40, ctf | 9 | 8¾ | 8¾ | — ¼ | 21 |
| Keith B. F. 6s '46 | 67¼ | 67¼ | 67¼ | — ½ | 3 |
| Loew's 6s '41, ww deb rights | 100¼ | 100⅛ | 100 | ..... | 5 |
| Paramount Broadway 5½s '51 | 45⅝ | 45⅝ | 45⅝ | — ⅜ | 1 |
| Paramount F. L. 6s '47 | 49¼ | 49¼ | 49¼ | — ½ | 1 |
| Paramount Publix 5½s '50 | 49¼ | 49¼ | 49¼ | ..... | 7 |
| Pathe 7s '37, ww | 97 | 97 | 97 | +1½ | 2 |
| Warner Bros. 6s '39, wd | 58⅞ | 57¼ | 57¾ | —1 | 34 |

# Purely Personal

STEPIN FETCHIT arrives by air today from the coast to appear at a benefit for the National Association for the Advancement of Colored People at the Apollo Theatre Saturday night.

MACK GORDON and HARRY REVEL have returned to the Paramount studio, after a two weeks' vacation here, to begin work on "The Big Broadcast of 1934."

ROBERT RISKIN, "ace" scenarist on the Columbia lot, sails Saturday for the other side.

JACK BENNY will broadcast from Hollywood while working in "Transatlantic Showboat" for Reliance.

MARY BRIAN is reported set for a lead in LEW BROWN's forthcoming musical (stage) comedy.

SAM KRELLBERG, bruises gathered in a recent taxi accident behind him, is back in his office.

JOSEPH M. SCHENCK and LEE SHUBERT did their informal chatting in front of 729 Seventh Ave. yesterday.

BEN ATWELL has taken a sailing vacation and is now en route to Honduras and Jamaica.

FELIX (FEFI) FERRY flies to the coast tomorrow.

LOUIS COHEN is in from Hollywood. And is he glad!

"LAUDY" LAWRENCE sails Saturday for Europe on the *Ile de France*.

AL FINEMAN celebrates another birthday today.

LOUIS B. MAYER is due in from the coast shortly.

HAL ROACH is in Alaska looking over the scenery.

## Hill Praises Films Produced in China

HOLLYWOOD, May 23.—Returning from China where he did preliminary work on "The Good Earth" for M-G-M, George Hill declared that rapid advances are being made by the Chinese in making films.

He said studios in China are turning out about 100 talking features annually with Chinese casts, directors and writers. He extends a complimentary note for the work already done.

"Most of the pictures are on modern themes, as contrasted to the old Chinese drama. Cabaret scenes figure in many productions. In fact, many of the pictures produced there look like Hollywood product."

## Theatre Supply Men To Meet in Chicago

CHICAGO, May 23.—Members of the Independent Theatre Supply Dealers' Ass'n. open a convention at the Edgewater Beach Hotel Saturday.

Assembled today to prepare for the sessions were these directors: James Guercio, Chicago; Arthur Morrone, Pittsburgh; George McArthur, Detroit; H. C. Dusman, Baltimore, and I. H. Moskowitz, I. S. Perce and Joe Robbins of New York.

# WARNER BROS.' SECOND BIG SUMMER SHOW

# "CLICKS"

*—says N. Y. Daily Mirror*

## CAGNEY and BLONDELL in "HE WAS HER MAN"

With Victor Jory, Frank Craven.
Directed by Lloyd Bacon.
Vitagraph, Inc., Distributors.

*First —*
"20 MILLION SWEETHEARTS"

*Then —*
"THE CIRCUS CLOWN"

*Now —*
"HE WAS HER MAN"

*And then —*
"MADAME DUBARRY"

*Next —*
"DOCTOR MONICA"

*And then —*
"DAMES"—"DAMES"—"DAMES"

# Nye Attacks Rosenblatt Report Reply

(*Continued from page* 1)

to mean when they refer to self-regulation of business," Nye told the Senate in opening his discussion of the film section of the report.

"The booking situation existing in the motion picture field has been such in times past as to occasion endless consideration of legislation looking to correction of the abuses under the plans which were being pursued. Under the code there has been enlargement of the abuses and we have placed in the hands of the so-called Code Authority the power to go out and regulate itself. When you see how they are doing the job we are straightway forced to go back to those words uttered by President Roosevelt himself when he said that no business has ever been known to purge itself of its own inequities."

More than 40 per cent of the entire response of the NRA to the report consisted of "extravagant lines" by the deputy administrator in charge of the film code, Nye declared. "In addition to numerous paragraphs of self-commendation, he has devoted the final 20 pages of his answer to the erection of a memorial to himself," he said.

### Nye Retorts on Time

The fact that only a few hours were devoted to hearings as compared with 79 "days and nights of continuous labor" in the negotiation of the code, Nye contended, does not demonstrate that there were no inequities in the agreement.

"I am prepared to agree with the deputy administrator's description of the number and variety of problems involved in preparing the code in this industry," he said, "but I cannot permit the presumption to arise that because of its long period of consideration the resultant code was a heaven-sent example of perfection." Referring to Rosenblatt's charges regarding the treatment of the Bareford brief, the senator declared that the board's report shows that it was not to have been received as testimony but as argument of counsel in rebuttal. He also dismissed the NRA complaint that witnesses before the board were not sworn by pointing out that witnesses at NRA code hearings also are not sworn, and Rosenblatt's complaint that no opportunity was offered for cross-examination of witnesses by declaring that had he been present he could have examined them.

While Rosenblatt contends that the greater proportion of provisions of the code benefit exhibitors, the review board, Nye said, had shown that no section favors anyone but the distributors.

The repudiation of the board's witnesses he characterized as a "continuation of the deputy's persistent policy of damnation of protesting minorities." Rosenblatt's comparison of the solvency of independents as compared with the insolvency of the larger companies was declared to be misleading, Nye charging that the latter was due to stock market operations.

Embarking upon a discussion of the recommended revisions, paragraph by paragraph, the senator declared the NRA answer was "evasive" and the division administrator's response disclosed chiefly a "fear for his own job." Two pages of that response were devoted to "rantings and ravings" on the labor provisions of the code, whereas "not a single recommendation" on labor is included in the report, he said. Nye declared Rosenblatt's "frantic defenses" were based upon unfair comparison of conditions before and after adoption of the code.

"The report shows the extent to which monopoly went to insure continuation of its control," he commented.

Defending the board's recommendation for revision of the clause dealing with the forcing of shorts, Nye charged Rosenblatt with either "not knowing as much about this industry and the code as he would lead on to believe" or guilty of "deliberate falsehood." Nye pointed out that while it is true no distributor can force an exhibitor to take a greater percentage of shorts than of features, he can nevertheless be loaded up with shorts by application of the block booking practice to make him take more features than he can use.

"If the deputy knows as much as he boasts he knows about the industry he can hardly fail to recognize the purport of this provision," the senator asserted.

Referring to the "obvious inequities" of giving distributors any control over playdates or admissions, or any voice as to whether double features are to be permitted, Nye argued that "without discussing the question of legality, it is obvious that a code of fair competition should not take within its sheltering arms such protecting provisions as these. Although certain trade practices cannot be declared illegal, there is no reason for incorporating them in a code of fair practice."

Nye scouted Rosenblatt's defense of the cancellation provision which, he said, consisted of an assertion that it affords the greatest cancellation privilege ever accorded the exhibitor. "Again I point out that when a provision is demonstrated to be unfair it is no defense to state it is less unfair than another provision." He charged the NRA with responsibility for the error in moving the decimal point which made it appear that the review board had referred to "$250,000" contracts.

"The meat of his whole answer is in the deputy administrator's self-adulation and defense of an injured vanity," he said.

Declaring that when Rosenblatt's response was published, charging that the things which had been complained of where inconsequential, he "hit several thousand motion picture people squarely in the eyes," including "a former member of the Federal Trade Commission." Nye disclosed that he had received a letter of protest from Abram F. Myers, head of Allied States, expressing "astonishment" at the charge that the report was based on one-sided testimony from a "few malcontents and obstructionists."

"So far as this association is concerned," Myers wrote, "it has spent many thousands of dollars and much valuable time in an effort to get a fair code. It has cooperated with NRA in every way consistent with the rights of its members.

"We respectfully suggest the Senate make a thoroughgoing and impartial investigation of the entire subject, including the manner of writing the code, its provisions and the manner in which it is being enforced."

Concluding his attack upon the administration, Nye declared that Congress should refuse to adjourn until "these infamous provisions" have been eliminated from codes, and served notice that unless the reports of the Federal Trade Commission and the Department of Justice, to which the Darrow findings were submitted, is made public he will introduce a resolution calling for them.

Nye referred to his resolution asking submission of the trade commission's reports and correspondence with the NRA, and declared that a motion to reconsider its passage had been offered under "orders" from General Johnson.

If necessary, he said, there should be a Congressional investigation of the situation, at which the heads of the review board, the trade commission, the consumers' advisory board and the planning and research division, all of which are in "substantial accord" as to the effect of codes, could relate their experiences with Johnson.

# *Johnson Seeks Dictator Power, Nye Tells Senate*

WASHINGTON, May 23.—Charging that General Hugh S. Johnson is attempting to build up a dictatorship in the interests of organized monopoly, Senator Nye of North Dakota, resuming his attack on the NRA, today warned the Senate that the lapse of the licensing provisions of the Recovery Act next month will remove the one weapon which so far has kept big business in any sort of order.

From day to day, Nye announced, he will lay before the Senate sections of the Darrow report dealing with individual codes and the corresponding sections of Johnson's reply, in an effort to show that the conclusions of the Darrow board are based upon actual conditions.

Assailing Johnson's desire to become the dictator of American business, the Senator declared he would not only abolish the review board, appointed by him, but in no instance needed, and the research and planning division, whose recommendations have never been considered; would do away with Congress, at least for the summer, and speed the President's departure for Hawaii. He would also abolish the Federal Trade Commission, "which has so thoroughly disagreed with him respecting the making and enforcement of many of the codes" leaving the administrator with "marvelous opportunity to demonstrate what 'cracking down' can mean."

The recovery administration, originally intended to improve labor conditions and develop fair trade practices in a few outstanding industries, Nye charged, "has taken in by far too much territory" in its effort to regulate all industries.

Efforts at enforcement were declared by the Senator to have been failures, and he charged that most of the administration's prosecutions have been directed at small business men while monopolists went along unhindered. "Thousands of complaints of refusal to abide by codes" have been received at the administration but not acted upon, he alleged.

"I challenge the administrator to publish a complete showing of settlements which have been accomplished out of all compliance complaints which have been filed," he continued, declaring that in the Pittsburgh area less than nine percent of the prosecutions met with any success.

Discussions of the film code report by the North Dakota senator, it has been indicated, will include a lengthy dissertation on the charges brought against Division Administrator Sol A. Rosenblatt and the benefits accruing to the so-called Big Eight under the agreement.

# Kansas City's New Clearance Stirs Protests

KANSAS CITY, May 23.—Charges that clearance and zoning board members have violated their oaths and also that the new clearance schedule threatens the existence of independent suburbans were passed freely at an open meeting of the board called for the purpose of hearing protests.

About 50 independents, downtown first run managers and exchange managers heard E. S. Young and other suburbans assail the new plan. All affiliated downtown first runs have filed protests charging that the reduced protection is unfair.

Downtown managers contended that the board's intention to raise first run admissions was not advisable at this time, with summer coming on.

Some independents favored changes and others advocated a return to the old system. An independents' committee filed recommendations seeking the elimination of penalties for duals and premiums. They claim the board has made restrictions enforceable against them without similar restrictions for first runs. Proponents of the new plan were non-committal.

The board allowed independents seven additional days to file protests.

## *MPTO of Washington Hits Darrow Report*

WASHINGTON, May 23.—Clarence Darrow's National Recovery Review Board report is condemned in a resolution adopted by the M.P.T.O. of the District of Columbia as "hastily drawn without due consideration and competent witnesses and competent testimony from all angles." As a result, the report is held to be "erroneous and incorrect in its conclusions."

The same resolution affirms the M.P.T.O. unit's confidence in the code.

## *Brandt in Washington*

WASHINGTON, May 23.—Harry Brandt, president of the I.T.O.A. of New York, was here today and flew back this afternoon. It is believed he came here in connection with the Darrow report.

# Campi Holds Up New Moves On Clearance

(Continued from page 1)

protests over such jurisdiction from other theatres in the same or adjacent zones. Campi yesterday came to the conclusion that lack of definite instructions might tend to complicate establishment of clearance in the 31 exchange territories and, therefore, decided on instructions to govern formulation.

The word was passed on in the following wire dispatched to all points yesterday by Executive Secretary John C. Flinn:

"Definite instructions clarifying jurisdiction and procedure of local clearance and zoning boards will be issued by Code Authority in a few days. Meanwhile, all boards shall withhold preparation or publication of protest hearings against any schedules of clearance which your board has prepared as part of any determination of any group protest. This telegram shall not interrupt regular procedure of hearing individual or group protests and making determination thereon which do not entail issuance of a schedule of clearance."

## *Lockport Overbuying Charge Is Dismissed*

BUFFALO, May 23.—Charges of overbuying, made by Reliance Theatres, Inc., in behalf of the Palace, Lockport, against the Schine Theatrical Co., Inc., have been dismissed by the grievance board, but it has been decided that the Palace is entitled to 17 pictures. The complaint was against seven exchanges as well as against Schine and the hearing occupied more than nine hours.

Award of pictures was split in the board's decision as follows: Paramount, 3; Fox, 2; Columbia, 2; M-G-M, 3; United Artists, 1; Warners, 3, and Radio, 3. It is understood Schine will appeal.

A three-part award has been made by the clearance and zoning board in the complaint of H. C. Morse, Elmwood Theatre in Penn Yan, against Schine, asking for removal of the present seven to 10-day clearance after showing in Schine houses in Geneva. The petition was denied, as was another request that Penn Yan be given 10-day clearance after Rochester.

Ray Pashley, Lakes Theatre, Interlaken, has won a reduction of clearance for the Lakes from 14 to 10 days after the Strand and State at Ithaca.

## *Cincy's Clearance Schedule About Set*

CINCINNATI, May 23.—The clearance and zoning board has completed a new clearance schedule for the territory and the board members expect to have it ready for release in approximately two weeks.

## *Agency Meet Postponed*

HOLLYWOOD, May 23.—The second meeting of the agency standing committee which was scheduled for Tuesday night was postponed because of the inability of certain members to attend.

## *Cleveland, with 4 Holdouts, Sees End of Duals by July 8*

**Cleveland, May 23.—Four holdouts, all of them small, subsequent run houses, today intervened between a general single feature policy for all houses in Greater Cleveland, effective July 8. The expectation is these four spots will fall in line. Therefore, the Cleveland M. P. Exhibitors' Ass'n. feels the drive is already over the top.**

**It is a case of all or none in this latest move to eliminate double features here. The petition cannot become operative unless every house in the city agrees. Loew's, Warners and RKO are on record for the elimination of twins whenever all other theatres here agree to do so.**

# Chicago Split on Films Is Ordered

(Continued from page 1)

11; Paramount, 13; RKO, 15; Universal, seven.

Bartlestein gets the pictures subject to the same terms contracted for by Schoenstadt. The board specified that releases begin June 10.

The case was unusual because it involved a split policy whereby Schoenstadt contracted for product for the Palace and the Villa with certain repeat rights on the latter. The board decided the Palace, on a basis of four changes per week, required 238 pictures a year.

It was revealed that Schoenstadt had contracted for 261 films as follows: Fox, 27, bought clear with seven out of 25 carrying repeat rights on the Villa; M-G-M, 23, all calling for repeat rights on the Villa; Paramount, 32, with 20 out of 33 repeat privileges; RKO, 20, with six out of 32 Villa repeats; Universal, 12, with 10 out of 24 repeats. A Warner-First National deal for the company's entire output of 60 was a bulk money arrangement with pictures to be used over the Schoenstadt circuit, but calling for 50 out of 60 as Villa repeats.

Testimony revealed that companies offered product as follows: Fox, 52; M-G-M, 46; Paramount, 65; RKO, 52; Security, 36; United Artists, 16; Universal, 36; Warner-First National, 60.

The handling of the Villa split is taken care of by a ruling of the board that the 116 pictures to be repeated on the Villa constitute a minimum commitment which Schoenstadt's Palace may play, but Schoenstadt may elect to play any or all pictures as repeats on the Villa, thus excluding Bartlestein's Annette from any choice of this product.

## *Ask Litigants to Appear*

Litigants involved in the Rogowsky Brothers case against Skouras Theatres Corp. have been asked to appear before the New York grievance board next Tuesday. Skouras recently asked for an elucidation of the decision handed down recently. It provided for the turning over of 22 pictures from Skouras to Rogowsky, operating the Embassy, Port Chester, in opposition to the Capitol, same city.

## *"Bank Night" Returns*

PORTLAND, May 23.—The Capitol here is the first house in the state to use a "bank night" following the sanction of this practice by Code Authority with lottery features eliminated. Business was stimulated, it was claimed, and the practice will be continued.

# Miami's Clearance Appealed to Campi

(Continued from page 1)

and zoning schedule set up May 11 by the local code board at Atlanta, Miami independents are banding together to obtain relief, it was learned today.

Protests signed by Charles Walder, Tivoli Theatre, and John A. Cunningham, State Theatre, have been forwarded to John C. Flinn, executive secretary of Code Authority, with a request for an appeal from the clearance and zoning regulations in Miami.

The protest states that in granting first runs 60 days' protection over second runs, while failing to name second run houses, the schedule makes it possible for Sparks and Wolfson-Meyer to play initial runs in houses charging the same admissions as the independents' second runs. The protest to Flinn points out that admission prices and location of theatres are ignored in the new schedule adopted for this city by the Atlanta code board.

Because of this, it is charged, local houses operated by the two circuits charging 25 cents admission are enabled to play initial runs while independents charging the same admission must wait a minimum of 60 days for the same picture.

Pre-release and first run houses, evenly divided between the two circuits, are specified in the schedule, but subsequent run houses are not so specified, it is claimed.

## *Four Texas Cities Get New Clearance*

DALLAS, May 23.—In the new clearance and zoning setup established by the local board, individual schedules are provided for the four key cities of the state, Dallas, Houston, Fort Worth and San Antonio and also for all other towns having subsequent runs.

Certain availabilities that have prevailed in the past have been modified and lessened by the plan, which goes into effect with the first release of the 1934-35 season and applies to any contract dated May 15 of this year or thereafter, "regardless of what season's service is covered thereby."

## *To Hear Zoning 'Plaints*

MEMPHIS, May 23.—A hearing on exhibitor protests on the new zoning schedule has been set for Monday afternoon at local code headquarters. The zoning board, according to Mrs. Alma Walton, secretary, is taking this action as result of a number of complaints received by it.

# Colored Spots Denied First Run Bookings

WASHINGTON, May 23.—Contentions that colored houses are not competitors of white downtown first runs in Washington and Norfolk and should be entitled to product day and date with the first runs were denied today in two decisions handed down by the clearance and zoning board.

The board refused to disturb the present 21 days' clearance in Washington and the 30 days no wprevailing in Norfolk.

Two other decisions were also handed down.

Louis Tunick, operator of the Brooklyn, Baltimore, won his request for permission to play pictures 21 days after first runs. This gives him clearance over Al Kahn's Pennington, Walter Pacy's Garden and McHenry and Joe Brodie's Brodie. Kahn and Brodie opposed the change, although it was testified their scales are lower and they play duals.

### Other Decisions

In another decision the board refused to put Herbert Zimmerman's DeLuxe, Baltimore, in a separate zone on the ground the present clearance is fair. Zimmerman wanted the DeLuxe to play day and date with the McHenry, Garden and Brodie. It now follows them.

Day and date first runs for A. E. Lichtman's three colored houses, the Lincoln, Republic and Booker T, in Washington, were refused. Lichtman had contended that his houses were not in competition with white first runs. His request was opposed by Carter T. Barron, Loew's Washington city manager, on the ground that the colored houses were the beneficiaries of downtown exploitation campaigns and that the white houses required the prestige of 21 days' clearance.

Lichtman had a similar appeal in for his colored houses, the State, Grandy and Norva, in Norfolk which now get their films 30 days after first runs. The Norfolk appeal was denied for the same reason.

No decision was rendered on an application of Sidney B. Lust that the Hippodrome, Washington, be rezoned so that he could get film 30 days after first runs. Isaac Notes, operating five houses, objected on the ground that the Hippodrome was his competitor, playing at lower admissions on the same street, Ninth St.

Two cases are pending on the grievance board docket. They will come up May 28.

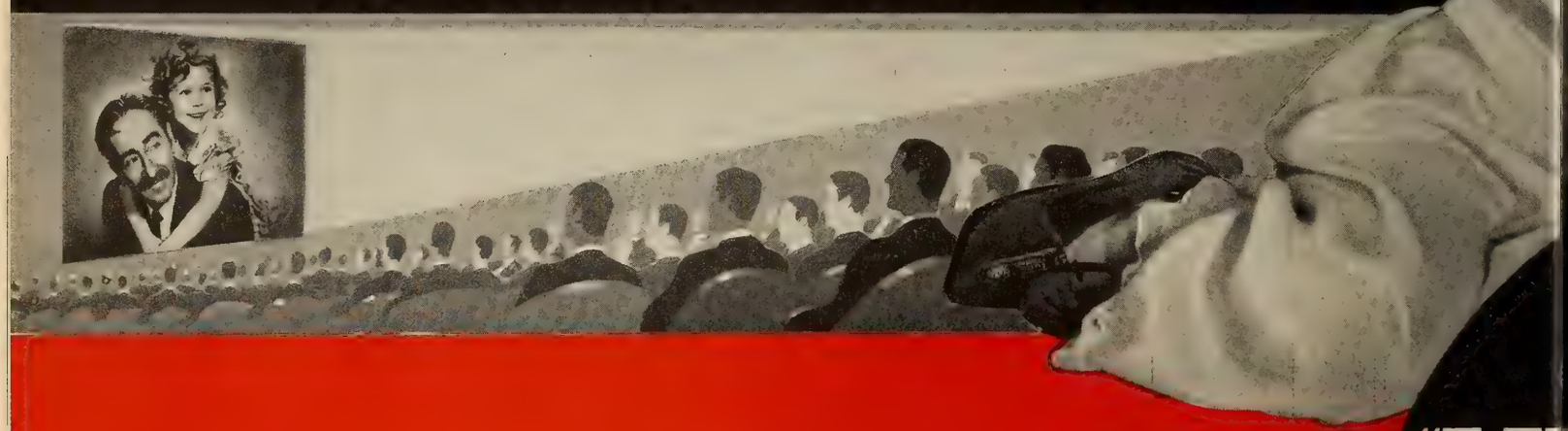
Five are scheduled to come before the clearance and zoning board on June 1.

## *Speed on Clearance Cases Sought Here*

First of a series of meetings by the clearance and zoning committee was held yesterday at Code Authority in an effort to expedite procedure of the local boards in disposing of cases before the new selling season gets under way. The committee includes Charles L. O'Reilly, Harold S. Bareford and George J. Schaefer. Neil Agnew yesterday substituted for Schaefer.

# Paramount's

## "Little Miss Marker" makes strong men weep



"LI

**At Damon Runyon's screening of "Little Miss Marker", New York's blase sport-writers laughed through their tears.**

"A knockout — I'm always a sucker for a kid in trouble. I was laughing with tears in my eyes." —*Frank Graham, Evening Sun*

"It brought tears but it also made me laugh. A swell show." —*George Dailey, Herald-Tribune*

"It's a picture almost anyone would want to see twice." —*Al Dayton, Evening Sun*

"My hat's off to Damon. It's better even than his 'Lady For A Day'." —*Hype Igoe, Journal*

"Clean, simple story, full of humor and pathos. It's a sure-fire bet." —*Murray Lewin, Daily Mirror*

"One of the most enjoyable pictures I've ever seen." —*Ed Neale, Associated Press*

"It's a honey that even out-entertains Runyon's 'Lady For A Day'." —*Marcus Griffin, Enquirer*

"You're laughing out loud — when you're not crying softly." —*Joe Nichols, N. Y. Times*

**If it's a PARAMOUNT PICTURE,**

# Paramount's

## "Little Miss Marker" steals women's hearts

Adolph Zukor *presents*

AMON RUNYON'S

# LE MISS MARKER"

th ADOLPHE MENJOU
OROTHY DELL, CHARLES
CKFORD, SHIRLEY TEMPLE
rected by ALEXANDER HALL

B. P. SCHULBERG
Production

**New York's leading feminine motion picture critics rave about Damon Runyon's new picture, "Little Miss Marker."**

"'Little Miss Marker' is one of the most amusing and touching films of the season. It is my advice that you beg, borrow or lift the price of admission to see it." —*Wanda Hale, N. Y. Daily News*

"'Little Miss Marker' is thoroughly delightful and as funny a picture as you're likely to see for a good many months."
—*Eileen Creelman, N. Y. Sun*

"'Little Miss Marker', a heart-warming yarn that alternates comedy with sobs and emerges as utterly delightful entertainment."
—*Rose Pelswick, N. Y. Journal*

"A load of laughter, salted with a tear or two, characterizes the excellent entertainment submitted for nothing less than your enthusiastic approval. This vehicle proves at least as effective a film drama as 'Lady For A Day'."
—*Regina Crewe, N. Y. American*

Paramount Pictures

it's the Best Show in Town

## Cravath to Defend 10 of Para. Board

(Continued from page 1)

1930-31 board of directors by the trustees in bankruptcy to recover up to $12,200,000 which was voted for repurchase of stock issued in the acquisition of theatres, it was disclosed yesterday.

The defendants to be represented by Cravath include Adolph and Eugene Zukor, Ralph A. Kohn, Austin C. Keough, Felix and Gilbert W. Kahn, John Hertz, Sam Katz, Sir William Wiseman and executors of the estate of the late Casimir I. Stralem.

Jules E. Brulatour, also a defendant, will be represented by Konta, Kirchway and Engel, while executors of the estate of Emil E. Shauer will be represented by Henry W. Fried. The remaining defendants, Sidney R. Kent, Jesse Lasky, Elek J. Ludvigh, Frank Bailey, Daniel Frohman and executors for the estate of the late William English, have not yet designated their attorneys, although it is likely that Kent and Lasky will be represented by Hughes, Schurman & Dwight.

Summonses have been served on most of the defendants. An order authorizing the trustees, Charles D. Hilles, Charles E. Richardson and Eugene W. Leake, to institute the suit in state supreme court here was signed by Justice Levy this week.

## *Court Backs Denial Of Paramount Claim*

An order disallowing a $1,000,000 claim of the Strand Amusement Co., Portland, Me., against Paramount Publix for damages alleged to have resulted from a violation of the anti-trust laws by Paramount, was signed yesterday by U. S. District Court Judge William Bondy.

Judge Bondy's order affirmed an earlier ruling by Referee Henry K. Davis which held that claims of this kind are not provable in bankruptcy. Strand Amusement took the referee's ruling to the district court for review.

## *Dubinsky Operator Row Given Hearing*

KANSAS CITY, May 23.—A number of exhibitors and exchange managers testified for Dubinsky Brothers in an arbitration hearing on the long standing dispute with the operators' union. The union protested their testimony on the ground that it was irrelevant, but A. W. Dubirney, special assistant U. S. attorney general and assistant NRA counsel, acting as arbitrator, admitted their testimony.

Testimony for Dubinsky was designed to establish their operations as in the suburban classification so that he can use one operator.

After a 12-hour session Dubirney said decision would be handed down in a week.

## *Cullman Tells Board He's "No Policeman"*

After receiving notification of a hearing on an appeal of the Mayfair from the decision of the New York grievance board to be held shortly, Howard S. Cullman, who filed the complaint and won the decision, has notified Lillian Silver, secretary, that he does not intend to appear.

Cullman yesterday stated all the evidence in the case is on file and there will be no new evidence submitted on his part. He added that it was up to the NRA to see that the code is enforced. They are the policemen, he said.

"I am not a prosecuting attorney. Why should I appear before the appeal board?"

# *Key City Grosses Recede Below Dull Lenten Level*

(Continued from page 1)

week. They were: Chicago, Denver, Kansas City, Minneapolis, Montreal, Oklahoma City, Pittsburgh and St. Paul.

Comparative figures for the last two weeks:

| | *Week Ending May 3-4* | | *Week Ending April 27-28* | |
|---|---|---|---|---|
| | No. Theatres | Gross | No. Theatres | Gross |
| Boston | 6 | $111,000 | 6 | $111,000 |
| Buffalo | 5 | 40,200 | 5 | 41,200 |
| Chicago | 7 | 121,500 | 7 | 106,500 |
| Cleveland | 6 | 42,000 | 6 | 42,900 |
| Denver | 5 | 32,500 | 5 | 27,000 |
| Detroit | 6 | 58,400 | 6 | 71,300 |
| Indianapolis | 5 | 21,000 | 5 | 24,000 |
| Kansas City | 6 | 37,500 | 6 | 35,000 |
| Los Angeles | 8 | 76,475 | 8 | 97,656 |
| Minneapolis | 5 | 25,000 | 5 | 24,500 |
| Montreal | 4 | 40,000 | 4 | 38,500 |
| New York | 11 | 236,306 | 11 | 253,008 |
| Oklahoma City | 5 | 20,700 | 4 | 12,800 |
| Omaha | 4 | 20,500 | 4 | 22,000 |
| Philadelphia | 8 | 78,200 | 8 | 79,500 |
| Pittsburgh | 6 | 49,700 | 6 | 41,750 |
| Portland | 6 | 24,000 | 6 | 27,700 |
| Providence | 6 | 31,000 | 6 | 45,400 |
| San Francisco | 8 | 83,200 | 8 | 94,800 |
| St. Paul | 5 | 18,500 | 5 | 18,000 |
| Seattle | 5 | 20,750 | 5 | 23,250 |
| Washington | 7 | 58,200 | 7 | 70,000 |
| | 134 | $1,256,631 | 133 | $1,307,764 |

Comparative grosses compiled from day to day reports for 32 weeks show this:

| *Week Ending* | *Theatres* | *Grosses* |
|---|---|---|
| September 29-30, 1933 | 135 | $1,342,710 |
| October 6-7 | 141 | 1,417,886 |
| October 13-14 | 143 | 1,544,838 |
| October 20-21 | 141 | 1,581,308 |
| October 27-28 | 143 | 1,509,422 |
| November 3-4 | 142 | 1,500,740 |
| November 10-11 | 141 | 1,379,560 |
| November 17-18 | 144 | 1,375,132 |
| November 24-25 | 141 | 1,431,209 |
| December 1-2 | 141 | 1,418,753 |
| December 8-9 | 142 | 1,558,832 |
| December 15-16 | 139 | 1,221,032 |
| December 22-23 | 133 | 1,071,457 |
| December 29-30 | 138 | 1,433,289 |
| January 5-6, 1934 | 136 | 1,714,824 |
| January 12-13 | 138 | 1,435,649 |
| January 19-20 | 136 | 1,305,267 |
| January 26-27 | 135 | 1,348,517 |
| February 2-3 | 135 | 1,338,371 |
| February 9-10 | 135 | 1,270,345 |
| February 16-17 | 136 | 1,317,011 |
| February 23-24 | 136 | 1,316,421 |
| March 2-3 | 135 | 1,350,548 |
| March 9-10 | 134 | 1,378,865 |
| March 16-17 | 133 | 1,302,020 |
| March 23-24 | 128 | 1,291,695 |
| March 30-31 | 134 | 1,247,322 |
| April 6-7 | 135 | 1,571,695 |
| April 13-14 | 132 | 1,360,061 |
| April 20-21 | 135 | 1,342,151 |
| April 27-28 | 133 | 1,307,764 |
| May 3-4 | 134 | 1,256,631 |

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## *Mosholu Ordered to Delay Advertising*

The Mosholu in the Bronx yesterday was found guilty of prematurely advertising by the New York grievance board, which decided the complaint of Loew's, operating the Grand, Burnside and Paradise. The independent exhibitor is being ordered to stop the practice.

Sylvester Rosenthal's complaint that Sam Canter and Abe Ratner negotiated and leased the Arian, Middle Village, L. I., while he was operating was dismissed.

Harman Yaffa's case, in which he asked for a "fair adjustment" on two Warner-First National pictures, was postponed until next week for additional evidence.

## Third Rental Talk May Be on Tuesday

(Continued from page 1)

M.P.T.O.A., Allied and exhibitor units from 15 states east of the Mississippi will attend. Omaha may be included, an invitation having already been extended to exhibitor units there.

A plan has been promulgated which can be used as a basic idea for buying product next season and will be presented to all groups attending the next meeting. These groups will be asked to get official ratification of the plan from the organizations they represent.

Future meetings depend on the outcome of the third meeting.

## *Philadelphia's Code Decisions Accepted*

PHILADELPHIA, May 23.—Despite the Darrow blast, the local territory is apparently maintaining a sympathetic interest in the workings of the code committees. The various cases have been followed closely and no squawks have materialized.

In a fortnight five cases have been run through the two committees, resulting in one general ruling.

In the case of the Grand and Jackson vs. the Fox exchange on the matter of non-theatrical bookings, the board ruled that no distributor should serve a non-theatrical group until six months after the first playing date of the film in the territory.

In the case of the Grand and Jackson vs. the Venice in Philadelphia, on the double feature problem, the board ruled the case out of its jurisdiction. Since the case aroused much local interest, it is probable that a group of independents will test out the right of the majors to insert anti-double feature clauses in their contracts in a civil suit.

## *Campi Definition of Release Is Sent Out*

Campi today is sending to all exhibitor associations, distributors and code boards a definition of a general release date established at the last Code Authority meeting. A general release is defined as:

"The public exhibition of any of said motion pictures for three consecutive days at prices usually charged for admission to the theater where so exhibited in the territory wherein is located the exchange from which the exhibitor is served, excepting any 'road show,' 'tryout,' 'preview' or 'pre-release' exhibitions thereof. Therefore, under Article V, F, Part 6, of the code, the exhibitor, when desiring to eliminate the picture and when entitled so to do, should be required to evidence his election within 14 days after such general release in such territory."

## *First Price Ruling in K.C.*

KANSAS CITY, May 23.—In its first case involving low admissions in this territory the grievance board today ordered Charles Bull of the Novelty, Wichita, to discontinue five-cent prices for children. The complainant was P. W. Huston, Bull's competitor. Since the complaint specifically charged low admission on a Fox film, the board held the practice a violation of the defendant's contract with Fox calling for a minimum of 10 cents.

# *Empress of a Thousand Moods*

As the shimmering surface of a woodland lake reflects the passing of each fleeting breeze, so the face of the great Temple (*we all call her Shirley*) mirrors the joys, the passions and the eternal sorrow of a world bowed down. *Hot Cha! That's telling 'em, Shirley!*

MORE TOMORROW!

# Gable's Film, With Swanson, Chicago High

CHICAGO, May 23.—The combination of Clark Gable on the screen in "Manhattan Melodrama" and Gloria Swanson in person on the stage clicked at the B. & K. Chicago and shot the week's gross to $40,000.

"Viva Villa" did $15,000 in its first week at McVickers and was held a second week. In its third week at United Artists "The House of Rothschild" was strong at $12,500. It went to a fourth stanza.

While business is down, the slump anticipated has failed to arrive to any marked degree. Total first run business for the week was $115,000 against an average of $137,000.

Estimated takings:

***Week Ending May 15:***

**"HOUSE OF ROTHSCHILD" (U. A.)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 3rd week, 7 days. **Gross:** $12,500. (Average, $17,000.)

**"VIVA VILLA" (M-G-M)**
McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $15,000. (Average, $13,000.)

***Week Ending May 17:***

**"MANHATTAN MELODRAMA" (M-G-M)**
CHICAGO—(4,000), 35c-50c-68c, 7 days. Gloria Swanson in Person and B. & K. stage show. **Gross:** $40,000. (Average, $34,600.)

**"THE SHOW OFF" (M-G-M)**
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Duncan Sisters, Will Mahoney. **Gross:** $14,000. (Average, $23,000.)

**"FINISHING SCHOOL" (Radio)**
PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Hal Leroy in Billy Rose's "Sweet and Low" with Ramona and Jack Fulton on stage. **Gross:** $15,000. (Average, $22 000.)

**"I BELIEVED IN YOU" (Fox)**
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Billy Wells and 4 Fays, Harry Savoy, Joe Termini and others. **Gross:** $12,000. (Average, $17.000.)

***Week Ending May 18:***

**"THE 9th GUEST" (Col.)**
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $6,500. (Average, $11,000.)

# Arliss Gets $7,000 3rd Montreal Week

MONTREAL, May 23.—With Loew's dropping vaudeville, all theatres of Montreal were on a straight dual feature basis and a similar price range and aggregate business fell short of average.

The third week of "House of Rothschild" still gave the Princess a good take of $7,000, as compared with average of $6,000. Receipts for the three weeks totalled $25,500. On an anniversary celebration play, the Palace reaped $10,000 with "Bottoms Up" and "You're Telling Me."

Total first run business was $35,000. Average is $36,500.

Estimated takings for the week ending May 19:

**"WE'RE NOT DRESSING" (Para.)**
**"DOUBLE DOOR" (Para.)**
CAPITOL—(2,547), 25c-35c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,000.)
IMPERIAL—French stage presentation.

**"THE TRUMPET BLOWS" (Para.)**
**"THE LOVE BIRDS" (Univ.)**
LOEW'S—(3,115), 25c-35c-50c-65c, 7 days. **Gross:** $8,500. (Average, $11,000.)

**"BOTTOMS UP" (Fox)**
**"YOU'RE TELLING ME" (Para.)**
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $10,000. (Average, $11,000.)

**"THE HOUSE OF ROTHSCHILD" (U.A.)**
**"CHANCE AT HEAVEN" (Radio)**
PRINCESS—(2,272), 25c-35c-50c-65c, 7 days, 3rd week. **Gross:** $7,000. (Average, $6,000.) First week: $10,000. Second week: $8,500.

# *Behind the Make-Up*

*By F. J. NEIDIG*

ARTCREST Prod. will start shooting in about two weeks at the Eastern Service Studio in Astoria. The first picture will be titled "Grand Duchess" and will take about two months to complete, with a number of nationally known celebrities in the cast. Roy Cozine will direct, with John Doran in charge of production and Al Lotti assisting.

•

Chas. Winninger ("Capt. Henry" of the Maxwell House "Showboat" program) has been signed for the first picture of a series to be produced in the East by Tom Moore. Winninger's contract also covers the broadcasting of the story and personal appearances. Moore expects to go into production shortly.

•

Buster Keaton leaves soon for Paris to appear in a feature, "King of Champs Elysee" for Les Film Margot. The deal was arranged by Leo Morrison's office.

Georgie Price has been signed by Warners for one picture.

•

The Ritz Brothers have been signed by Warners to do a series of comedies.

•

Royal King Cole, West Coast comedy writer, has been signed by Warners for its Vitaphone writing staff. Joe Rivkin handled these three deals.

•

Max Baer has been signed to make a feature for Columbia, tentatively titled "Police Headquarters." Production will start after Baer's fight in June. Negotiations were handled by Leo Morrison's office.

•

Art Jarrett and Eleanor Holm will make personal appearances in the East together. The deal was handled through the Leo Morrison office.

# "Rolling" and "Sinners" Big Boston Draw

BOSTON, May 23.—Grosses dropped all along the line this week with the advent of seasonable weather for out-of-door activities. RKO Boston, with its double feature first runs, topped the list with "Keep 'Em Rolling" and "Where Sinners Meet" good for $20,000, or $4,000 above average.

Metropolitan's showing of "Thirty Day Princess" was likewise good for $4,000 over average. "Manhattan Melodrama" did $3,000 above par for Loew's State, while "Twentieth Century" at Keith's was up $2,000.

Total first run business for the week was $106,500. Average is $95,000.

Estimated takings for the week ending May 17:

**"KEEP 'EM ROLLING" (Radio)**
**"WHERE SINNERS MEET" (Radio)**
BOSTON—(2,900), 25c-50c, 7 days. **Gross:** $20,000. (Average, $16,000)

**"REGISTERED NURSE" (F. N.)**
**"ALL MEN ARE ENEMIES" (Fox)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $8,500. (Average, $9,000)

**"TWENTIETH CENTURY" (Col.)**
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $18,000. (Average, $16,000)

**"MANHATTAN MELODRAMA" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaude. **Gross:** $19,000. (Average, $16,000)

**"THIRTY DAY PRINCESS" (Para.)**
METROPOLITAN — (4,350), 30c-65c, 7 days. Dr. Rockwell and Singer's Midgets. **Gross:** $32,000. (Average, $28,000)

**"REGISTERED NURSE" (F. N.)**
**"ALL MEN ARE ENEMIES" (Fox)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,000. (Average, $9,000)

## *Fontaine Moves June 4*

CLEVELAND, May 23.—J. E. Fontaine, recently promoted to be Paramount district manager out of Chicago, leaves Cleveland on June 4. Harry Goldstein, his successor, is in town.

## *Pick Next for Novarro*

HOLLYWOOD, May 23.—Ramon Novarro's next M-G-M picture will be "Her Excellency's Tobacco."

# "Villa" Big Los Angeles Hit, $26,000

LOS ANGELES, May 23.—"Viva Villa" was outstanding in a general slump here last week. It sent the Loew's State gross to $26,000, over par by $12,000.

"House of Rothschild," in its seventh week at Grauman's Chinese, was the only other attraction to show strength. It reached $14,039.

"Wild Cargo" took a nose dive to $3,500 in its second week at the RKO.

Total rst run business was $96,339. Average is $95,450.

Estimated takings for the week ending May 23:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 7th week, 7 days. Sid Grauman prologue. **Gross:** $14,039. (Average, $14,000.)

**"THE FORTUNE TELLER" (Warners)**
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $1,500. (Average, $2,650.)

**"VIVA VILLA" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $26,000. (Average, $14,000.)

**"PRIVATE SCANDAL" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Kate Smith and an F. & M. revue. **Gross:** $18,000. (Average, $18,000.)

**"WILD CARGO" (Radio)**
RKO—(2,700), 25c-40c, 2nd week, 7 days. Frank Buck appearing in person. **Gross:** $3,500. (Average, $8,000.)

**"MURDER AT THE VANITIES" (Para.)**
UNITED ARTISTS—(2,100), 25c-40c, 7 days. **Gross:** $9,500. (Average, $12,800.)

**"REGISTERED NURSE" (F. N.)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-55c, 7 days. **Gross:** $11,000. (Average, $14,000.)

**"UPPERWORLD" (Warners)**
WARNER BROS. (DOWNTOWN)—(3,400), 25c-55c, 7 days. **Gross:** $9,000. (Average, $12,000.)

**"LAUGHING BOY" (M-G-M)**
**"AFFAIRS OF A GENTLEMAN" (Univ.)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $3,800.

## *Billy La Hiff Better*

Billy La Hiff, operator of the Tavern, was reported improved last night at the Medical Center, where he is suffering from a kidney ailment.

# "Viva Villa" Hits $16,500 In Cleveland

CLEVELAND, May 23.—"Viva Villa" was one of three first runs that went over very big, grossing $16,500, over average at Loew's State by $6,500. "Registered Nurse" at the Warner Hippodrome closed the week with $3,500 better than average and "Damaged Lives" made such an appeal at the Allen that it was held a second week. "Where Sinners Meet" was cut to five days to make way for "Change of Heart" which will play a nine-day engagement at the RKO Palace.

Total first run business was $40,000. Average is $34,200.

Estimated takings for the week ending May 17:

**"DAMAGED LIVES" (Weldon)**
ALLEN—(3,300), 25c-35c, 7 days. **Gross:** $5,500. (Average, $3,000.)

**"REGISTERED NURSE" (F. N.)**
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $8,500. (Average, $5,000.)

**"HAROLD TEEN" (Warners)**
**"PICTURE BRIDES" (First Division)**
WARNERS' LAKE—(800), 30c-40c, 7 days. **Gross:** $1,900. (Average, $2,200.)

**"WHERE SINNERS MEET" (Radio)**
RKO PALACE—(3,100), 30c-35c-44c, 5 days. ADDED ATTRACTION: Mr. and Mrs. Jesse Crawford at twin organ consoles. **Gross:** $4,000. (Weekly average, $10,000.)

**"VIVA VILLA" (M-G-M)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $16,500. Average, $10,000.)

**"LAUGHING BOY" (M-G-M)**
**"HE COULDN'T TAKE IT" (Monogram)**
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,600. (Average, $4,000.)

# "Sweethearts" Big Indianapolis Draw

INDIANAPOLIS, May 23.—"Twenty Million Sweethearts" took this town by storm and sent the Circle gross up to $8,000 for nine days. Average for seven days is $3,500.

Business elsewhere was nothing to brag about. "Viva Villa" took a par $4,500 at the Palace, but other spots were weak.

Total first run business was $22,500. Average is $16,500.

Estimated takings for the week ending May 19:

**"NOW I'LL TELL' (Fox)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $2,000. (Average $2,500.)

**"TWENTY MILLION SWEETHEARTS" (F. N.)**
CIRCLE—(2,800), 20c-40c, 9 days. **Gross:** $8,000. (Average, $3,500.)

**"TRUMPET BLOWS" (Para.)**
**"AS THE EARTH TURNS" (Warners)**
INDIANA—(3,100), 20c-40c, 7 days. **Gross:** $2,500.

**"MERRY WIVES OF RENO" (Warners)**
LYRIC—(2,000), 20c-40c, 7 days. Vaudeville. **Gross:** $5,500. (Average, $6,000.)

**"VIVA VILLA" (M-G-M)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500.)

## *MacMahon-Kibbee Again*

HOLLYWOOD, May 23.—Due to their success as a comedy team in "The Merry Frinks" Warners are planning a series of pictures for Aline MacMahon and Guy Kibbee. The first will be "Big Hearted Herbert."

## *Kibbee on Fishing Trip*

PORTLAND, May 23.—Guy Kibbee is here for a fishing trip on the Columbia River.

# OUT TODAY

The whole story and all the documents in the Code Controversy — what Darrow said, what Johnson said, what Richberg said, what Rosenblatt said, appears in full in this week's issue of

Motion Picture Herald

## Theatres Will Take Back 75% on Strike

Approximately 75 per cent of the Loew's and RKO service employes who participated in the recent strike of Local 118, Theatre and Amusement Employes' Union, will be reinstated, circuit representatives said yesterday.

The remaining 25 per cent, identified as "agitators," will not be put back at work, it was said. The union estimated that 150 of its members went out, thus indicating that all but about 40 strikers would be reinstated.

The strike lasted five days. Its failure and settlement late Monday night is definitely regarded as leading to a quick dissolution of the Local, although there are indications that the Building Service Employes' International Union may again attempt organization of cleaners and janitors here, probably in the fall. Ushers, doormen and cashiers, included in the present setup, would play no part in an attempted revival of the union's activities here, it is believed. Resignations of these groups from the local are reported continuing in large numbers.

## Fox Midland Affairs Nearer to Solution

(Continued from page 1)

the appointment of Herbert V. Jones as trustee in bankruptcy for Midland. He has been acting as receiver pending a settlement of the Woolf-Shanberg suit against the company.

Jones is also trustee for Fox Rocky Mountain, the reorganization of which has been delayed by the suit.

Certain legal steps remain before the Woolf-Shanberg agreement is carried out, but the court is expected to make the settlement final by June 6.

Reorganization plans of Fox Rocky Mountain and Fox Midland are expected to be completed within two weeks in New York, where Elmer C. Rhoden, vice-president of both companies, will arrive Friday. Rhoden today reached St. Louis, where he met Spyros Skouras, with whom he left for New York tonight.

## Warners Set Third Session in Chicago

(Continued from page 1)

charge of western and southern distribution, will preside. Others from the home offices who will be present are S. Charles Einfeld, Carl Leserman, Norman Moray and A. W. Schwalberg.

The first meeting will be in Montreal, May 28 and 29, and the second at Atlantic City, June 4 and 5. The last will be held in San Francisco on a date yet to be determined.

## Fred Meyer Recuperating

HOLLYWOOD, May 23.—Fred S. Meyer, president of the M.P.T.O. of Wisconsin and national secretary of the M.P.T.O.A., has won his long battle for life and is now recuperating from a near-fatal illness. He had adhesions, pneumonia and a blood transfusion.

## Planning Comeback

Elsie Ferguson, once one of the biggest stars on the Paramount roster, is understood planning a comeback. One of the major companies yesterday was reported interested.

## Flash Reviews

### "Murder on the Blackboard"
(*Radio*)

HOLLYWOOD, May 23.—Another good murder mystery. . . .

### "Dr. Monica"
(*Warners*)

Acting is competent. . . .

### "The Hell Cat"
(*Columbia*)

There is much in the way of entertainment in this newspaper yarn. . . .

### "Channel Crossing"
(*Gaumont British*)

. . . interesting and holds once it has overcome the handicap of a slow start. . . .

### "The Love Captive"
(*Universal*)

The picture is routine.

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

*"Hollywood Party," tonight's premiere at the Rialto, was reviewed on May 18.*

*"Where Sinners Meet," this morning's opener at the Radio City Music Hall, was reviewed by wire from Hollywood on April 11.*

*"Now I'll Tell," tonight's preview at the Roxy, was reviewed by wire from Hollywood on April 17.*

*"Upperworld," last night's premiere at the Strand, was reviewed by wire from Hollywood on April 2.*

## Oregon Allied for National Trailers

PORTLAND, May 23.—Thirty-five members of Allied States of Oregon at a meeting here today voted to continue using National Screen Service trailers in the event any producer making its own trailers attempted to force sale of the trailers with feature product. William Green, a representative of National Screen, addressed the meeting.

Warners and M-G-M are the only producers now making their own trailers.

## Russians Ampa Guests

Russians will have their inning at the Amna luncheon today in the M. P. Club. Boris Morros will be guest chairman and the guests will be Vladimir A. Isievich, president of Soyuzkino, Moscow; Vladimir L. Verlinsky, president Amkino, and Miss Esma Kuznetzova, vice-president of Amkino. Edward Corsi, director of public welfare for New York City, will also be a speaker.

## Wanger Sails Saturday

Walter Wanger, former associate producer at M-G-M and now making plans to produce independently, is in New York from Hollywood. He sails Saturday and expects to be in Moscow two weeks from that date.

## Feist, Jr., on Short

HOLLYWOOD, May 23.—First directorial effort of Felix Feist, Jr., for M-G-M will be a short entitled "Bowling, Here's How." Pete Smith will do the dialogue.

## "U" Signs Edmund Lowe

HOLLYWOOD, May 23.—Universal has signed Edmund Lowe to star in a story by Jerry Wald titled, "Gift of Gab." The screen play has been assigned to Rian James.

## Rumors Revived on Erpi - Vita. Peace

(Continued from page 1)

against Erpi, will be filed with the Chancery Court here in a very short time, according to the reports.

Erpi's attorneys here stated yesterday they were unaware of any new developments in the Vitaphone-Erpi litigation in the Delaware courts. Abel Cary Thomas, general counsel for Warners, was not in New York yesterday.

## Delay on Boyer, Young

HOLLYWOOD, May 23.—Scenes in Fox's "Caravan" requiring the presence of Charles Boyer and Loretta Young are being postponed because of the illness of the players.

## Fox-Bellamy Dicker

HOLLYWOOD, May 23.—It is understood here that Fox is negotiating with Madge Bellamy to stage a comeback in a series of pictures for next season's release.

## English Deal Set

LONDON, May 23.—Clifton Hurst Prod. Ltd., will make three pictures for Fox, probably for British distribution only.

## Kent Delays Return

HOLLYWOOD, May 23.—S. R. Kent has set back his return to New York until Thursday.

## Sheehan Returns Soon

Clayton Sheehan, foreign sales manager for Fox, is due in New York from Europe in about a week.

## Depinet, Sisk Leave

HOLLYWOOD, May 23.—Ned E. Depinet and Robert F. Sisk left for New York tonight.

## Box-Offices Spotty In Cincy Territory

(Continued from page 1)

Hot weather, with increasing outdoor opposition, is held responsible, but recent developments would indicate that absence of product with definite star or story value is a contributing factor.

Within the past fortnight, a picture at a first run was closed on the fifth day. More recently, another first run, opening on Saturday, pulled a picture Sunday noon.

To what extent the Catholic crusade against the screen has affected attendance cannot be determined, but there is a feeling that it has hit at least some of the neighborhood stands and houses in the smaller communities. The angle is that the theatre in the smaller community provides the main source of diversion, with which the public constantly is in touch. Residents of these centers are credited with being closer to the church.

Conversely, reports from some competitive key situations are that the trend is toward the subsequents and away from the first runs. Particularly is this true when first runs play them "on the nose," with the subsequents able to play the product within a reasonable protection limit, often on a dual program, at admissions ranging from 60 to 75 per cent lower than the scale of the de luxe spots.

## Columbia Declares 2½% Stock Dividend

Directors of Columbia Pictures Corp. have authorized the payment of a semi-annual stock dividend on the outstanding common stock of the corporation, payable in common stock August 2, 1934, to the holders of record as at the close of business June 15, 1934, to the extent of two and one-half per cent of their holdings of such date. Holders of voting trust certificates will receive this dividend in similar certificates.

Where fractional shares of common stock or voting trust certificates are due, cash will be paid.

## Korda After Howard

LONDON, May 23.—Alexander Korda of London Films is dickering for Leslie Howard for the lead in "Lawrence of Arabia," which Lewis Milestone will direct. The picture will be made this summer.

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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 122 NEW YORK, FRIDAY, MAY 25, 1934 TEN CENTS

## Fox Theatre Plan Sets 5 Big Divisions

### *Expect Foreclosure Bids To Win in Courts*

KANSAS CITY, May 24.—Five general divisions for operation of the approximately 400 Fox theatres are planned, if the proposed reorganization worked out by Fox Film, Chase National Bank and the Skourases goes through as expected.

Bidding at the foreclosure sales is open to any large operator, but Fox and Chase are understood to hold 99 per cent of the claims against the theatre units and any competing bidder will have to top their offer. This is not looked for.

Final details are to be worked out before Elmer C. Rhoden returns here

(*Continued on page* 11)

### *Para. Bond Deposits Pass Half-Way Mark*

Paramount Famous Lasky six per cent bonds, due in 1947, which have been deposited with the reorganization plan sponsored by Kuhn, Loeb & Co. for Paramount Publix creditors, have passed the half-way mark, the N. Y. Stock Exchange reported yesterday.

Of the total issue, $5,974,000 of the bonds have been relisted under certificates of deposit of the reorganization group, while $5,944,000 still retain their original listing.

### *Publix Enterprises Bank Fees Approved*

The petition of Irving Trust Co. and its attorneys, Winthrop, Stimson, Putnam & Roberts, for partial allowances and fees aggregating $110,000 for services as trustee in bankruptcy of Publix Enterprises was approved yester-

(*Continued on page* 11)

### *Victory Clearance Retained by Loew's*

Loew's yesterday won a victory for its Victory theatres when the New York clearance board denied the protest of the Fleetwood and Forum, operated by Consolidated, claiming

(*Continued on page* 4)

### *Halperins Plan 8; Radio May Release*

HOLLYWOOD, May 24.—Victor and Edward Halperin are set to produce eight features on an ambitious scale

(*Continued on page* 11)

### *Target Practice*

**Hollywood, May 24.—The new pistol range of the M-G-M police department built on United Artists studio property opens Sunday with many of Leo's stars, et al, attending.**

**Understood purpose is to equip personalities with a means of warding off kidnappers and such.**

**Danger point seen by some is expert marksmanship which may result variously for supervisors at the hands of players, directors and others.**

## Rough Tactics Shown, Labor Case Dropped

KANSAS CITY, May 24.—In the first decision of its kind, considered by NRA officials as establishing a national precedent, the St. Louis Regional Labor Board has ruled that Dubinsky Bros. are under no obligation to reinstate former union employes found guilty of threatening or committing violence in connection with labor disturbances at St. Joseph, Mo., theatres.

Important new evidence, in the form of a temporary injunction granted Dubinsky against theatre crafts, was made the basis of the ruling, which

(*Continued on page* 4)

### *Report H. L. Doherty Backs Miami Studio*

MIAMI, May 24. — Henry L. Doherty, head of Cities Service Co., will back a film studio to be erected on a 119-acre tract adjoining Hialeah racetrack, it is reported here. Doherty is said to have purchased the tract recently for that purpose.

Doherty is now in Miami and knowledge of the reported studio venture was disclaimed at his offices at Cities Service Co. here yesterday.

### *Outdoor Opera Plan Set in Five Cities*

With five cities having definitely set plans for outdoor opera this summer and eight or 10 others now considering plans, theatre business in as many sections are faced with brisk summer competition from this source. Cities definitely set with outdoor opera plans, and the length of the

(*Continued on page* 11)

# GENERAL REVISION OF CODES ON WAY

## Nye to Seek Probe Of the Entire NRA

WASHINGTON, May 24.—A resolution calling for a full investigation of NRA, including the writing and administration of the film code, will be introduced in Congress early next week by Senator Nye of North Dakota, it was learned today.

The investigation will not be confined entirely to the film code nor entirely to the Darrow report, but will cover practicallly the whole field of code writing and enforcement.

The resolution is being held up until next week, it was indicated, in order that the President may have an opportunity to show whether he is going to adopt the recommendations made by the Senator in his speech yesterday.

## Campi to Hear All Appeal Cases Filed

Despite the piling up of appeals from various parts of the country, all will be heard and disposed of by Campi, it was stated yesterday. The appeals will be heard in the order they arrive and all litigants are being given an opportunity to appear before the main board for the final review of cases.

Telegrams are being sent out upon receipt of appeals, notifying them when the cases are docketed. Several appeals are expected to be decided at the next session, in addition to a decision on the appeal of Fox West Coast against Simon M. Lazarus of the Garfield, Alhambra, Cal.

### *Food Basket, Prize Ticket Ban Appealed*

INDIANAPOLIS, May 24.—Mark Margolis, operator of the Rivoli, has filed notice of an appeal from the grievance board decision barring him from giving away baskets of food, rebate tickets and prizes. He claims

(*Continued on page* 4)

### *Frisco Men Protest Clearance Schedule*

SAN FRANCISCO, May 24.—General protest against existing clearance provisions has been filed by 46 subsequent

(*Continued on page* 4)

### *President to Act When Congress Quits and Johnson May Go*

WASHINGTON, May 24.—Adjournment of Congress next month will be the signal for a thorough overhauling of the National Recovery Administration and its codes designed to give the small business man and consumer the square deal which they complain has been denied them.

Acting on the suggestion of Senator Nye of North Dakota, the President is understood to be planning a conference of the various agencies and boards which are interested in the recovery movement, including the Federal Trade Commission, the Darrow board, the Consumers' Advisory Board and the Planning and Research Division of the NRA.

This investigation, it was intimated

(*Continued on page* 4)

### *Russian Advocates Exchange of Talent*

Advocating an exchange of talent and ideas, V. I. Verlinsky, newly elected president of Amkino, yesterday recommended to Ampaites the sending to Russia of directors from America to make pictures there. He also suggested that Russia send its directors to America to produce.

Esma Kuzentzova, former president of Amkino and now vice-president, extended greetings from her organization. Dave Apollon, Lanny Ross, Jane Froman and Don Ross also appeared. William R. Ferguson turned the gavel over to Boris Morros, who acted as interpreter.

### *Loose Signs Taken Off B'way Marquees*

Broadway marquees went "bare" yesterday when, by mandate of the city government, all "underslung" signs were removed.

Signs advertising current shows, admissions and scenes, long used at various houses, are among the types now on the forbidden list. Most of them hung from hooks and waved in the wind.

### *Chesterfield May Do 24 With Invincible*

Chesterfield and Invincible may boost their new season schedule to 24 features as compared with the current season's 18, it was learned yesterday.

George Batcheller, Sr., is here from

(*Continued on page* 11)

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# Insiders' Outlook

SEVERAL torchbearers are afoot carrying forward a movement which seeks to elect as president of the reorganized Paramount, if and when, Arthur A. Ballantine. Who is he? (1) He is a member of the law firm of Root, Clark, Buckner and Ballantine, attorneys for Paramount trustees. They are Charles E. Richardson, Eugene W. Leake, now in California giving the Hollywood end of Paramount the once over, and Charles D. Hilles. (2) He was Under-Secretary of the Treasury during the Hoover Administration and a member of the ex-President's "Little Cabinet." That makes him a staunch Republican. As a lawyer, Ballantine ranks high in his profession. Having no background in show business, those who say they know declare he would prove extremely valuable where finances are concerned. Now in Italy, Ballantine reaches these shores again in about 10 days. . . .

▼

The story on Adolph Zukor and production runs something like this: The Paramount trustees, knowing his background, are understood to have figured his presence on the coast would be of great importance. There only a handful of days, the inside reports have it Zukor already has dipped into a number of situations concerning talent where Manny Cohen didn't fare so well. Aside from all of that, Zukor presumably has gone on a sort of personal guarantee that the Cohen regime will be what the trustees want it to be. . . .

▼

New angles on the code are developing almost day by day. In the overbuying complaint filed by Harman Yaffa, operator of the Gem and Majestic, against Springer and Cocalis, operators of the Lane and Empress, the latter challenged Louis Geller, code board member, whom they accused of prejudice. In the first place, board members may not be challenged, the procedure varying from the technique in vogue when the Film Boards were active. In the second, or perhaps more properly the first, non-code assenters, which S. and C. are, may not file grievances. It's a case of trying to get to second base without touching first. . . .

▼

Campi's decision to lay down basic instructions under which clearance, once known far and wide as protection, will be set up in key cities looks like a sensible procedure. The desire is to stem any rising tide of dissatisfaction over what may be determined in any specific zone. As it has been going, any ruling made on behalf of a complaining theatre, it has been discovered, immediately bounces back into the determining board's lap squawks from a competing theatre or theatres in the same zone. The process therefore, might easily continue without end. . . .

▼

This clearance problem, long a sore spot and cradle of many industry disputes, can't be anything but a headache under the most fortuitous of conditions. Any move, predicated on a desire to keep troubles as minute as possible, consequently deserves patience and some encouragement. The story here is the old, old tale of the powerful continuing to hold on to his power and the less fortunate individual attempting to better his own lot. Unless human nature has undergone a radical change since the code was enacted, the circuits, of course, will battle any efforts to shear their wings. . . .

KANN

## Stockholder Asks Receiver for Warner

A receiver for Warners is asked in a stockholder's suit filed in Supreme Court here yesterday by Molly B. Levine, who describes herself as an owner of 200 shares of the company's stock.

The suit, which charges various acts of mismanagement in Warner's acquisition of outside interests during its expansion period from 1928 on, asks for a general accounting by the defendants, the removal of directors in the event any are found to have acted in bad faith and the return to the corporation of 100,000 shares of its stock which the complainant alleges was voted Harry M., Jack L. and Albert Warner.

Abel Cary Thomas, counsel for Warners, could not be reached late yesterday for comment on the suit.

## "What Now" to M. H.

"Little Man, What Now?" has been booked into the Music Hall starting May 31. This is the third of a four-picture deal made some time ago between the Roxy, RKO and Universal. "Imitation of Life" will wind up the deal.

## French Showing Tonight

"Quelqu'un a Tue," a French mystery film based on an Edgar Wallace story, will be shown on the *Ile de France* tonight by John S. Tapernoux to an invited audience. The picture features Marcelle Geniat, Pierre Magnier, Claude May and Gaston Modot.

## Columbia Gains 1 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 32½ | 31¾ | 32 | +1 | 1,500 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | + ⅛ | 100 |
| Consolidated Film Industries, pfd | 16⅞ | 16⅜ | 16½ | + ⅜ | 600 |
| Eastman Kodak | 95½ | 93¾ | 95⅛ | +2⅛ | 100 |
| Fox Film "A" | 14⅞ | 13¾ | 14½ | + ½ | 900 |
| Keith-Albee-Orpheum, pfd. | 30 | 30 | 30 | ... | 100 |
| Loew's, Inc. | 31⅝ | 30½ | 31⅜ | + ⅞ | 8,200 |
| M-G-M, pfd. | 26 | 26 | 26 | ..... | 100 |
| Paramount, cts. | 5 | 4½ | 5 | + ⅝ | 300 |
| Pathe Exchange | 2⅞ | 2¾ | 2¾ | ..... | 2,100 |
| Pathe Exchange "A" | 21⅝ | 21 | 21 | + ½ | 1,800 |
| RKO | 3 | 2⅞ | 3 | + ¼ | 400 |
| Universal Pictures, pfd | 38 | 38 | 38 | ..... | 20 |
| Warner Bros. | 6⅛ | 5⅝ | 5¾ | + ¼ | 4,000 |

## Technicolor New High on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | 5/16 | 5/16 | 5/16 | — 1/16 | 100 |
| Technicolor | 11¼ | 10⅞ | 11 | +1¼ | 8,400 |
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 200 |

## Paramount F. L. Bonds Up 1¾

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¼ | 9 | 9 | ..... | 5 |
| General Theatre Equipment 6s '40, ctf | 8¾ | 8¾ | 8¾ | ..... | 2 |
| Loew's 6s '41, ww deb rights | 100⅛ | 100⅛ | 100⅛ | ..... | 1 |
| Paramount Broadway 5½s '51 | 45⅝ | 45½ | 45½ | — ⅛ | 9 |
| Paramount F. L. 6s '47 | 51 | 49 | 51 | +1¾ | 4 |
| Paramount Publix 5½s '50 | 51 | 49⅞ | 51 | +1½ | 23 |
| Pathe 7s '37, ww | 97 | 97 | 97 | ..... | 1 |
| Warner Bros. 6s '39, wd | 58½ | 58 | 58¼ | + ½ | 8 |

## Purely Personal

LOU METZGER, who recently returned from England with the American distribution rights of British International Pictures, is arranging for an early trade showing of "The Return of Bulldog Drummond."

W. RAY AND MRS. JOHNSTON played host to PHIL AND MRS. ROSEN at the Monogram head's home the other night. ROSEN is slated to leave for the coast shortly to direct another Monogram picture.

HAROLD RINZLER, son of Sam, is giving an engagement reception Sunday night at his home with local exchange heads and important exhibitors invited.

LUPE VELEZ has arrived at the Warwick with a retinue of attendants, including an accompanist. She is going to make personal appearances with "Hollywood Party."

EDWARD GOLDEN left Chicago yesterday for Salt Lake City where the first of four Monogram regional meets gets under way tomorrow.

A. E. THOMAS'S "No More Ladies," now in its fifth month at the Morosco, has been acquired by M-G-M.

MO WAX and RONALD BANK have acquired the screen rights to "Against the Sky," KONRAD BERCOVICI'S gypsy story.

PAUL LAZARUS leaves on a two-week vacation May 30 and will not attend the U. A. Chicago convention.

NORTON RITCHEY plans to leave sometime in August for Central Europe for Monogram.

KITTY DARE, musical comedy player, has been given a Warner long-term ticket and heads west immediately.

## Jessel Tops Friars List

George Jessel heads the list of nominations for The Friars' election to be held June 1. He is up for the post of abbot. Other nominations are: For dean, Rudy Vallee; for prior, Jack Benny; for corresponding secretary, Ben Piermont; for recording secretary, Pat Rooney; for treasurer, William Degen Wienberger; for governors, Fred Block, Geo. Nat Burns, Harry Delf, Donald Flamm, Sam H. Harris, Lou Holtz, A. A. Jaller, Abe Lastfogel, Dan Michalove, Charles A. Miller, George E. Price, Marvin H. Schenck and Ira Streusand.

## Walker Gets Leave

WASHINGTON, May 24.—Frank C. Walker, director of the Federal Emergency Relief Council and secretary of the Executive Council, goes on a long leave of absence this summer.

In June, he will deliver the commencement address at Notre Dame University.

# *For the first time in 2 years*
# YOU CAN DATE THEM UP!

Just like seeing good friends after a long absence . . . your audiences will welcome the return of these ever-popular sweethearts ! *

*And in a picture that *S. R. Kent* calls: "The biggest money picture with this team we've had in the last three years." And *Variety Daily* hails: "A box-office bet from every angle!"

## JANET GAYNOR
## CHARLES FARRELL
in
# CHANGE OF HEART
with
## JAMES DUNN
## GINGER ROGERS

**Produced by Winfield Sheehan**

Directed by John G. Blystone • Screen play: Sonya Levien and James Gleason • From the novel "Manhattan Love Song" by Kathleen Norris.

FOX

# See General Revision of Codes Coming

(Continued from page 1)

today, may result in the reopening of all the important codes, which will be modified by giving the associated independent interests much they have contended for.

With a reorganization, the possibility is seen of the displacement of the hard-boiled chief of the NRA, General Hugh S. Johnson, as a gesture on the part of the Administration.

The fight over the Darrow report continued today with Democratic Floor Leader Robinson of Arkansas coming to the defense of the NRA following a conference with Johnson. In reply to Nye, Robinson declared that recovery has progressed apace under the NRA.

### Not Singling Out Films

Although the North Dakota senator yesterday made the film report the subject of his attack on the Administration, it is said on his behalf that he is no more interested in pictures than in the other commodities investigated by the review board; that his film attack, in fact, followed an equally scathing denunciation of the NRA for its handling of the steel code, and is to be followed by animadversions of the other codes reported upon by the review board.

A country editor, 41 years old, Nye has been a consistent supporter of the NRA idea, and even before its creation had introduced legislation of similar tenor, but has steadily maintained that small independent business must be protected against the onslaughts of monopoly. His term in the Senate does not expire until 1939.

While, naturally, the Darrow board has been seized upon by the Republicans in Congress as good political material, Nye has some support on the Democratic side, although no coalition strong enough to stem the march of the Administration is seen possible at the present time.

### Robinson Defends NRA

Coming to the defense of the recovery administration, Senator Robinson charged that the complainants against the code would have the Government set aside the patent and copyright laws for their benefit. He referred to a statement recently circulated by Col. H. A. Cole, president of Allied of Texas, hailing a decision of the grievance board for that territory as "the first piece of really good news the independent exhibitor has heard in many years."

"Before the motion picture code," Robinson declared, "the small exhibitors were helpless. The code set up grievance boards with very broad powers. The faults of block booking are not due to the code; they are due to the copyright laws. The NRA cannot change the law, but through its intervention 25 per cent relief was obtained from the rigors of that system."

The administration, he continued, has been blamed for the results of the patent and copyright laws, and has been appealed to to take from the owners of patents and copyrights their privileges thereunder, which, he pointed out, the administration "manifestly cannot do."

"There is not one single theatre of the individual or small picture exhibitor closed on account of the code," he declared, "and thousands have telegraphed and written to the NRA that it has saved them."

## Extras Lose

**Los Angeles, May 24.—In the first test case of the kind Fox has been upheld by Campi in its appeal from a ruling of the local extras' board that it pay 20 extras a minimum of $25 each for singing in a film. The board's decision was based on the premises the players were required to memorize lines. Campi ruled the players were called upon to sing in chorus and should be paid no more than $15.**

## Three Denver Cases Are Handled Quickly

Denver, May 24.—Three complaints filed by J. J. Goodstein, owner of the Palm, against Everett Cole, Rialto owner, at Alamosa, Col., were disposed of at the first grievance board hearing.

Cole's family matinees were ordered stopped as unfair competition; Goodstein withdrew an overbuying charge, reserving the right to amend it later, and the board dismissed a charge that Cole's weekly dual bills are unfair trade practices. The next hearing will be held Monday.

## Victory Clearance Retained by Loew's

(Continued from page 1)

Loew's was entitled to the protection it is now getting over the two houses.

Another petition was denied when the board refused to lift the 30-day protection period of the Strand, Port Jervis, N. Y. The protest was made by the Sussex, Sussex, N. J.

## Dismiss Albany Charge

Albany, May 24.—An overbuying complaint presented to the local grievance board by William C. Smalley, Smalley Theatre, Norwich, against Schine Theatrical Enterprises, Inc., has been dismissed with a recommendation that Schine release 10 major features on the 1933-34 list to the Colonia at Norwich.

A new clearance and zoning schedule for this territory will await study of decisions in pending cases, according to Judge David Wanger.

## George Skouras Appeals

George Skouras has changed his mind about accepting the decision of the New York grievance board in the Rogowsky case and has definitely decided to appeal, he said yesterday. Rogowsky, operating the Embassy, Port Chester, was given 22 pictures of the Skouras allotment. Skouras operates the Capitol, same city.

## SETOA Picks Atlanta

Atlanta, May 24.—Nat. G. Williams, president of the Southeastern Theatre Owners' Ass'n., says the annual convention will be held here June 24-26.

## Frisco Men Protest Clearance Schedule

(Continued from page 1)

runs. The purpose is to secure a reduction of the 56-day clearance held by first runs.

A hearing will be held June 4. Among the signers are Golden State, Nasser Brothers and Levin Theatres.

Milton Samis of the Hester, San Jose, has protested against existing clearance in San Jose and a hearing has been set for May 28.

Because, it is alleged, M. L. Markowitz, operator of the Davies, had not signed the code within the time limit set by the President, the Casino, through its attorney, A. S. Newburgh, has filed an appeal from the grievance board decision ordering it to stop premiums and free parking. It was decided that this was rate-cutting. The complaint was brought by Markowitz.

D. B. Levin, operating the Baywood, San Mateo, has filed a protest against F.W.C. with the grievance board alleging overbuying by F.W.C. for the purpose of depriving him of product.

## New Ruling Sought Upon "Bank Nights"

Kansas City, May 24.—An attempt will be made to have Roland Boynton, Kansas attorney general, reconsider his recent ruling that "bank nights" are a lottery and thus illegal in Kansas and banned by the code, according to R. W. McEwan, head of a local theatrical premium company, who has distribution rights to the plan in this territory.

McEwan said attorneys from Denver are due to arrive in Topeka to confer with the attorney general. Counsel for the Rocky Mountain T. O. A. has held that "bank nights" are an advertising stunt and not lotteries.

## Scott Quits NRA Post

Harry Scott has resigned from the NRA in Washington where he handled special Blue Eagle publicity in connection with films. He is understood planning to reenter the sales field.

## Clearance Up Today

Charles L. O'Reilly, George J. Schaefer and Harold S. Bareford, the committee on clearance and zoning, meet today to discuss expedition of protection cases pending before local boards.

## Drops Cedar Lee Case

Cleveland, May 24.—The clearance board has ruled against the Cedar Lee Theatre Co. in its protection complaint against Loew's Stillman Park and Granada and against Warners' Lake, Uptown and Variety.

## Casey Is Heading East

Hollywood, May 24.—Pat Casey, studio labor head, is on his way east, where he will remain five weeks. His trip will force the studio labor board to suspend operation until an alternate is named for him.

## Hyman in Wanger Post

Hollywood, May 24.—Bernard Hyman is taking over productions assigned to Walter Wanger prior to his resignation from M-G-M.

# Rough Tactics Shown, Labor Case Dropped

(Continued from page 1)

modified an earlier ruling ordering reemployment of the dismissed union men. The injunction, issued last March in the U. S. District Court at St. Joseph, prohibited operators' and stagehands' unions and one member of the musicians' union from committing acts of violence, and was taken into consideration by the regional board in redetermining the case at the request of the National Labor Board.

### Opposed to Old Terms

The first decision ordered Dubinsky to reemploy all operators, stagehands and musicians on the payroll Nov. 30, 1933, the date when union contracts expired. Dubinsky had refused to renew the agreement on the old terms and replaced the employes with non-union men. Chief point of contention was Dubinsky's demand for one man in a booth, in view of manpower concessions by numerous other locals, and the union's insistence on continuation of the two-man arrangement. The stagehands' and musicians' unions acted in sympathy with the operators.

### Ruled Against Dubinsky

Following a hearing and testimony by William C. Elliot, I.A.T.S.E. president, and other union officials, the St. Louis board rendered a decision in February ordering Dubinsky to reinstate the employes, without discrimination or prejudice, and to begin negotiations toward a new contract. It further ordered that Dubinsky continue two men in a booth pending arbitration of the dispute.

Dubinsky appealed to the National Labor Board, and at the request of Operators' Local No. 559, the record was certified to the national body for what the local termed "non-compliance with the St. Louis board's recommendations." The national board referred it back.

## Food Basket, Prize Ticket Ban Appealed

(Continued from page 1)

that giving away prizes by tickets does not constitute a lottery, as the tickets are presented with admissions. He also insists the practice is entertainment.

The complaint was filed by Harry Nagle of the Dream.

Margolis accused the board of prejudice against him. There was plenty of verbal fireworks.

## Georgia House Gets 40

Atlanta, May 24.—In settling its first overbuying complaint the grievance board awarded 40 pictures to the Gem, Newman, Ga. The Alamo Theatre was the defendant.

## Flash Review

*The Man With Two Faces*—. . . keeps audience in a whirl of confusion and suspense from beginning to fade-out. . . .

*This film will be reviewed in full in a later issue of* Motion Picture Daily.

# Building Her New Home in Beverly Hills

The world may know Temple only as the exotic queen of emotion, the smart sophisticate of the screen. But at times even Shirley (as the studio gang call her among themselves) must have quiet and relief from public clamor. Here the camera has caught her building a little nest far up in the hills.

FOX

MORE MONDAY!

## Merriwell Creator Gets a Court Stay

Gilbert Patten (Burt L. Standish), author of the Frank Merriwell stories, through his attorney, Howard A. Newman, yesterday obtained a temporary injunction from Judge Robt. P. Patterson of the U. S. District Court against Superior Talking Pictures, Inc., to prevent production or advertising of a proposed series of Frank Merriwell pictures. A hearing has been tentatively set for May 29, at which time Superior Talking Pictures, Inc. will be asked to show cause why the injunction should not be made permanent.

Louis Weiss, supervisor of production for Superior Pictures, stated yesterday that he knew nothing of the injunction, but that if his company should be served it would fight the case. Weiss says his star is named Frank Merriwell.

## Poland Bars Warner Films; Heroes Hurt

WARSAW, May 24.—Poland has barred Warner-First National and Vitaphone films because the names of Pulaski and Kosciuzko were applied to two questionable characters in films.

Pulaski was a boxer in "The Life of Jimmy Dolan" and Kosciuzko was a gangster in "How Many More Nights?" For some reason or other the Polish government also objected to "The Life of Ivar Kreuger."

Efforts to get comment from Warner-First National were unavailing last night.

## Ohio Showmen Urged To Defer Contracts

COLUMBUS, May 24.—Exhibitors are being admonished in a bulletin just released by the I. T. O. of Ohio, to defer signing contracts for the new product for the present, pending formulation of plans by all independent exhibitor organizations on the question of percentages and preferred playing time.

In the same bulletin, P. J. Wood, secretary, urges exhibitors to personally contact their legislators and point out the inequity of the existing admission tax, and stress the fairness of a sales tax which will distribute the taxation burden over the various lines of commercial activity.

## Clark, Wobber Here

John D. Clark, Fox general sales manager, returned from the coast yesterday accompanied by Herban Wobber, western division sales manager. The two will complete arrangements for the company's annual sales meeting, which opens here May 31.

Gabe Yorke, studio publicity head, and John Dillon, Los Angeles branch manager, now en route here for the convention, are due to arrive tomorrow.

## Turner Rejoins RKO

COLUMBUS, May 24.—Terry Turner, in charge of advertising and publicity for RKO in New York until leaving the organization several months ago, again is back in the fold, having been assigned to handle publicity for the Palace and Majestic, the circuit's two local houses.

## Tender Hearted

**Hollywood, May 24.—Irvin S. Cobb has turned down an offer of 10 weeks personal appearances on an eastern circuit in conjunction with the showing of his first Hal Roach two-reeler, tentatively titled "Fisherman's Luck."**

**In declining the offer the humorist stated: "Any audience that sits through two reels of me already has suffered enough."**

## Stanley to Appeal Bridgeton Decision

PHILADELPHIA, May 24. — The grievance board ruling in favor of the Criterion and against Stanley at Bridgeton, N. J., will be appealed to Code Authority by Stanley.

Stanley was ordered to turn 17 features over to the Criterion, with the latter having the privilege of making its selections from alternate lists of each company's product offered by Stanley. The objection is based on this clause, and the dissenting minority report will be quoted in the appeal.

Hearing on an overbuying complaint by the Great Northern against the Strand was postponed today because of the absence of M. B. Comerford.

The clearance and zoning board has designated all of Philadelphia as a zone to take a vote on premiums.

## J. Frank Mixer Killed

SOMERVILLE, MASS., May 24.—J. Frank Mixer, manager of the Ball Square Theatre and a former alderman here, was struck and fatally injured by an auto while crossing Broadway in front of his theatre last night. Mixer was born in Rindge, N. H., 65 years ago. He leaves a widow, two sons and three grandchildren.

## M-G-M Signs Schwartz

HOLLYWOOD, May 24.—M-G-M has signed Maurice Schwartz to a term contract calling for writing, directing and acting, and has also given a contract to Charles Reisner and Jack Cummings to produce four feature length comedies.

## Pirate Yarn to Be Next

HOLLYWOOD, May 24.—Setting a production budget of close to $1,000,000, plans are being rushed for Cecil B. De Mille's next following "Cleopatra." Maxwell Anderson and Laurence Stallings have been signed to do "Buccaneer," based on the life of Sir Henry Morgan, English pirate.

## Va. O. K.'s "Wonder Bar"

RICHMOND, May 24. — Warners' "Wonder Bar" has been licensed by the Virginia censors. Its exhibition was held up by a controversy over the heavenly feast scene, which has not been deleted.

## Mannix Starts East

HOLLYWOOD, May 24.—E. J. Mannix of M-G-M was on his way east by plane tonight.

## Peekskill Copyright Settlement Is Made

A suit brought by distributors charging the Peekskill, Peekskill, N. Y., with violation of copyright through unauthorized holdovers has been settled out of court, it was learned yesterday. The case was to have gone to trial in U. S. District Court here yesterday.

Distributor complainants against the Peekskill, now operated by the estate of the late Joseph R. Singer, were Fox, RKO Radio, RKO Pathe, RKO Distributing, Columbia and Big U Pictures. The charges were first filed early in 1933. The settlement is understood to have been for the amount of the rentals involved in the holdovers cited in the complaint. Phillips & Nizer were attorneys for the distribution.

## Gatzert to Work on Universal Serials

HOLLYWOOD, May 24.—Myron Gatzert, formerly production manager for Ken Maynard, today was signed as production manager for Universal serials. Lou Ostrow, formerly with Monogram, was slated to get the job, but declined it when he accepted an offer from another major company.

On Monday, Buck Jones starts work on the first of four serials for next season, "The Red Rider." The others are "Rustlers of Red Gap," "Call of the Savage" and "Tailspin Tommy." Jones will also appear in six adventure features for the company.

## B. & K. Holds McVickers

CHICAGO, May 24.—Once more a crop of rumors on what will happen to the McVickers can be put in moth balls for another six months. The most recent prognostications of local sharpshooters was that on the opening of two new B. & K. houses on Randolph street, the Apollo and Garrick, the McVickers would revert back to Jones, Linick & Schaefer.

But the fact is, Publix and B. & K. have made another payment, which keeps the house "as is" until Nov. 1.

## "U" Gets U. S. Contract

For the fourth year in succession the United States Veterans' Administration has awarded Universal a contract to supply film entertainment for the 70 soldiers' homes and hospitals in the country, each of which the company must provide with 16 features, 13 shorts and 52 newsreel issues during the year's run of the agreement, effective July 1. The deal was negotiated by Herman Stern of the non-theatrical department.

## Laemmle Due East Soon

HOLLYWOOD, May 24. — Carl Laemmle plans to leave for New York around May 31 to attend the annual sales convention at the Essex House June 5-7.

## Hull's First Selected

HOLLYWOOD, May 24.—Henry Hull's first for Universal will be Charles Dickens' "Great Expectations."

## Dorothy Arzner Signed

HOLLYWOOD, May 24. — Dorothy Arzner has been signed by Jesse L. Lasky to direct "Romance for Sale."

## Supply Men to Take Up Expansion Plans

CHICAGO, May 24.—Expansion plans involving arrangements for the distribution of products of leading manufacturers will be the keynote of the convention of the Independent Theatre Supply Dealers' Ass'n., which opens at the Edgewater Beach Hotel here Saturday. Such were the indications following an initial directors' meeting.

With dealer members in 32 cities, the directors are optimistic over the progress made in welding the organization into an important buying and distribution influence.

Oscar F. Neu, secretary of the theatre equipment and supply manufacturers' division, is handling arrangements for an exhibit to be held simultaneously with the convention.

Manufacturers signed thus far include the Breck Photoplay Co., Brenkert, Dalite, J. E. Robins, Enterprise, Ed Wolk, Universal Welding, Chicago Cinema, Strong Electric, National Carbon, Neumade Products, Continental Electric, Weber Machine Co., Holmes Projector, H. A. DeVry, Raytone Screen, Golde Manufacturing Co. and Coxsackie Holding Corp.

Election of officers will be held Monday.

Manufacturers will hold their first meeting Sunday.

## Schenck Will Speak At U. A. Convention

Joseph M. Schenck will be the principal speaker at the United Artists' two-day convention, which starts in Chicago June 2. Current season's product will be reviewed and details of next season's production plans will be discussed.

Home office executives scheduled to attend in addition to branch managers will be Al Lichtman, Joseph Moskowitz, Hal Horne, Paul Burger, Harry Gold, Charles Stern and Jack Goldhar. The last two are field representatives.

## Hungary Puts Thumb Down on New Houses

BUDAPEST, May 24. — The government has embarked on a policy of protecting theatres now operating and, because of unsatisfactory theatre business at large, will refuse to grant new licenses.

The home office must clear all new projects.

## M-G-M Meet Not Set

Convention plans for M-G-M will not be set until the new season's lineup is completed, Felix Feist, general sales manager, stated yesterday in denying the first of a series of regionals would be held in Atlantic City June 10.

## Barrymore in Hospital

HOLLYWOOD, May 24.—An infection from an injury caused when a fishhook pierced his finger today forced John Barrymore to apply to a hospital for treatment. His condition is not serious and he is expected out in a few days.

## Singles Boost Receipts

SANTA ANA, Cal., May 24.—Since going on a policy of single bills, the two Fox West Coast deluxe houses have enjoyed an increase in receipts of 40 per cent.

# UNIVERSAL WINDS UP THE SEASON IN A BLAZE OF GLORY *with*

*Carl Laemmle*
*has the honor to present—*

MARGARET

# *Sullavan*

*in*

# LITTLE MAN, WHAT NOW?

*with*

DOUGLASS MONTGOMERY

From the famous novel by Hans Fallada. Directed by Frank Borzage. With Fred Kohler, Alan Hale, Mae Marsh, George Meeker, Muriel Kirkland, De Witt Jennings, Hedda Hopper, Catherine Doucet, Bodil Rosing. Screenplay by William Anthony McGuire.

*The Most Important*

*FRANK BORZAGE PRODUCTION*

*Since The Immortal "Seventh Heaven"*

DIANA

# Wynyard

in

## John Galsworthy's Best Seller

# One More River

With COLIN CLIVE, FRANK LAWTON, JANE WYATT, MRS. PATRICK CAMPBELL, Reginald Denny, C. Aubrey Smith, Kathleen Howard, Henry Stephenson, Lionel Atwill and many others.

Screenplay by R. C. SHERIFF

*A JAMES WHALE PRODUCTION*

*Presented by*

*Carl Laemmle*

CLAUDETTE

# Colbert

*in*

# FANNIE HURST'S

# Imitation of Life

*A JOHN M. STAHL PRODUCTION*

(Director of "Back Street"
and "Only Yesterday")

*Presented by Carl Laemmle*

# Fox Theatre Plan Sets 5 Big Divisions

(*Continued from page* 1)

from New York in two weeks to attend the Federal court hearing on approval of the Woolf-Shanberg settlement.

It is understood that this settlement calls for payments to the former operators over a period of years out of operating profits with no time limit set. It is expected this will take four or five years.

An agreement along similar lines is about set on the Reed, Yemm and Hayes claims involving Fox purchases of their southern Illinois houses, now in the Midwest Division. This amounts to approximately $250,000. Note extensions are involved in this, it is understood.

Spyros Skouras denies reports current here that the Skourases may withdraw from the Fox Midwest unit, leaving Rhoden in full charge. This unit will be managed like the others with S. R. Kent heading the holding company, Sypros Skouras president of the subsidiary and Rhoden, general manager.

Rhoden, it is understood, wants to take over complete operation of the midwest division, comprising Fox Midland and a portion of Fox Rocky Mountain to simplify administration and reduce overhead. At present the local office has to file reports with Spyros Skouras in the east and Charles Skouras on the coast, which means double supervision.

## *Compromise Filed in Woolf-Shanberg Case*

Kansas City, May 24.—A proposed agreement was filed today in bankruptcy court here effecting a compromise in the Herbert M. Woolf-M. B. Shanberg controversy with Fox West Coast Service Corp. and others over payment due former Fox Midland bondholders. Under the terms of the agreement their claim will be recognized as paramount to all others against the bankrupt estate.

The agreement provides for the sale of Fox Midland assets subject to a Woolf-Shanberg lien securing the unpaid notes against the properties amounting to $478,214.50. Woolf and Shanberg will release the lien and in exchange will be given notes of the Fox Mid-Continent Corp. in the principal amount of $478,000, payable February 15, 1940, and to be secured by a mortgage on Fox Midland assets and certain other assets.

## *Outdoor Opera Plan Set in Five Cities*

(*Continued from page* 1)

seasons in each, are: St. Louis, July, August and September; Cleveland, 12 weeks, beginning June 30; Milwaukee, six weeks, beginning July 2; Atlantic City, entire summer; Springfield, Ill., six weeks, beginning July 8.

Cities considering outdoor opera plans include Chicago, Kansas City, Detroit, New Orleans, Minneapolis, Rochester and Boston.

# "Telling," Olsen, $14,500 in Omaha

Omaha, May 24.—George Olsen's band and Ethel Shutta rang the money gong at the Orpheum to the tune of $14,500—the best week any house in this town has seen for many months. The picture was "You're Telling Me," but the stage bill was the real draw.

"We're Not Dressing," despite the terrific competition, gave the Paramount an average week at $6,750, due to Crosby's big following among the collegians here. The house is getting along well with its single feature policy—the only one in a town of duals.

"20th Century" and "Sisters Under the Skin" were moved out of the Brandeis in six days to give "Stingaree" an early opening. Business was bad at $3,500. The World, with "As the Earth Turns" and "Smoky," was in the red at $3,250.

Total first run business was $28,000. Average is $22,850.

Estimated takings:

***Week Ending May 16:***

**"WE'RE NOT DRESSING" (Para.)**

PARAMOUNT—(2,900), 25c-35c-40c, 7 days. **Gross:** $6,750. (Average, $6,750)

***Week Ending May 17:***

**"20TH CENTURY" (Col.)**

**"SISTERS UNDER THE SKIN" (Col.)**

BRANDEIS—(1,500), 25c-35c, 6 days. **Gross:** $3,500. (Average, $4,000)

**"YOU'RE TELLING ME" (Para.)**

ORPHEUM—(3,000), 25c-35c-50c, 7 days. Stage: George Olsen's band and Ethel Shutta. **Gross:** $14,500. (Average, $7,500)

**"AS THE EARTH TURNS" (Warners)**

**"SMOKY" (Fox)**

WORLD—(2,200), 25c-35c, 7 days. **Gross:** $3,250. (Average, $4,500)

## *Halperins Plan 8; Radio May Release*

(*Continued from page* 1)

under the banner of Halperin Productions with headquarters at Pathe. The two departed for New York tonight to make releasing arrangements, probably with Radio, it is reported here.

Authors who will contribute scripts include Rex Beach, Vicki Baum, Garnett Weston, George Waters, Nina Wilcox Putnam and Albert Payson Terhune. Among the players they are negotiating with are Elissa Landi, Bebe Daniels, Edmund Lowe, John Boles and Gregory Ratoff.

## *Chesterfield May Do 24 With Invincible*

(*Continued from page* 1)

Hollywood to plan the new schedule, which will be definitely set on the arrival of Maury Cohen of Invincible. Chesterfield has already completed its schedule of nine for this season, while Invincible is now working on its eighth and will soon have the last in work.

If the new season list is increased, each company would make 12 for the program of 24.

## *Open Argentine Office*

Norton V. Ritchey of the Ritchey International Corp., export subsidiary of Monogram, has opened an office in Rosario, Argentine. It will be controlled by Monogram Limitada of Buenos Aires.

# 'Sadie McKee' Gets $20,000 In S.F. Spot

San Francisco, May 24.—"Sadie McKee" proved the best money-getter of the week at the Warfield, grabbing $20,000. Average is $19,000. Another good one was "Viva Villa," in a subsequent run at the St. Francis, which went to $8,500.

The Golden Gate was $500 over average with $13,500 on "20th Century," while the Geary also went well in the fourth week of "House of Rothschild," getting $8,500.

Total first run business was $85,000. Average is $83,000.

Estimated takings:

***Week Ending May 15:***

**"20TH CENTURY" (Col.)**

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, vaudeville, band. **Gross:** $13,500. (Average, $13,000)

***Week Ending May 16:***

**"THE BLACK CAT" (Univ.)**

ORPHEUM—(3,000), 15c-35c-50c, 7 days. Ted Lewis and band on stage. **Gross:** $9,500. (Average, $9,000)

**"HOUSE OF ROTHSCHILD" (U. A.)**

GEARY—(1,516), 55c-$1.10-$1.65, 7 days, 4th week. Two-a-day. **Gross:** $8,500. (Average, $7,000)

**"20 MILLION SWEETHEARTS" (Warners)**

UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $6,500. (Average, $8,000)

**"VIVA VILLA" (M-G-M)**

ST. FRANCIS—(1,400), 15c-25c-35c-40c, 7 days. **Gross:** $8,500. (Average, $6,000)

**"SADIE McKEE" (M-G-M)**

WARFIELD — (2,700), 25c-35c-55c-65c, 7 days. Stage, vaudeville, band. **Gross:** $20,000. (Average, $19,000)

***Week Ending May 18:***

**"I HATE WOMEN" (Monogram)**

**"MONTE CARLO NIGHTS" (Monogram)**

FOX — (4,600), 10c-15c-25c-35c, 7 days. Stage, vaudeville. **Gross:** $9,000. (Average, $9,000)

**"TRUMPET BLOWS" (Para.)**

**"NOW I'LL TELL" (Fox)**

PARAMOUNT—(2,670), 15c-35c-40c-65c, 7 days. **Gross:** $9,500. (Average, $12,000)

## "Melody" Portland Hit with Ellington

Portland, May 24.—"Melody in Spring," with Duke Ellington and his band were a powerful combination at Hamrick's Music Box last week. The $6,500 take was over normal by $3,500.

"House of Rothschild," in its fourth and final week at United Artists, took an average $5,000. "Wild Cargo" went $500 over the Blue Mouse par, getting $2,500, and was held over.

Total first run grosses were $29,000. Average is $25,000.

Estimated takings for the week ending May 17:

**"SADIE McKEE" (M-G-M)**

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,700. (Average, $6,000)

**"MELODY IN SPRING" (Para.)**

HAMRICK'S MUSIC BOX—(2,000), 25c-35c-55c, 7 days. Stage: Duke Ellington and his band. **Gross:** $6,500. (Average, $3,000)

**"WILD CARGO" (Radio)**

HAMRICK'S BLUE MOUSE—(669), 25c, 7 days. **Gross:** $2,500. (Average, $2,000)

**"IT HAPPENED ONE NIGHT" (Col.)**

HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,500. (Average, $2,000)

**"CHANGE OF HEART" (Fox)**

**"THE WITCHING HOUR" (Para.)**

PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

**"WILD BOYS OF THE ROAD" (F. N.)**

PANTAGES — (1,700), 15c-25c, 7 days. Stage show. **Gross:** $1,800. (Average, $2,000)

**"HOUSE OF ROTHSCHILD" (U. A.)**

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

# "Rothschild" Hits $16,900 In 9th Week

In its ninth week in the 1,012-seat Astor "House of Rothschild" was still outdrawing seven of the larger Broadway houses. It was the only attraction in the mid-town area worth talking about.

"Change of Heart" at the Music Hall was fair at $67,000. "Manhattan Melodrama," in its second week at the Capitol, with Lanny Ross, Jack Benny, Mary Livingston and others on the stage, garnered $42,000. The Paramount had a weak $31,000 on "Thirty Day Princess." "Twenty Million Sweethearts" took $10,000 in its third week at the Strand. Also in its third week, "We're Not Dressing" was good for $14,800 at the Rivoli.

Estimated takings:

***Week Ending May 15:***

**"HOUSE OF ROTHSCHILD" (U. A.)**

ASTOR—(1,012), 55c-$2.20, 9th week, 7 days. **Gross:** $16,900.

***Week Ending May 16:***

**"CHEATERS" (Liberty)**

MAYFAIR—(2,300), 35c-85c, 6 days. **Gross:** $2,700.

**"CRIME DOCTOR" (Radio)**

RIALTO—(2,300), 25c-65c, 7 days. **Gross:** $14,000.

**"CHANGE OF HEART" (Fox)**

RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $67,000.

***Week Ending May 17:***

**"MANHATTAN MELODRAMA" (M-G-M)**

CAPITOL—(4,700), 35c-$1.65, 2nd week, 7 days. Stage: Jack Benny, Mary Livingston, Lanny Ross and others. **Gross:** $42,000.

**"20TH CENTURY" (Col.)**

PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $10,600.

**"THIRTY DAY PRINCESS" (Para.)**

PARAMOUNT—(3,700), 35c-99c, 7 days. Stage show. **Gross:** $31,000.

**"GLAMOUR" (Univ.)**

ROXY—(6,200), 25c-65c, 7 days. Vaudeville. **Gross:** $16,830.

**"20 MILLION SWEETHEARTS" (War.)**

STRAND—(2,000), 25c-$1.10, 3rd week, 6 days. **Gross:** $10,000.

***Week Ending May 18:***

**"STAND UP AND CHEER" (Fox) (4 Days)**

**"WHARF ANGEL" (Para.) (3 Days)**

RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $5,500.

**"WE'RE NOT DRESSING" (Para.)**

RIVOLI—(2,000), 35c-99c, 3rd week, 11 days. **Gross:** $14,800.

## *Publix Enterprises Bank Fees Approved*

(*Continued from page* 1)

day by U. S. District Court Judge Francis G. Caffey.

The petition, approved without reductions, asks $35,000 for Irving Trust and $75,126 for the attorneys. Although the affairs of Publix Enterprises have been wound up except for the settlement of a few contested claims, the company has not yet obtained its final discharge from bankruptcy.

## *Columbia in a Rush*

Hollywood, May 24.—With five features in work, three set for a start in a few days and five in preparation, Columbia is in the midst of a rush. Those in work are: "One Night of Love," "Whom the Gods Destroy," "The Hell Cat," "Black Moon" and "Special Agent." Set for a quick start are: "The Defense Rests," "Blind Date" and "The Criminal Within."

# • Looking 'Em Over •

## "Dr. Monica"

(*Warners*)

Kay Francis, Warren William and Jean Muir are the central figures in a clinical, triangle drama involving Miss Francis, in the title role as a lying-in specialist; William as a husband-novelist and Miss Muir as a friend of both, but infatuated with the husband in the case.

As Dr. Monica, Miss Francis, in love with William, wants a child, but learns she can never have one of her own, although willing to undergo the operation she believed necessary to clear the way toward her desire. Miss Muir, as an unwed mother, turns her baby over to Dr. Monica for upbringing.

Prior to the childbirth, however, Dr. Monica discovers the baby is her husband's. Miss Teasdale, another mutual friend, urges the unwilling doctor to live up to her oath as a physician. She does, delivers the child and determines to leave William, but finds that unnecessary when Miss Muir unties the tangled skeins by flying her plane out to sea and death. Dr. Monica accepts the child left in her care and continues the marital state with William.

Acting is competent, although William's role is unsympathetic. The picture, straight drama unrelieved by comedy, calls for intensive selling and careful handling since its theme is delicate and is apt to be provocative.

## "The Man from Utah"

(*Monogram*)

Smart cutting in of scenes from a rodeo makes this one of the best westerns John Wayne has appeared in for some time. Early sequences are used to build up to the rodeo stuff and the continuity of the story is maintained by Wayne's efforts to find out how the rodeo gang has been poisoning outsiders who offered too much competition for prize money.

Polly Ann Young supplies the love interest and she's about the most decorative young woman cast in these socalled outdoor dramas in some time.

Wayne helps a U. S. marshal foil a holdup and is sworn in as a deputy to find out how the rodeo racket is being run. He takes part in the bulldogging, coach racing, broncho busting, etc. He meets Miss Young when he stops a stagecoach holdup. Her father is the local banker, and in the end Wayne saves the bank's cash, too.

There's plenty of riding and the fight scenes have the novelty of being staged in semi-darkness.

Kids won't mind, but western audiences may criticize some of the mixed-up scenery. In one shot Wayne pursues Ed Peil across what looks like the Mojave Desert and in a close up they are seen falling into a stream with birches along its banks. In another an airplane beacon has been left in. The story isn't timed, but it's apparently supposed to be back in stagecoach days.

## "Romance in Budapest"

(*DuWorld*)

Light and gay and full of charm, this Hungarian operetta, produced in Budapest by the Hunnia Film Co. and directed by Geza von Bolvary, remembered for his "Two Hearts in Waltz Time," provides delightful diversion. The only regret is that some of the most humorous moments are lost to American audiences by the insufficiency of English titles, although there are enough of them to make the general trend of the story understandable.

"Romance in Budapest," with its tasteful settings and opulent photography, is a treat to the eye, and is also pleasing to the ear, with tunes that are fetching and a score that catches all the romantic spirit of the tale. The production is fortunate in its actors, particularly Franziska Gaal, whose performance and beauty add immensely to the enjoyment of the film. She is ably supported by Paul Hoerbiger and Szoeke Szakall.

Romance comes to Miss Gaal when she goes to Budapest to attend the wedding of her dearest friend. To smooth out a misunderstanding between the friend and her fiance she calls upon the latter at his hotel. She accosts Hoerbiger, a concert pianist and much of a Don Juan, by mistake and slaps his face when she gets into a dispute with him. Discovering her mistake later, she goes in search of the pianist to apologize. The two fall in love after a number of complications which threaten to blast the romance are disposed of.

## "Channel Crossing"

(*Gaumont British*)

A product of the British studios, "Channel Crossing" seems to have been inspired by the Lowenstein mystery. The European financier disappeared from an airplane several years ago while crossing the Channel. Whether it was suicide or an accident, it has never been determined. The difference is that the financial giant in the film, impersonated by Matheson Lang, ends his life by taking a dose of adrenaline aboard the Dover-Calais boat and expiring on deck just as the vessel docks on the French side.

The film is interesting and holds once it has overcome the handicap of a slow start and is especially to be commended for its splendid atmospheric treatment and the acting of the principals, among them two players known to American audiences, Constance Cummings and Anthony Bushell.

The character played by Lang is a curious combination of the hero and the scoundrel. When he receives a message that he resign as king of the vast financial empire he has built up, partly through shady dealings, he decides upon suicide to save himself from jail. His act follows on the heels of a struggle with his secretary's jealous sweetheart in which the young man is flung into the sea. He reveals his finer side by urging the captain to continue the search when all hope appears gone and offering adrenaline to save the youth's life after he has been picked up. The story ends happily for Miss Cummings and Bushell.

Nigel Bruce is also in the cast. Milton Rosmer directed.

## "The Unknown Soldier Speaks"

(*Lincoln Prod.*)

"The Unknown Soldier Speaks" is a cry for world peace. It shows the World War from every side and conveys its message so eloquently that at the end the spectator senses he has been through a rare emotional experience. Packed with human interest, taut and dramatic, it is a picture decidedly worth seeing.

The accompanying narrative, written by Robert Rossen, has the novelty of being spoken by a stage performer, Alan Bunce, who handles the assignment commendably. Bunce gives the dialogue feeling and a quiet touch of drama that are an invaluable asset to the film. Only an actor could have done the job so capably. It is the Unknown Soldier who is supposed to be expressing himself through the lips of the narrator.

The production takes the audience through the entire course of the war and attempts to show how much of the same spirit that brought on the struggle exists at the present moment.

The film is charged with excitement and seems completely authentic. The camera is in the very midst of the fighting and many of the shots apparently were made in the face of death. Though the photography can hardly compare with that of the present day, some of it is startlingly effective.

## "The Man Trailer"

(*Columbia*)

Buck Jones has been cast in "The Man Trailer" in one of those strenuous roles that have come to be typical of him. As a firm-jawed marshal who goes after his man and gets him he gives an electric performance which has him keeping his finger constantly on the trigger and his horse always on the go.

The story follows the formula pretty closely. Buck, a fugitive from Texas, where a dishonest sheriff has made him the goat in a rustling plot, gets himself a job as a marshal in Oklahoma as the result of his work foiling a gang of outlaws in a stage holdup. The brigands are known to him and he declares war to the death on them. The gang kidnaps him and robs the town bank. He is suspected of having a hand in the robbery, but is cleared in the end. Woven into the plot is a romance between Jones and Cecelia Parker.

Other players are Arthur Vinton, Steve Clark, Clarence Geldert and Charles West. Lambert Hillyer is credited with the direction.

## "The Thundering Herd"

(*Paramount*)

An action film made to order for kids. It possesses, in the first place, a cast filled with many names that have become identified in the youngsters' minds with the sound and fury that comprise the western.

(*Continued on page* 14)

The Stars of "Cavalcade" Together Again!
Diana WYNYARD
Clive BROOK
in a gay and sparkling romance of eloping husbands and runaway wives
WHERE Sinners MEET
with BILLIE BURKE
REGINALD OWEN
ALAN MOWBRAY
GILBERT EMERY
FROM THE PLAY, "THE DOVER ROAD" BY A.A. MILNE
DIRECTED BY J. WALTER RUBEN
PANDRO S. BERMAN, EXEC. PRODUCER
RKO RADIO PICTURE
RADIO CITY ATTRACTION NOW PLAYING

# • Hollywood Previews •

## "Return of the Terror"
(*Warners*)

HOLLYWOOD, May 24.—Murder mystery hokum again that succeeded in keeping the audience on the edge of its seats throughout the preview, extracting some spontaneous screams here and there. From the box-office viewpoint, the film is a well-produced screen version of the Edgar Wallace yarn.

John Halliday, head of a sanitarium, is tried and charged with the murder of several inmates and is subsequently placed in an insane asylum. He escapes and returns to the hospital, where Lyle Talbot, his associate, has been carrying on. During the time he is in hiding on the hospital grounds more murders are committed and in each case are accompanied with a note signed by "The Terror." Mary Astor furnishes a romantic note as Halliday's fiancee.

An electric storm aids in achieving an eerie effect as people run in and out of doors and about the grounds. Frank McHugh, as a reporter, gets most of the laughs. The final coup is saved until last, when Halliday is cleared and Talbot is arrested for the murder.

Eugene Solow and Peter Milne retained all of the Wallace suspense in the screen play, aided by the capable direction of Howard Bretherton.

## "Murder on the Blackboard"
(*Radio*)

HOLLYWOOD, May 24.—Another good murder mystery which sparkles throughout with Edna May Oliver's brand of comedy and fills the bill for any program.

It is a schoolroom murder, with a teacher the victim. Miss Oliver works with Inspector James Gleason toward a solution but winds up doing most of the solving herself. She accuses everyone, from janitor to various school aides, with certain elements of the story pointing to the possible guilt of each and sundry.

Following an attack on Edgar Kennedy, a flatfoot, Miss Oliver hits on a plan. Inasmuch as Kennedy has temporarily lost his memory due to a blow on the head, she publishes a story in the papers that his memory is coming back and he can identify his assailant. She parks in the hospital ward until the culprit arrives to knock off Kennedy and so avoid being identified. The murderer turns out to be Bruce Cabot, the murdered woman's husband, who killed her to wed his current flame, Gertrude Michael.

The screen play, by Willis Goldbeck, and the direction, by George Archainbaud, are handled adequately. Nicholas Musuraca merits credit for the photography, adding tremendously to the suspense.

## "Once to Every Bachelor"
(*Liberty*)

HOLLYWOOD, May 24.—An interesting story, presented with Neil Hamilton, Marion Nixon and Raymond Hatton particularly effective, results in well-rounded, general audience entertainment. Direction, adeptly capitalizing on elements that appeal to regular run-of-the-mill-film fans, gives novel color to a formula dramatic-romance yarn and establishes the production as a strong program attraction.

Modernly timed, localed in New York and Paris, the picture presents Hamilton as a wastrel playboy in danger of losing his income. Accidentally meeting Miss Nixon, fleeing from the cops because of a gangster killing, the pair, in order to get themselves out of impending personal disaster, enter into a marriage as a business agreement. As Hamilton is ardently pursued by Aileen Pringle, dissatisfied wife of George Irving, the marriage is consummated and the locale shifts to Paris. There, as real romance dawns for Hamilton, Miss Pringle, in the role of a menacing love mate, first attempts to poison Miss Nixon against Hamilton.

Failing, she tries to convince Kathleen Howard, Hamilton's aunt and source of income, that her nephew married the girl only that he might be assured of a steady flow of money. As the aunt fails to respond to Miss Pringle's disclosures, real love comes to Hamilton, but, as far as Miss Nixon is concerned, it's still a marriage of convenience.

Returning to New York, with comedy relief via Hatton assuming an unusual importance, Miss Nixon is menaced by blackmailing Don Alvarado, who sends his henchman, Ralf Harolde, to take Hamilton in a poker game. Miss Nixon's ability to read marked cards results in cleaning Hamilton and awakening romantic love for the girl who protected her commercially married husband.

## "Vergie Winters"
(*Radio*)

HOLLYWOOD, May 24.—Charged with emotional appeal, "Vergie Winters" is a powerful picturization of a tragic love story. It's tailored Ann Harding material with maximum heart throbs and sympathy. The story revolves around the love affair between Miss Harding, a small town milliner, and John Boles, a political power.

For mercenary reasons, her father ruins her possible marriage and Boles becomes wedded to Helen Vinson. There is a subsequent reunion of the two and the discovery of the frame-up. While the town gossips, Boles goes to Washington as congressman, and Miss Harding leaves town to become the mother of Boles' child, which he adopts into his family.

The romance blooms for 20 years, during which time the child matures into womanhood, portrayed by Betty Furness, and is engaged to Frank Albertson, still believing Miss Vinson to be her mother. Dramatic events climax in the murder of Boles by Miss Vinson, a crime for which Miss Harding is imprisoned but later released when Miss Vinson confesses and dies.

Jane Murfin's adaptation from Louis Bromfield's story is handled with feeling and tenderness, with Al Santell's direction getting the most out of every situation. The production is excellent in all departments, with appeal directed to women yet appealing to all classes.

## "Cockeyed Cavaliers"
(*Radio*)

HOLLYWOOD, May 24.—Wheeler and Woolsey go through some nonsensical variations of their comedy routine from puns to slapstick with diverting results.

Sprung from the unusual burlesque idea of spotting the team as two grifters in a Robin Hood setting, when "gadzooks" means the same as "nerts," the boys, masquerading as the king's physicians, descend on the castle to attend the duke (Robert Grieg). Farcical situations follow with the baron (Noah Beery), his wife (Thelma Todd) and Dorothy Lee disguised as a boy and a great Dane dog all winding up in a whirlwind of thrills and laughter as the boys chase a wild boar.

Songs interspersed are: "The Big, Bad Wolf Is Dead," featuring Beery's basso profundo, and "I'd Like to Dilly Dally With You," both sounding like sure-fire hits.

Lou Brock's hand is evident in the lavish production values as the distinctive central idea harmonizes with the period costumes.

Mark Sandrich's direction plays for physical laughs, concentrating on blackouts and gags, with rhythm and tempo secondary.

While not as spontaneous as "Cuckoos" or "Half Shot at Sunrise," the film should please Wheeler and Woolsey fans.

# Looking 'Em Over

## "The Thundering Herd"
(*Continued from page 12*)

Among them are Noah Beery, Monte Blue, Randolph Scott, Buster Crabbe, Harry Carey and Raymond Hatton. The epitome of villainy and virtue is represented among them. Paramount, too, has thrown into one pot every ingredient that ever went into the making of a western, Indians included. An added allure is the name of Zane Grey, who is responsible for the story.

The plot is no more original than that of other westerns. Laid in 1874, the film relates a tale of villainy and heroics of the days when covered wagons tracked the plains in search of the wealth that lay in buffalo hides. The slaughter of the herds forces the Indian to turn to war in an effort to protect his food supply. The climax of the picture is a fight between whites and Indians. The villain of the plot is Beery, a buffalo hide hijacker. Mixed in with the rest of it is a romance between Scott and Judith Allen, whom Beery would have for himself despite the fact that he has a wife (Blanche Frederici).

Henry Hathaway directed.

## Depinet, Sisk Return

Ned Depinet and Robert Sisk returned from the coast yesterday. They flew back.

## 'Born to Be Bad' Is Set

"Born to Be Bad," 20th Century, opens at the Rivoli on Decoration Day.

# Complete Coverage

**WHERE THEY LOOK**
**WHEN THEY WANT**
**TO KNOW**

# IMPORTANT

## *to any picture*

ANY picture, made on *any* film, may prove a hit. But the fact remains that the majority of the big motion picture triumphs are being filmed on Eastman Super-sensitive "Pan" Negative with gray backing. In other words, this film seems to be an important factor in any picture's chances of outstanding success. That fact is vitally important to every cameraman and producer. Eastman Kodak Co., Rochester, N. Y. (J. E. Brulatour, Inc., Distributors.)

EASTMAN *Super-sensitive Panchromatic Negative*

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 123 NEW YORK, SATURDAY, MAY 26, 1934 TEN CENTS

# Non-Assenters Are to Be Called in On Clearances

## Radio Has 27 Set for Next Year—Depinet

### *Remaining 23 Will Be Picked by June 18*

Twenty-seven of Radio's 50 features for next season have been set and the remainder will be mapped out between now and the opening of the company's annual sales meet, June 18, at Chicago, Ned E. Depinet, Radio Pictures president, said yesterday following his arrival from the coast.

Depinet and Robert F. Sisk, advertising and publicity director, spent two weeks at the Radio studio, going over new season plans and seeing new product. Both were enthusiastic over releases scheduled for the next three

(*Continued on page* 4)

## Fox Midland Pact To Come Up June 6

KANSAS CITY, May 25.—Fred S. Hudson, bankruptcy referee, has set June 6 for a hearing at which creditors will be asked to approve the proposed Fox Midland settlement with H. M. Woolf and M. B. Shanberg. Notices have been sent to all Fox Midland and Fox Rocky Mountain creditors.

Simultaneously with discussion of this proposal Herbert V. Jones, trustee, will ask for authority to execute

(*Continued on page* 4)

## *Toledo Strike Hits Theatre Attendance*

TOLEDO, May 25.—Exhibitors report that the strike at the local Electric Auto-Lite plant, involving approximately 4,500 operatives, is having a dampening effect on theatre attendance. Rioting is in progress. Local police have been reinforced with several companies of state militia.

In addition to the situation affecting those directly involved in the strike, the psychological effect on the local public has reacted against box-offices, film men claim.

## *New Consent Decree In Radio Trust Suit*

WILMINGTON, May 25. — Judge John P. Nields in U. S. District Court here today signed a consent decree regarding exclusive licenses and sales arrangements that had been made by defendants with foreign companies in

(*Continued on page* 2)

### *Censor Is Exhibitor*

**Toronto, May 25.—A former censor has become an exhibitor. Famous Players Canadian Corp. has named P. J. Hanifen, formerly chief censor for Nova Scotia, as manager of the Garrick at Halifax. Hanifen resigned his censor post when the provincial government changed the last time.**

## Coast Agreement On Duals Nearer

LOS ANGELES, May 25.—Further plans for the elimination of duals and the treatment of previews were discussed at a joint meeting of exhibitors, producers and distributors yesterday in the office of Louis B. Mayer.

The recommendation was advanced that a theatre be automatically deprived of future advance showings of major product for advertising a preview through any means whatever,

(*Continued on page* 4)

## *U. S. Seeks to Halt French Tariff Move*

WASHINGTON, May 25.—Negotiations with the French Government, seeking rejection of the proposal of the Chambre Syndicale for new tariff restrictions on the import of films,

(*Continued on page* 4)

## Texas Allied To Cooperate On Complaints

DALLAS, May 25.—So that code boards will not be burdened with unnecessary cases Allied Theatre Owners of Texas is urging its members to submit complaints to its offices for an opinion as to whether they merit presentation to the boards.

"We are receiving daily complaints from exhibitors who have cases to lay before the boards," says a bulletin signed by Col. H. A. Cole. "We do not wish to burden the grievance board with small matters at present, as it will be very busy on those of vital importance, but if you have any complaint under the code we suggest that you submit it to us and we will tell you frankly if we think you have a case, and will help you get it up if we believe you have.

"The independent exhibitor has made

(*Continued on page* 3)

## Review Board Near Windup of Report

WASHINGTON, May 25.—With its hearings closed, the National Recovery Review Board today was putting the final touches on its second report,

(*Continued on page* 3)

## *Where Whole Territories Are Involved Protests Will Be Heard*

In order to expedite the setting up of clearance and zoning schedules throughout the country, the committee on clearance and zoning, composed of Charles L. O'Reilly, Harold S. Bareford and Neil Agnew, yesterday decided that in instances where protests filed with local boards may affect the entire territory, all exhibitors, whether code assenters or not, shall be called in to attend the hearings on the proposed changes.

These exhibitors will be given an opportunity to be heard relative to changes sought. After the local board decides on the plan of clearance for the particular territory involved, exhibitors dissatisfied with the schedule established can then appeal directly to

(*Continued on page* 3)

## Campi's Clearance Ruling K. C. Shock

KANSAS CITY, May 25.—Campi's decision to hold up new clearance schedules proved a bombshell. First local information on it was contained in Thursday's MOTION PICTURE DAILY.

Speculation is general both among members of the clearance and zoning board and among exhibitors as to the

(*Continued on page* 3)

## *Brecher and Fox Go Before Arbitrators*

After an absence of two years, arbitration reappeared in the local territory yesterday. The case was between Leo Brecher and Fox on a protection issue. This, in spite of the code, or, in fact, because of the code.

Brecher, who operates a number of houses, signed only for the Plaza when he complied, omitting from the forms the Odeon and Roosevelt among his other houses. Having failed to

(*Continued on page* 3)

## *Hearing Called on Employe Amendment*

WASHINGTON, May 25.—A public hearing on an amendment of the code to redefine the word "employe" to make it more inclusive and eliminate the possibility of evasions was set for

(*Continued on page* 3)

## *Warner 6-Month Operating Profit Reaches $38,855.51*

For the six months ending Feb. 24, Warner Bros. Pictures, Inc., and subsidiaries showed a net operating profit of $38,855.51, continuing on the profit basis which set in during the last quarter of 1933 for the first time in four years.

This profit compares with a net operating loss of $3,442,325.96 for the corresponding period last year.

Net profit from operations before amortization and depreciation and Federal income taxes was $3,639,151.82. A total of $905,015.05 was credited to the deficit account, representing profit on the redemption of funded indebtedness, adjustment of income tax reserves of prior years and profit on sale of capital assets. There was charged against the deficit account $475,318.30, representing appropriations authorized by the board of directors in respect of investments in and advances to affiliated companies. The accumulated deficit now stands at $19,078,452.80. This is a cut of $469,452.26.

Current assets shown by the consolidated balance sheet total $16,661,155.94. Current liabilities are $12,782,522.87. Total assets and liabilities are given as $168,409,965.21.

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## New Consent Decree In Radio Trust Suit

(*Continued from page 1*)

a radio anti-trust suit brought several years ago by the government against RCA, General Electric, International General Electric, Westinghouse Electric & Manufacturing, Westinghouse Electric International, NBC, RCA Communications, RCA Photophone, RCA Radiotron, RCA Victor, A. T. & T., Western Electric, General Motors and General Motors Radio.

This issue of the anti-trust action had been left for future determination in November, 1931. When the consent decree for general features of the case was signed by Judge Nields today a stipulation agreed to by the government and defendants was filed in court.

Defendants agreed to send letters to foreign companies with which they have had exclusive licenses and sales agreements, waiving exclusive features of these contracts.

There remains one more issue to be settled—traffic and communications agreements which the defendants have had with foreign companies.

## Lesser Signs Meighan

HOLLYWOOD, May 25.—Sol Lesser, president of Principal, has closed a deal by phone with Thomas Meighan to play the role of the father of "Peck's Bad Boy."

## Lloyd Heads East Today

HOLLYWOOD, May 25. — Harold Lloyd leaves for New York tomorrow with a print of "The Catspaw," to be previewed at the Fox sales convention.

## Warners Sell Three Houses in Wheeling

WHEELING, W. Va., May 25.—Three Warner theatres here, the Court, Liberty and Victoria, have been acquired by West Virginia Theatrical Enterprises, Inc. R. T. Kemper has returned as city manager. All three will be redecorated. Kemper announced only one change in the managerial setup with the change of ownership, this at the Court, where Tony Stern, manager of the Court, has resigned and Kemper will manage the house in addition to his duties as city manager.

## U. S. Action Routine

Formal dismissal of the Department of Justice anti-trust suit against Warners, charging that the Clayton Act was violated by the acquisition of First National, occurred, as predicted in MOTION PICTURE DAILY of May 7, when the case was reached on the U. S. District Court calendar Thursday. Originally set for dismissal months ago, the formality was delayed by the death of Federal Judge Francis Coleman, to whom the case had been assigned.

## Warners Non-Committal

Warners yesterday had nothing to say concerning the barring in Poland of "The Life of Jimmy Dolan" and "How Many More Nights?" because certain phases of the films were objected to by the Polish government.

## Final Warner Meet Set

The last of a series of four regionals has been set by Warners for the San Francisco Hotel, San Francisco, June 18-19.

## Gets $46,000 in London

LONDON, May 25.—"The House of Rothschild" took $46,000 at the Tivoli at its London premiere, which was for charity.

## May Robson Re-Signed

HOLLYWOOD, May 25.—M-G-M has signed May Robson to a new long term contract.

## Cohn Flies West

Harry Cohn is en route to Hollywood via the air line.

## $52,518 Earned by Roxy in 25 Weeks

An operating profit of $52,518.79 before fixed charges, for the 25 weeks from November 10, 1933, to May 3, 1934, was reported to Federal Judge Francis G. Caffey yesterday by Howard S. Cullman receiver for the Roxy. This compares with a loss of $56,325.70 for the corresponding weeks a year ago. Payment of $65,000 in back taxes was made during the period.

The favorable showing this year was made in the face of a $16,600 increase in payroll under the NRA.

## Final Action Impends On Bankruptcy Bill

WASHINGTON, May 25.—Final action will be sought early next week on the corporation bankruptcy bill under which embarrassed firms will be permitted to reorganize without going through the processes of bankruptcy. Conferences of the House and Senate have come to an agreement on the measure. In all probability approval of the conference report will be asked Monday.

## A. T. & T. Probe Opposed

WASHINGTON, May 25.—Opposition has developed in the Senate Interstate Commerce Committee to Senator Dill's resolution calling for an investigation of A. T. & T.'s relations with film and telephoto appliances. Dill contends these charges burden telephone users' bills, but some of the members are insisting upon a bill of particulars for the proposed investigation.

## Mayfair Goes to Duals

Duals at the Mayfair started yesterday when Walter Reade added "Picture Brides" to "The Unknown Soldier Speaks."

## "Civilized" to Rivoli

Raspin Production's "Are We Civilized?" is scheduled for the Rivoli following the run of "Born to Be Bad."

## Kent Returns to Town

Sidney R. Kent, Fox president, returned from the coast yesterday by plane.

## Columbia Up One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 33 | 32 | 33 | +1 | 1,200 |
| Consolidated Film Industries | 3⅝ | 3⅝ | 3⅝ | — ⅛ | 100 |
| Consolidated Film Industries, pfd | 16¾ | 16⅝ | 16¾ | + ¼ | 500 |
| Eastman Kodak | 95 | 95 | 95 | — ⅛ | 200 |
| Fox Film "A" | 14½ | 14 | 14½ | + ½ | 400 |
| Loew's, Inc. | 31⅜ | 30¾ | 31⅜ | ..... | 3,600 |
| Paramount Publix, cts | 4⅞ | 4¾ | 4⅞ | + ⅛ | 200 |
| Pathe Exchange | 2¾ | 2¾ | 2¾ | ..... | 200 |
| Pathe Exchange "A" | 21½ | 21 | 21½ | + ½ | 500 |
| RKO | 3 | 2⅞ | 2⅞ | — ⅛ | 100 |
| Warner Bros. | 6 | 5⅝ | 5⅞ | + ⅛ | 1,100 |

## Columbia Up 5¾ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 32½ | 32 | 32½ | +5¾ | 100 |
| Technicolor | 11⅛ | 10⅞ | 10⅞ | — ⅛ | 1,100 |
| Trans Lux | 1¾ | 1¾ | 1¾ | — ⅛ | 200 |

## Keith Bonds Gain ¾

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 9 | 9 | ..... | 1 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | + ¾ | 1 |
| Loew's 6s '41, ww deb rights | 100⅛ | 99¾ | 100 | — ⅛ | 21 |
| Paramount Broadway 5½s '51 | 45½ | 45½ | 45½ | ..... | 4 |
| Paramount F. L. 6s '47 | 50½ | 50½ | 50½ | — ½ | 1 |
| Paramount Publix 5½s '50 | 52 | 50⅞ | 52 | +1 | 44 |
| Warner Bros. 6s '39, wd | 58¼ | 58¼ | 58¼ | ..... | 1 |

## Purely Personal

NEIL AGNEW, J. ROBERT RUBIN, ROY NORR, HAROLD S. BAREFORD, LOUIS NIZER, GABRIEL HESS, LOUIS PHILLIPS, HERMAN GLUCKMAN, HAL HORNE, EARLE SWEIGERT, HENRY RANDELL, LEOPOLD FRIEDMAN, JACK BARYNSTYN, HARRY D. BUCKLEY, HARRY H. THOMAS, CHARLES ROSENZWEIG, DAVID LOEW, ANTHONY MUTO and a host of others kept the M. P. Club waiters busy yesterday.

WALTER WANGER, SAM ECKMAN, JR., in charge of Great Britain sales for M-G-M; LAUDY LAWRENCE, European representative for M-G-M, and ROBERT RISKIN, writer, will be on the *Ile de France* when it sails today.

HARRY FOX, assistant to JOHN G. PAINE of the Music Publishers' Protective Ass'n., left yesterday for the coast to inspect the association's office there.

JACK BENNY leaves today for Hollywood to start work for Reliance. With him will be MARY LIVINGSTONE, DON WILSON and FRANK PARKER.

J. MAXWELL JOICE, chief of amusements at the Chicago fair last year, has opened a free lance publicity office here.

HERMAN ROBBINS, MORTON VAN PRAAG and PETE HARRISON lunched together at Schrafft's yesterday.

MARGARET ETTINGER, Hollywood publicity writer, gets in tomorrow on the 20th Century.

IRVING SHIFFRIN of Radio Pictures publicity takes a short vacation in Massachusetts next week.

C. C. PETTIJOHN returns from a four-day Washington visit tomorrow.

PAUL GULICK began a season of week-end vacations yesterday.

EDNA MAY OLIVER will sail on the *Rex* today for a vacation in Europe.

HELEN CHANDLER is on her way to England on a vacation.

SAM RIFKIN was in town from Washington yesterday.

L. J. SCHLAIFER is back in town.

## Monogram Regional At Salt Lake City

SALT LAKE CITY, May 25.—The Monogram regional sales meeting opens here tomorrow with Edward Golden, general sales manager presiding. Trem Carr, vice-president in charge of production, is scheduled to speak. Representatives from the following territories will be present: Denver, Portland, Los Angeles, San Francisco and Seattle.

Among those who will attend are J. H. Sheffield, W. D. Frazer, C. J. Farnes, Howard W. Stubbins, Floyd St. John, J. T. Sheffield, Sidney D. Weisbaum, Sidney J. Goldman, Matt Aparton, Joseph Cooper, James R. Keitz, David Frazer and Al Seal.

## Jack Brockliss Dead

Word has just reached here of the death in London of Jack Brockliss, 31, son of J. Frank Brockliss and an executive of J. Frank Brockliss, Ltd., European agents for International Projector Corp. and National Carbon Co.

# Will Call in Non-Signers On Clearances

(Continued from page 1)

Campi under the procedure outlined in the code.

In situations where minor protests are filed and affect only certain zones in a given territory, no mass exhibitor meeting will be called. Protests will continue to be received by code secretaries as heretofore and the general meetings will be held only where it is felt that the number of protests coming in will affect the entire situation and it can be disposed of at a mass session with everyone heard.

Mass meetings must be set not later than June 10 and all decisions on protests must be made before July 1. All changes in existing schedules are to become effective with the first 1934-35 releases.

Campi states this is being done in order to clarify the existing misunderstanding with reference to the jurisdiction and procedure of the clearance and zoning boards.

The decision to call in non-assenters is significant since it is the first opportunity to register a protest officially. Heretofore, they have not been permitted to file complaints before grievance boards or protests before clearance and zoning boards.

## *Brecher and Fox Go Before Arbitrators*

(Continued from page 1)

get together with the Fox exchange on the protection issue, he demanded his rights under the standard contract, which provides for arbitration.

Fox agreed and Harry H. Buxbaum, general sales manager of the exchange selected two exhibitors to sit on the board. He chose Charles Casey of the Casey & Wheeler circuit, and Leon Rosenblatt, who operates his own circuit. Brecher picked two distributors, Moe Streimer of United Artists and Jack Bowen of M-G-M. Bowen acted as chairman and the session was held at the M-G-M exchange.

Brecher asked the board to order Fox to give his two theatres, the Odeon and Roosevelt, the same availability as the Harlem Opera House. After discussing the case 10 minutes the board dismissed the case on the ground that the written contract states specifically Brecher's two houses must follow the Opera House.

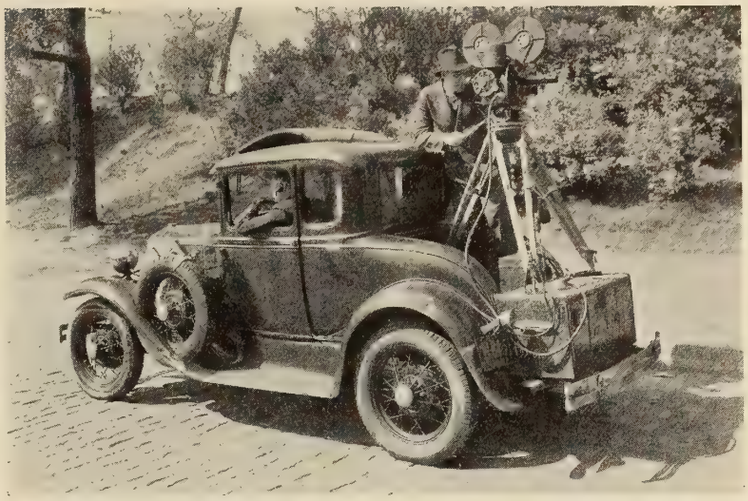
Buxbaum presented the Fox side of the issue while Brecher appeared for himself.

## *Coupon Tickets Banned*

PITTSBURGH, May 25.—In its first decision the local grievance board has ordered A. R. Capuzzi, operating the Princess, Republic, Pa., to discontinue issuing coupon tickets redeemable at five cents. The complainant was M. Faenza of the Roosevelt, the same town.

The grievance board meets again June 1 and every Friday thereafter. The clearance will hold weekly meetings Tuesdays, beginning May 29.

## *New Erpi Newsreel Recorder*



**Fox Movietonews and Hearst Metrotone News have each contracted for the new type single channel newsreel recording apparatus introduced by Erpi. Movietonews has ordered 12 equipments on which delivery has already begun. Delivery of the eight equipments contracted for by Metrotone News will start in the near future.**

**The new equipment, Erpi officials declare, not only provides an improved quality of newsreel recording but also marks an advance in the lightness and portability of newsreel recording apparatus. The new sound equipment, known as the "G" channel, weighs no more than the newsreel camera itself, according to its sponsors.**

## *Campi's Clearance Ruling K. C. Shock*

(Continued from page 1)

motive. Independent suburbans who had protested the drawing up of a new schedule are pleased, as are downtown first run managers.

Varied views prevail as to the purpose of the suspension. Some say Campi realizes the existing clearances cannot be altered until the start of the new season. Others see in the suspension results of the demand of major circuits for a change to stabilize the downtown first run price situation and double billing, which was largely responsible for the new clearance demand. Others see in it a recognition of the major circuits' insistence that prices cannot be raised in the summer.

Some see in Elmer Rhoden's visit to New York an effort on the part of the circuits to stop the local fight. Fox Midwest is the only affiliated circuit that has maintained a first run price of 40 cents, and it wants an immediate clearance change for this reason, also because it is meeting stiff competition from sub-normal admissions at independent suburbans.

It is reported here that affiliated circuit representatives from other cities where clearance is an issue will attend parleys in New York.

## *Hearing Called on Employe Amendment*

(Continued from page 1)

June 12 by Division Administrator Sol A. Rosenblatt today.

The proposed amendment, which has been submitted to the Code Authority, provides that "the term 'employe' as used herein shall be deemed to refer to and include every person employed by any producer, distributor or exhibitor as hereinabove defined, and shall also be deemed to include any and all persons, however and by whomsover compensated, regularly performing their services in motion picture theatres, which services are of a kind usually and customarily performed by theatre employes directly compensated by exhibitors."

## *Review Board Near Windup of Report*

(Continued from page 1)

preparatory to dissolving. Its work has thrown the Administration into an uproar, to which widespread strikes have contributed further fuel.

Meanwhile, Democratic leaders at the Capitol are preparing to clamp down on any attempts to investigate the review board or the National Recovery Administration, for which resolutions were introduced Monday by Representative Britten of Illinois and yesterday by Representative Truax of Ohio.

The Britten resolution called for an investigation of the administration in the light of the Darrow report, while Truax seeks an inquiry as to whether the review board is fostering Soviet and Communistic doctrines.

## *Wis. Decision to Wait*

MILWAUKEE, May 25.—The grievance board today deferred decision in the complaint of L. F. Thurwachter, operating the Avon and Park, Waukesha, against United Artists on the 10 per cent cancellation privilege, pending outcome of a similar case in Chicago.

The complaint of the Two Rivers Theatre Corp., operating the Rivoli, against the Manitowoc Theatre Co., operating the Capitol and Mikado, requesting to advertise prior to the Manitowoc run, was dismissed.

## *Bill Pine to Leave*

Bill Pine leaves for the coast tomorrow and will be accompanied as far as Chicago by Alex Moss. The two will make stopovers at important key cities establishing contacts in connection with "It Ain't No Sin" and "The Scarlet Empress."

## *Carrillo to Appear Here*

HOLLYWOOD, May 25.—Leo Carrillo will make personal appearance in connection with "Viva Villa," opening at the Capitol, New York, June 15, with other houses there to follow.

# Texas Allied To Cooperate On Complaints

(Continued from page 1)

marvelous strides toward true independence during these last 30 days under the code, and we believe with the proper work and attention we will make still further gains in the near future. Things are waking up for us!"

The bulletin takes a stand against company trailers. Without mentioning M-G-M by name, it says another company is planning to make its own trailers. It points out that if other companies follow, National Screen "will soon be out of business" and trailers will be "forced" with features.

"You can imagine the mess you will be in, booking trailers from four or five different film companies, with endless correspondence and punk service from each of them," the bulletin states.

## Indiana Associated for Fair Trial of the Code

INDIANAPOLIS, May 25.—After reviewing code board decisions to date the May bulletin of Associated Theatre Owners of Indiana declares:

"It is our belief after talking with and hearing from most of the exhibitors of the state that a large majority of exhibitors are in favor of giving the whole code a fair chance to show its merits or lack of them."

Continuing in the same vein, it reads: "These exhibitors are honest enough to concede that no code could have been drawn up to please everyone in a business that has so many divergent views and attitudes. After the board has had a reasonable chance, then we shall go about changing it.

"The Darrow report to the President called attention to some of the inequities of our code, particularly to the preponderance of distributor representatives on our Code Authority in New York. There are some who say that we have always had a group of exhibitors crying for government regulation, and now we have it—just what many cried for during many years. Let us give it a fair trial and then work for the modification of the points that are not fair."

## *Scales in Muskegon Are Ordered Raised*

DETROIT, May 25.—Handing down its initial decision, the local grievance board has upheld George Murphy, the Iris Theatre, Muskegon, Mich., in his complaint against Nicholas Kuris, the Ritz, Muskegon; the P. S. Schlossoman Theatres, and the W. S. Butterfield circuit. The charge was low admissions. The board ordered adult scales increased five cents. An exception was made in the cases of the Michigan, a Butterfield house, and the Regent, operated by Schlossoman. Prices at these two will be left to the operators of the houses.

## *Rosenblatt to Chicago*

WASHINGTON, May 25.—Division Administrator Sol A. Rosenblatt flies to Chicago tomorrow to attend a three-day session of the garment code.

## Coast Agreement On Duals Nearer

(Continued from page 1)

telephone included. Major producers and distributors went on record in favor of the plan if duals were ruled out in this territory. They further assured independents, who have been leading the fight against duals, that if they got 90 per cent of independent exhibitors to sign the pledge to end doubles, the major circuits would fall in line.

Ben Berinstein, as spokesman for the independent theatre men, said that 60 per cent had already signed and that within a week he expected the total to reach 95 per cent.

Besides Mayer and Berinstein, those at the meeting included Winfield Sheehan, B. B. Kahane, Emanuel Cohen, E. J. Mannix, Gus Metzger, J. J. Milstein, Simon Lazarus and Carrol Peacock.

Majors, with the exception of Columbia and Universal, had previously advised Mayer they would agree to any plan that would eliminate the practice of renting advance showings and staging them as bona fide previews.

## U. S. Seeks to Halt French Tariff Move

(Continued from page 1)

which would result in a practical embargo, have been initiated by Ambassador Straus, officials of the M.P.P.-D.A. were informed today by the State Department.

Previous to the matter being taken up by the ambassador the proposals were discussed by the American commercial attache in Paris with the French chief of commercial accords, who stated the plan had not as yet been submitted to his government and gave assurance that when submitted American film interests would be given an opportunity to present their views.

The proposals would prohibit imports of foreign films into France for three months, substitute for the present quota system a method designed to compel American firms operating in France to buy French pictures, and increase the value of American films for duty assessment, so that tariffs would be prohibitive.

### J. M. Ridge Resigns

HOLLYWOOD, May 25.—J. M. Ridge has resigned as president of General Service Studios. He will return to Erpi, working out of the sales department at the home office. T. Keith Glennon, vice-president, will succeed him.

### William Jacobs Is Dead

MILWAUKEE, May 25.—William Jacobs, 59, local exhibitor for 23 years who operated the former Royal and Lexington, neighborhood houses, is dead here. Surviving are his wife and a son. Funeral services will be Saturday.

### Betty Gerke to Orient

SAN FRANCISCO, May 25.—Betty Gerke, former social secretary to Governor Rolph and recently an assistant secretary for Louis B. Mayer, has sailed on the *President Hoover* for Shanghai. She expects to work in the M-G-M office there.

# Looking 'Em Over

### "The Hell Cat"

(*Columbia*)

There is much in the way of entertainment in this newspaper yarn, but the story is highly exaggerated. Nevertheless the acting of Robert Armstrong, Ann Sothern and Minna Gombell makes this original by Adele Buffington interesting. It has action, suspense and romance nicely intertwined, making the net result entirely satisfactory.

With a yen for covering night club raids, Armstrong is taken off his regular routine to camera Miss Sothern, a pampered society lass who has slapped a prince in public. He gets her picture and when she gets fresh he smacks her in the face. This pleases the girl's father, which burns Miss Sothern to the extent where she plans revenge.

Acquiring a southern accent overnight, Miss Sothern interests Miss Gombell in her plan and takes on the added title of cousin to the sob sister on the same paper with Armstrong. The hero falls for the gag and even helps Miss Sothern get a job on the sheet.

After several unsuccessful attempts to turn the tables on Armstrong, Miss Gombell finally gets her chance. The opportunity arises when she frames a kidnap plot on her yacht. While Miss Gombell is just about to enjoy herself in revealing the plot, the crew turns on the owner of the boat, which turns out to have been rented by the captain to a gang of coolie smugglers.

Armstrong's assistant comes to the aid of the victims and attracts the attention of a coast patrol boat, which rescues the principals. By this time the heroine and hero have reached the point where they understand each other.

Also in the cast and lending able support are Benny Baker, James P. Burtis, Richard Hemming, Henry Kolker, Charles Wilson, Lynn Cowan and Nick Copeland.

### "Embarrassing Moments"

(*Universal*)

Chester Morris in the role of a practical joker can be funny and serious as the occasion requires. In one particular sequence—the duel in a Mexican cafe with Henry Armetta—Morris is exceedingly funny. After the second reel, Morris drops his air of levity and goes dramatic until the last flash when he pulls one of his practical jokes, the first to work to his advantage.

Produced by Stanley Bergerman and directed by Edward Laemmle, the picture will entertain. In the supporting cast are Marian Nixon, Walter Woolf, Alan Mowbray, George Stone, John T. Murray and several others, including King Baggott.

The story concerns Morris, in love with Miss Nixon, who never has the other fellow's feelings in mind when he plays his practical jokes. One is on Woolf, who, in turn, gets even by pulling a suicide act. Morris falls for the gag and flees to Mexico.

Miss Nixon and Woolf try to track him down, but when they get to Mexico they are told Morris is dead. Morris, in the interim, has joined three counterfeiters who are passing out phoney money. The four are arrested and, as they are being returned to the states, make their escape in an airplane. Morris refuses to continue with the trio and turns against them, bringing them to justice. He is pardoned for his part in the counterfeit plot, returns home and to the girl who has been waiting for him.

### "Along Came Sally"

(*Gaumont British*)

An English musical with Sam Hardy the only American player in the cast. Cicely Courtneidge has appeared in several British pictures already shown in this country and has a natural flair for comedy. The musical has been adapted by Guy Bolton and has in its cast Phyllis Clare, Billy Milton and Hartley Power.

Hardy, an American musical comedy producer, tries his luck in England. Just as he's about getting set with a revue for a night club, several racketeers from the states start annoying him for protection money. Miss Courtneidge, after having been turned down by Hardy, makes up as Madame Zaza, and Hardy falls for the gag. He has been after a name attraction and with a little clever work on the part of the leading lady, she gets into the show as star attraction.

When the racketeers are turned down by Hardy, they kidnap Madame Zaza, or Miss Courtneidge, but she gets away and saves the day for the producer. During her Apache number, a real gangster substitutes for her stage player and she battles him for dear life until he is captured.

Hardy and Madame Zaza then begin chirping like two love birds until the final fadeout. The musical numbers are very well handled.

## Says Radio Has 27 Set for Next Year

(Continued from page 1)

months, particularly "The Life of Vergie Winters," with Ann Harding and John Boles; "Of Human Bondage," with Leslie Howard and Bette Davis, and "Down to Their Last Yacht."

Reports that Walter Wanger or Charles R. Rogers would replace Pandro Berman as executive producer for Radio were spiked with the statement that Berman is set in that post for the new season. One or two additional unit producers may be signed up for the new schedule in the event the right men are available, it was indicated.

J. R. McDonough, RKO general manager, will remain on the Coast for at least another month.

## Fox Midland Pact To Come Up June 6

(Continued from page 1)

the agreement and adjudicate the Midland liens.

The agreement indicates the reorganization plans call for a new holding company to supplant Fox Midland and Fox Rocky Mountain which will be known as Fox Mid-Continent Corp. with three major subsidiaries—Fox Plains Theatres Corp., Fox Kansas City Corp. and Fox Ozark Theatres Corp.

Under the terms of the proposed agreement Woolf and Shanberg will dismiss litigation which has been preventing the reorganization. They also agree not to bring any other suits or do anything to prevent or delay prompt liquidation of the estate. In addition, it provides for an adjudication by the trustee of the Woolf and Shanberg liens in their favor of all assets of the bankrupt estate except cash and accounts receivable for the purpose of declaring their claim superior to all others. The new corporation will pay them six per cent interest on the $478,214.50 due from February 15 last to the date of execution of the agreement.

Woolf and Shanberg pledge themselves not to oppose the trustee's allowance of general claims or certain claims of Chase National Bank, Fox West Coast Service Corp., or Fox Film. These are the majority creditors with claims aggregating approximately $7,000,000.

### Harry Brandt Returns

Returning from Washington, where he spent two days, Harry Brandt, president of the I.T.O.A., yesterday stated the trip was on a personal matter and had nothing to do with the picture business.

### Picture Men to Party

The Press Photographers' Ass'n will hold a stag party at the M.P. Club the first Monday evening in June. This affair will wind up business for the current season.

### J. M. Schenck to Coast

Joseph M. Schenck, president of United Artists, has gone to the coast and is expected in Chicago June 2 to address conventionites at the Drake.

### "Key" Is Again Title

HOLLYWOOD, May 25.—Warners have changed the title of "Isle of Fury" back to "The Key."

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 124 NEW YORK, MONDAY, MAY 28, 1934 TEN CENTS

## Studios Worry About 30-Hour Week—Casey

### *NRA Has Boosted Costs By 25%, He Says*

Studios are speculating as to whether the revised Wagner labor bill now pending in the Senate will force a 30-hour week on production, said Pat Casey, producers' studio labor contact and member of the labor committee, on arrival here yesterday.

The NRA has already hiked production costs 25 per cent, he says, and producers are now considering the

(*Continued on page 6*)

### *First Division Will Add 5 Exchanges*

With 15 exchanges already in operation, First Division plans to open five additional branches within the next three months. The new spots are not yet definitely set, but will be in the east and south.

The company also plans to enter production shortly on its own, but this idea may not materialize until the company is set with its own distribution outlets in every key city.

### *Para. Regionals to Be Decided on Coast*

Regional sales meetings of Paramount will be set on the coast following the annual convention, which takes place at the Ambasador Hotel, Los Angeles, June 18-20. Attending

(*Continued on page 7*)

### *Creditors' Hearing Is Called for Roxy*

Hearing of Roxy creditors on the receiver's 25-week report will be held before Federal Judge Francis G. Caffey on June 8. The report, filed

(*Continued on page 7*)

### *Shirley R. I. Hit*

**Providence, May 27.—This burg goes in a big way for little Shirley Temple.**

**Following her song and dance in "Stand Up and Cheer" at the Majestic, audiences at several performances broke out into applause and women patrons were gaga every time the talented little miss appeared on the screen.**

## *Reopening of Code Assents To Be Discussed This Week*

**With S. R. Kent back from the coast, the committee on code assents is expected to meet this week prior to the next session of Campi on Thursday. With hundreds of requests from non-signers coming in, so that many exhibitors who did not sign can be given another opportunity to do so, Code Authority is considering the advisability of setting a new assent deadline.**

**In addition to Kent, the committee consists of J. Robert Rubin and Ed Kuykendall. Walter Vincent has been alternating for Kuykendall at the last two Campi meetings and in all probability will substitute for him at committee meetings.**

**Any recommendation of the committee would have to be approved by Campi.**

## *215 Non-Assenting Houses Take Cancellation Rights*

Names of 215 theatres which have not assented to the code, but have taken advantage of the 10 per cent cancellation privilege were made public Saturday by Campi.

Where non-assentors take the 10 per cent cancellation, the distributor to which the request is made immediately notifies Campi, which in turn,

(*Continued on page 6*)

### *Inquires If Its Zoning Remains*

**Cleveland, May 27.—Does Cleveland's protection agreement which expires Jan. 1, 1935, constitute a contract and are its signatories bound by it regardless of the code and Executive Secretary John C. Flinn's new rulings on zoning procedure?**

**Cleveland proposes ascertaining if its protection plan, born in travail but now operative, is overthrown by Campi's latest step.**

## Sales Tax Is Now Foreseen In Wisconsin

FOND DU LAC, Wis., May 27.—Prospects of a state sales tax are seen in a bill drafted by State Senator Morley G. Kelly for introduction in the 1935 legislature. The normal levy proposed is two per cent, but it is provided in the tentative draft of the measure that the emergency board may raise the levy to three per cent or lower it to one per cent.

Although the legislative session is

(*Continued on page 7*)

## Quick Action Seen On Bankruptcy Act

WASHINGTON, May 27.—Final action will be sought early this week on the corporation bankruptcy bill, under which embarrassed corporations may be permitted to reorganize without going through bankruptcy.

Conferees of the House and Senate have come to an agreement on the measure. In all probability approval of the conference report will be asked tomorrow.

## K.C. Houses Set Deal on Advertising

KANSAS CITY, May 27.—After an absence of about a year, neighborhood theatres here resumed advertising in the *Kansas City Journal-Post* at a greatly reduced rate. Twenty-one theatres are listed in the directory, and a drive is on for the others. Fox Midwest as yet is not represented, but the paper is hopeful it will be. With the exception of three downtown first

(*Continued on page 7*)

## Bracket Shifts Up For Decision Here

Whether distributors can take pictures from low allocations and list them in higher brackets without replacing the lower priced selections is

(*Continued on page 6*)

## Indie Plans Seem Headed For 140-160

### *Actual Performance May Be Lower for Season*

HOLLYWOOD, May 27.—Schedules for 1934-35, so far as they appear definite in independent ranks, indicate a total of between 140 and 160 features for the new season. Actual performance, as in the case of majors, due to market conditions, does not always match promises. Therefore, the actual tally may prove otherwise at the end of the impending season.

This is how the lineup stands currently:

| *Producer* | *Planned* |
|---|---|
| Beacon | 6 |
| I. E. Chadwick | 4 |
| Chesterfield | 9 |
| Bryan Foy | 8 |
| Phil Goldstone | 22 |

(*Continued on page 6*)

### *Seigel, Suchman Get Consolidated Buying*

Buying for the Consolidated circuit has been split between Henry Seigel and Al Suchman, the former to handle film deals for the circuit's Eighth Ave. houses. Suchman will negotiate deals for the Bronx group.

Suchman formerly handled all film deals in addition to the bookings for the entire circuit. Seigel's entrance into the circuit as assistant to Lawrence Bolognino, vice-president, may be followed by Consolidated taking over Seigel's four houses. A deal is under way, but nothing is set.

### *Perfect Color and Sound Is Predicted*

CHICAGO, May 27.—Pictures in real color, stereoscopic in quality and with the sound as perfect as the original were predicted Saturday by E. H. Hansen, director of sound recording for Fox. He was one of the speakers at the forum of 500 leaders of science and industry called by Alfred P. Sloan, Jr., head of General Motors. The gathering was held in the General Motors Building of the Century of Progress Exposition.

### *No Paper Wednesday*

***Motion Picture Daily* will not publish on Wednesday, May 30, which is Decoration Day.**

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Six Names in Race To Head Supply Men

CHICAGO, May 27.—That half a dozen candidates will vie for the presidency of the Independent Theatre Supply Dealers' Ass'n. to succeed Joseph Robbins was a chief subject of lobby talk today at the Edgewater Beach Hotel as members of the organization prepared to go into the opening session of their convention. All sections, except several west coast cities, will be represented at the meeting.

Today manufacturers were setting up displays. Conventionites are awaiting the arrival of E. A. Williford of National Carbon, who will call the initial session.

## Sullivan Due Shortly

Jack J. Sullivan, Fox West Coast film buyer, is due in New York soon to confer with E. L. Alperson, chief buyer for the Skourases, and major sales executives on product deals for the new season. Ordinarily prepared to stay two or three weeks, Sullivan usually remains 10 or more.

## Rhoden Arrives

Elmer C. Rhoden, in charge of Fox Midland circuit, arrived from Kansas City Saturday in connection with reorganization plans of the circuit.

## Hall, Lola Lane Marry

LAS VEGAS, Nev., May 27.—Lola Lane and Alex Hall, director, were married here Saturday by Justice of the Peace Ryan.

# Insiders' Outlook

IF appeals from local boards continue to pile into Campi headquarters, there are those who are speculating through what machinery such appeals may be quickly disposed of. Campi is clearing them as rapidly as possible, but can Campi keep pace with the new arrivals? So far, Code Authority has been hearing one appeal at each session. The initial case of Saxe versus Ashley Amusement and Vitagraph was cleaned up in less than a half hour. The second—FWC appeal from the Los Angeles grievance board decision on behalf of the Garfield Theatre in Alhambra to the tune of 20 pictures—ran into an adjournment for subsequent adjudication. This sets back other appeals, yet new ones keep coming filtering in. . . .

▼

The greater the number of exhibitors who sign the code, the less per theatre assessment. Consequently, the fewer the squawks. There you have almost sufficient reason for extending the assent date after three original extensions to March 10. Officially, the decision rests in the hands of Sid Kent, Bob Rubin and Ed Kuykendall with Campi and the government affixing initials of approval, if it is to be that which it may. Several Campi members are reputedly for an extension provided applications from the exhibitor rank and file are sufficiently numerous. . . .

▼

Wrote the president of one company to the president of another: "I want your pictures next season." Replied the other president: "We have customers and that means an obligation. If they don't want our product or only buy part, we'll be delighted to talk to you." And out of that, much future history may be written in this business. . . . About the Roxy. Harry Arthur may get it after all that's been set and done. More on this in a week or less, maybe. . . .

"Viva Villa" and "Sadie McKee," both creating considerable bustle out in the field, were sold on Leo's 1932-33 schedule, but are being released as the 1933-34 season goes into his last breath. That doesn't make them this year's stuff, but merely this year's delivery. M-G-M distribution says it's slow on releases because production is that way. Production says it's not slow, but careful in keeping with the w.k. Metro manner of making 'em. . . .

▼

A trouper is a trouper. Conway Tearle proves the old wheeze in "Stingaree." Incidentally, Jules Levy, who sales manages Radio product, goes emphatic in denying the Dunne-Dix picture nabbed a Music Hall booking because nothing else was available. "That is a deliberate lie," remarked Jules, thereby indicating the measure of his emphasis. . . . Sam Katz and Paramount are being linked again. . . .

KANN

## Discuss Tiny Microphone

PHILADELPHIA, May 27.—A tiny microphone about the size of a match box and weighing only three ounces which can be fastened to the coat lapel of a public speaker was the subject of a technical paper by Dr. Harry F. Olsen and Richard W. Carlisle, research engineers of the RCA Victor Co., before the Institute of Radio Engineers which began a three-day session at the Benjamin Franklin yesterday.

## RKO Creditors to Meet

A meeting of RKO creditors to consider the receiver's third report submitted to the U. S. District Court here last week and the application of the receiver and its counsel for interim allowances aggregating $225,000, has been called for June 8 by Federal Judge William Bondy.

## Roxy-Rivoli at Bat

Members of the Roxy service staff will face ushers of the Rivoli today on the baseball diamond in Central Park.

## Columbia Hits New High on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 33½ | 33⅛ | 33⅛ | + ⅛ | 1,300 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | + ⅛ | 100 |
| Eastman Kodak | 95⅞ | 95¼ | 95⅞ | + ⅞ | 200 |
| Eastman Kodak, pfd | 138 | 138 | 138 | ..... | 10 |
| Loew's, Inc. | 31⅝ | 31 | 31⅜ | ..... | 1,500 |
| Paramount Publix, cts | 4¾ | 4¾ | 4¾ | — ⅛ | 900 |
| Pathe Exchange | 2¾ | 2⅞ | 2¾ | ..... | 3,100 |
| Pathe Exchange "A" | 21¾ | 21 | 21½ | ..... | 1,200 |
| RKO | 3 | 3 | 3 | + ⅛ | 200 |
| Warner Bros. | 6 | 5⅞ | 5⅞ | ..... | 2,100 |

## Paramount F. L. Bonds Gain 1½

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 1 |
| Loew's 6s '41 ww deb rights | 100 | 100 | 100 | ..... | 5 |
| Paramount F. L. 6s '47 | 52 | 52 | 52 | +1½ | 6 |
| Paramount Publix 5½s, '50 | 52 | 52 | 52 | ..... | 10 |
| Warner Bros. 6s '39 wd | 60 | 59½ | 60 | +1 | 36 |

# Purely Personal

HOWARD S. CULLMAN is sponsoring a series of boxing bouts at the Downtown Athletic Club on June 7. Proceeds go to the Beekman Street Hospital of which Cullman is president.

CHARLES L. O'REILLY didn't go to Omaha last week as planned and may go this week. If he does, he'll have to get back by Thursday when Campi meets again.

MAXWELL COHN, one of the four brothers and head of Weldon Pictures, is spending considerable time at Columbia's 11th floor headquarters.

JOE LEE gets back on the job at the Fox local exchange after a vacation during which he recovered from a throat operation.

STANLEY WAITE reaches town today from a two-week southern tour of Paramount exchanges.

ALEX MOSS may attend the Paramount convention on the coast next month.

LEO ABRAMS may return to his office today after three weeks' recuperating from an operation.

WILLIAM SCULLY is in New England on M-G-M business and returns within the next few days.

BEN ATWELL returns this week from a two-week vacation. He visited Honduras and Jamaica.

WILLIAM CARMAN, attorney for Fox West Coast trustees, has gone back to the coast.

MILT KUSSELL is planning to go to Buffalo today.

## Wanger, Riskin Sail

Walter Wanger, ex-associate producer at M-G-M, and Robert Riskin, Columbia writer, were aboard the *Ile de France* when she sailed Saturday.

## Knorr Back Wednesday

Arthur Knorr, stage production director for the Capitol, returns Wednesday from a European vacation on the *Champlain*.

THE MAYFLOWER
61st STREET, (Central Park West)
New York City

CONVENIENT TO THE FILM AND THEATRICAL CENTER

1-2-3 Rooms. Full Hotel Service
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By the Year, Month or Day

*Serving Pantries*
*Electric Refrigeration*

JOHN W. HEATH, *Manager*

"Sadie McKee" is a smash hit . . . coming directly after "Dancing Lady" it emphasizes the money draw of Joan Crawford.

MARCHES ON!

# Variety Club Chatter

## Albany

ALBANY, May 27.—Sixty barkers turned out for the first business meeting of Tent No. 9 in the new headquarters in the Harmanus Bleecker Hall Building.

RICHARD W. GRANT has been named club steward and he immediately began making preparations for the formal opening on Saturday. GRANT was formerly steward of the Middlesex Country Club, Middletown, Conn.

Chief Barker BUCKLEY offered the ritual and oath to the following: E. M. HOLLANDER, Fox Exchange; AL MARCHETTI, Universal booker; CHARLES SMAKWITZ, Warner Theatres; M. SCHULMAN, Olympic Theatre, Utica; C. GORDON, Olympic Theatre, Utica; W. GROSSMAN, exhibitor, Hudson, N. Y.; S. BEATTIE and S. GOLDBERG, bookers, Paramount exchange; M. GRASSGREEN, Fox manager. With these additions to the membership the present roster now totals 70 barkers.

Chief Barker JACK FLYNN, Detroit Tent, was a visitor and gave the local headquarters the once over. He was so impressed he will attend the opening event. Chief Barker DAVE MILLER was also a visitor.

Barkers SCHINE and LYNCH from Gloversville and BILL SMALLEY from Cooperstown paid their respects to the big tent. The Schine office located in Gloversville has given the Albany and Buffalo Tents an even split. The roster of each tent shows three members from the Schine Enterprises.

R. C. HALLIGAN, property man, has donated a radio for use in the headquarters. Other barkers are now donating books. Exchange managers are contributing star photos.

Barker TONY RYAN, recently resigned Fox manager, is commuting back and forth to New York and an announcement as to his new connection is anticipated soon.

Barkers NATE SAUBER and RALPH PIELOW, Universal and M-G-M, respectively, were week-end guests of MEYER SCHINE and GEORGE LYNCH in Gloversville.

## Buffalo

BUFFALO, May 27.—A public tribute to the memory of MICHAEL SHEA will be paid at an open meeting of Variety Club on Monday in the Hotel Statler ballroom. The program will be broadcast and will be attended by public officials and leaders of civic and fraternal groups, as well as the barkers, officials and employes of the Shea theatres and representatives of the acting profession.

Instead of being kings for the day, SIDNEY B. PFEIFER and W. E. J. MARTIN will be the arrangements committee. A leading Buffalo citizen will eulogize Shea in behalf of the city and some noted actor will speak for the profession. Both are to be selected.

Invocation by a Catholic priest, benediction by a rabbi and an organ selection and hymn will be included in the ceremonies, in addition to the reading of resolutions to be prepared by the local newspaper fraternity.

Secretary HERBERT T. SILVERBERG presided at this week's session in the absence of Chief Barker DAVE MILLER, who was called to Cleveland by the death of his mother. A telegram of condolence was sent by the club.

NORMAN B. FREAKLEY, entertainer at station WEBR, was elected to membership to take the place of the late EDWARD J. HINKLEY.

Visiting barkers included GEORGE ROBERTS of Cleveland, Fox district manager; and GEORGE LYNCH of Gloversville, member of the Albany tent and an executive of the Schine theatre circuit.

Barker HARRY T. DIXON, RKO Radio exchange manager, was the first to sport a straw kelly, thus inaugurating the season on Film Row.

King for a day luncheons will be dispensed with during June, July and August. Instead, monthly gatherings will be held, probably out of doors, with golf and swimming parties in prospect.

## Chicago

CHICAGO, May 27.—CLYDE ECKHARDT, temporary chairman, has named the following committees: Housing and quartering, JAMES E. COSTON, EDWARD GROSSMAN, ALAN USHER, EDWIN SILVERTON; constitution and by-laws, MORRIS LEONARD, FELIX MENDELSOHN, WALTER IMMERMAN, WILLIAM GEHRING, IRVING MANDEL; publicity, HERB ELLISBURG, JACK OSSERMAN; ways and means, HENRY HERBEL, BARNEY BALABAN, AARON JONES, JULES RUBEN, JACK MILLER, AARON SAPERSTEIN.

## Cincinnati

CINCINNATI, May 27.—The Monday luncheon meetings have been discontinued for the summer. Meetings are expected to be held once a month until fall, when the weekly sessions will be resumed.

New names on the barker roll include, HARRY FETTIG, Cincinnati, operating theatres in Hamilton and Middletown, and JOHN ELLIOTT, executive head of the Phoenix Amusement Co., Lexington, Ky., as resident and non-resident members, respectively.

Every one of the members of the Cincinnati grievance and clearance and zoning boards are members of the Variety Club.

JACK WEINER has tendered his resignation to the local tent, having returned to New York after disposing of his Beecher Theatre here.

NAT. L. LEFTON, Tent No. 6, as also NAT WOLF, of the same tent, and J. REAL NETH, of Tent No. 2, were visitors here last week.

Condolences are being extended to Barker JOHN SCHWALM, non-resident, of Hamilton, on the death of his sister in Pittsburgh.

Barker BILL ONIE is making extensive preparations for the sales meeting of his company (Monogram), which opens here June 2.

## Columbus

COLUMBUS, May 27.—FATHER SULLIVAN, chaplain of Ohio State Penitentiary, is substituting for FATHER CORBETT as Variety Club chaplain during the latter's absence in Houston, Texas.

Condolences of the entire membership go to Barker WILLIAM DALTON upon the sudden death of his mother in Richmond, on the night of his opening at Loew's Theatre there as featured organist.

The club regrets the return of Barker EDGAR HART, former manager for the RKO-Majestic here, to California. At the Tuesday luncheon Barker HART was given a fine send-off.

Columbus Tent No. 2 is to be host to the national board of directors Sunday. Chief Barker DUKE CLARK is planning a hearty welcome terminating with a banquet in the evening, at which time Barker Governor GEORGE WHITE will preside.

The club has voted to increase resident membership from 60 to 75.

A large delegation of Columbus barkers went to Cleveland for a farewell dinner to Barker EDDY FONTAINE, who is leaving for Chicago to become district manager for Paramount there in charge of Chicago, Detroit, Indianapolis and Milwaukee.

## Detroit

DETROIT, May 27. — Five new barkers were elected to membership last week. They are STANLEY FISHER, WILLIAM BAKER and PAUL FIELDS, resident; JAMES OLSEN and ALLAN JOHNSON, non-resident.

MAX RUBEN and RAY CONLIN were kings for last week's meeting. They presented CLAUDE S. CARNEY, director of the State Department of Industry and Labor as speaker. FRANK SMITH won their prize for the day—a swell casting rod.

HENRY ZAPP and J. D. LENAHAN will be kings for Monday's meeting. FRANK D. FITZGERALD, Secretary of State, will be the chief speaker.

On Tuesday, June 5, the Detroit Variety will stage a golf tournament at Franklin Hills Country Club, with a beefsteak dinner and entertainment to follow in the evening. Barker DAVE IDZAL is in charge. Others on the committee are H. M. RICHEY, HAROLD ROBINSON and ALEX SCHREIBER.

E. M. (PECK) GOMERSALL, Universal sales magnate, was a guest of the club at Monday's meeting.

BOB MISCH attended again after a month's illness in a Battle Creek sanitarium. OLLIE BROOKS was with him.

Regular Monday meetings will be dropped for the summer after June 4. Also the Saturday and Sunday night open houses.

## Indianapolis

INDIANAPOLIS, May 27. — Long drawn out luncheon meetings of the past few weeks have brought complaints from members, so the Monday luncheon was that and nothing more. Some Hawaiian entertainers provided the musical program. JOE CANTOR, chief barker, presided.

FLOYD BROWN suggested a golf tournament and took down a list of those who go in for the game. Time and place for the tourney will be announced later.

## Washington

WASHINGTON, May 27.—Announcements have gone out to resident and non-resident members of Tent No. 11 for a meeting to be held May 28 at the Willard Hotel, at 8 o'clock.

NAT. B. BROWNE, executive secretary, states that it will be a business meeting, held for the purpose of appointing various committees and business in connection with the completion of the club rooms. Date for the official "house warming" will be set.

Papers have been signed, settling with the Willard Hotel for headquarters of the Washington Tent, June 1 will be the official start for the lease.

The 75 members, at which point the membership had previously been pegged, have been signed. It is understood that this figure applies only to resident members, and that non-resident memberships are still acceptable.

## Ether Rates Will Climb

CINCINNATI, May 27.—WLW, local station, which stepped up its power from 50,000 to 500,000 watts May 2, making it the most powerful radio station in the world, although now maintaining top rate of $990 per hour for evening broadcasting, will increase the rate 10 per cent on July 1 for commercial broadcasts.

A similar increase will be put into effect later in the year, according to John L. Clark, general manager.

## Para. Holds Toby Wing

HOLLYWOOD, May 27.—Toby Wing has been handed a new contract by Paramount. The actress has been with the studio nearly a year.

## Mascot Feature to Start

HOLLYWOOD, May 27.—Al Martin and Sherman Lowe have turned in a completed original titled "Crimson Romance" slated for May production by Mascot.

Milton Krims is now working on the screen play with Martin Cohen supervising.

The company will use a number of air stock shots filmed for "Hell's Angels," which it recently purchased from Howard Hughes.

## Ernest Pascal to Fox

HOLLYWOOD, May 27.—Ernest Pascal, author, has been signed by Fox to a one-year contract. He recently worked on "Grand Canary."

## Supreme Signs Steele

HOLLYWOOD, May 27.—Having completed a contract with Monogram, Bob Steele has been signed by Sam Katzman and A. W. Hackel to star in a series of eight westerns for Supreme Picture Corp. First is "Demon For Trouble," an original by Jack Nattleford. Bob Hill will direct.

## Wants Federal Censoring

SPRINGFIELD, Mo., May 27.—Hope for Federal film censorship was expressed by Bishop Thomas F. Lillis of the Kansas City diocese, opening a discussion on the subject at a district conference of Catholic priests here.

## Hollywood Personals

HOLLYWOOD, May 27.—Frank Borzage is off for a vacation in Idaho. . . . The Andy Devines are blessed eventing. . . . Henry O'Neill has returned from New York. . . . Ann Dvorak and Leslie Fenton have bought a new home in San Fernando Valley. . . . Charles Sabin arrived Sunday from New York. . . . Orry-Kelly has postponed his trip to the east. . . . Irving Thalberg took four aspirin tablets yesterday. . . .

## Arverne Opens in June

The Arverne, Arverne, L. I., will be opened about June 15 with Jewish name acts and pictures.

# TEMPLE BREAKS SILENCE; GRANTS PRESS INTERVIEW

HOLLYWOOD, May 18.—Cornered by reporters here today, Shirley Temple broke the silence which she has maintained about her future plans. "I am going to appear next," she said, "in the Fox picture 'Baby Take a Bow', with Jimmy Dunn and Claire Trevor." Declining to discuss rumors of her engagement to the Prince of Wales, La Temple rushed to the studio restaurant for an ice cream cone.

FOX

More Tomorrow!

# Studios Worry About 30-Hour Week—Casey

(*Continued from page* 1)

possible effect on production schedules of any further cuts in hours.

Casey is in favor of giving regional labor boards power to enforce their decisions. The provisions giving labor the right to organize under the code were intended to benefit labor, he said, but they have not worked out that way, because either party to a dispute can reject the findings. There have been no difficulties over union recognition in this industry, he says. Minor disputes have been adjusted and the major crafts are now working under a two-year agreement negotiated last September. Studio labor is now averaging six hours a day at eight hours' pay, he declares.

"I don't know where producers are getting the money to meet the additional costs," he says, "but they are getting along."

In Casey's opinion film rentals will have to be raised. Duals have been an obstacle, he says, because exhibitors figure feature costs on the basis of one unit and pay no more for doubles than they normally would for one picture.

Commenting on reports that organized theatre crafts would demand raises next fall, he said they should get them if business conditions warrant increases.

## Bracket Shifts Up For Decision Here

(*Continued from page* 1)

expected to be decided by the New York grievance board tomorrow or Wednesday when hearings are resumed in the Harman Yaffa complaint against Warners-First National.

Yaffa, operating the Gem and Majestic, states in his complaint that he bought four Edward G. Robinson's and a similar number of Ruth Chatterton's. The distributor, he says, delivered all but one Robinson and one Chatterton at prices contracted for, but for the fourth picture of each of the two series, he had to pay an increased rental, amounting to about $200.

The independent contends the distributor did not replace the Robinson and Chatterton pictures in the lower brackets and seeks an adjustment of the extra rental.

The local board heard the case last week and adjourned until tomorrow when work sheets and other data used in negotiating the deal are to be submitted in evidence. A decision will most likely be handed down Wednesday.

### *Sam Eckman Sails*

Sam Eckman, managing director for M-G-M in England, sailed on the *Ile de France* Saturday. He was in New York almost four weeks on his annual visit to Leo's headquarters. Mrs. Eckman accompanied him.

### *"C. A." Closed Saturdays*

Code Authority is now closed Saturdays. This makes the shutdown unanimous in New York.

# *215 Non-Assenting Houses Take Cancellation Rights*

(*Continued from page* 1)

issues a bill of assessment for the first six months. This levy must be paid before the first cancellation goes into effect.

However, the privilege accorded exhibitors as far as cancellations are concerned does not extend to the filing of protests or grievances before local boards.

Code board cities which reported these houses with names of theatres and their location follow:

*Albany*—The Weller, Alexandria Bay; Bridge, Ausable Forks; Avon, Canastota; Strand, Dolgeville; Park, Hudson; Playhouse and Rialto, towns not designated; Opera House, Sherburne; Playhouse, Ticonderoga; Colonial, Utica; Valatie, Valatie; Bisby Hall, West Winfield; Empire, Port Henry; Palace, Tupper Lake and Olympic, Utica, N. Y.

*Atlanta*—Delray, Delray, Fla., and Royal, Wauchula, Fla.

*Boston* — Photoplay, Adams, Mass.; Opera, Alton, N. H.; Regent, Arlington, Mass.; Park, Auburn, R. I.; General Starke, Bennington, Vt.; Gayety, Boston; Inman Square and Porter Square, Cambridge; Community, Dedham; Majestic, Easthampton; Premier, Lawrence; Park, Lee; Plymouth, Leominster; Strand, New Bedford; Strand, Peabody, all in Mass.; Capitol, Fay's and Rialto in Providence; Alhambra, Quincy, Mass.; Ideal, Roxbury; Playhouse, Scituate; Family, Worcester.

*Charlotte*—Pastime, Boone, N. C.; Gem, Clinton, N. C.; Strand, Edgefield, S. C.; Grand, Greer, S. C.; Pastime, Monroe, N. C.; Imperial, Rich Square, N. C.; Richmond, Rockingham, N. C.; Palace, Roxboro, N. C.; Dixie, Scotland Neck, N. C.; Carolina, Selma, N. C.; Gem, Siler City, N. C.; Lyric, Sylva, N. C.; New Era, Walterboro, S. C.

*Buffalo*—Clinton, Rochester; Geitner, Silver Creek; Palace, Wolcott.

*Des Moines*—Majestic, De Witt; Grand, Estherville; Tall Corn, Kanawha; Lakeview, Lakeview; Iris, Postville; Star, Sioux Rapids.

*Indianapolis*—Indiana, Bedford; Vaudette, Connersville; Cort, Decatur; Dreamland, Fowler; Riley, Greenfield, all Indiana. Strand, Horse Cave, Ky.; Paramount, Kokomo, Ind.; Crescent, Louisville, Ky.; Downs, Orpheum, Mitchell, Ind.; Prewitt, Plainfield, Ind.; Princeton, Princeton, Ind.; Roxy, Lyric, Sullivan, Ind.; Sherman, Austin, Versailles, Ind.

*Kansas City*—Dickinson, Beloit, Kans.; Dickinson, Chillicothe, Mo.; Uptown, Ellsworth, Kans.; Dickinson, Fayette, Mo.; Dickinson, Hiawatha, Kans.; Booth, Independence, Kans.; Dickinson, Iola, Kans.; Cozy, Junction City, Kans.; Uptown, Dickinson, Lawrence, Kans.; Varsity, Valencia, Macon, Mo.; Dickinson, Manhattan, Kans.; Wareham, Dickinson, Marceline, Mo.; Dickinson, Osage City, Kans.; Dickinson, Osawatomie, Kans.; Dickinson, Paola, Kans.; Uptown, Parsons, Kans.; Dickinson, Slater, Mo.

*Milwaukee*—Rex, Evansville, Vaudette, Kaukauna, Orpheum, Menomonie, Avenue, Milwaukee, Fern, Grace, Hollywood, Murray, Pearl, Rainbow and Savoy, towns not designated; Crown, Racine; Crescent, Shewano; Grand, South Milwaukee; Palace, Wisconsin Rapids; Rapids.

*Minneapolis*—Grand, Crookston; Peoples, Crosby; State, Jackson; Unique, Litchfield; Grand, Madison; Falls, Minneapolis; Lyric, New Ulm; Tonna, Owatonna; Rialto, Paynesville; Orpheum, Pipestone; Arcade, St. Paul, Minn.; Hamline, town not designated; Ritz, Winner, So. Dak.

*New Haven*—Colonial, Canaan; Darien, Darien; Pratt's, Deep River; Liberty, Hartford; Stuart, Lakeville; State, New Britain; Community, New Canaan; Annex, New Haven; Victory, New Haven; Strand, Norwich; Community, Oakville; Seymour, Seymour; Colonial, Southington; Hillcrest, Taftville; Alhambra, Waterbury.

*New York City*—Paragon, Beacon; Shadowland, Ellenville; Albermac, Pawling; Academy, Wappinger Falls.

*Omaha*—Idle Hour, Dunlap; Orleans, Orleans; Jewel, Valentine; Empress, Wausa, Nebr.

*Philadelphia*—Park, Allentown; Roxy, Ashland; Park, Ashley; Victoria, Blossburg, Pa.; Walt Whitman, Camden, N. J.; Strand, Doylestown; Wilbor, Easton; Victoria, Frackville; Newport, Glen Lyon; Favini, Jessup; Imperial, Kulpmont; Rialto, Mansfield; Globe, Marcus Hook; Media, Media; Fox, Mifflinburg; Victory, Mt. Carmel; Carman, Cayuga, Crescent, Doris, Ideal, New Colonial, Penn, Walton, Philadelphia; Favini, Peckville; Grand, Scranton; Capitol, Shenandoah; Victoria, Tamaqua; Thomas, Taylor; Lyric, Throop, Pa.; Greenwood, Princess, Rialto, Stacy, Trenton; Community, Tuckerton; Embassy, Westville; Auditorium; Blaker; Casino, Nixon, Regent, Strand, Wildwood, N. J.

*Pittsburgh*—Gibbs, Albion; Verdi, Belle Vernon; New Plaza, Brownsville; Cambridge, Cambridge Sprgs.; Dixie, Grand, Carnegie; Palace, Charleroi; Coraopolis, Lyric, Coraopolis; Plaza, Duquesne; Mercer Square, Greenville; Liberty, Saxton; Happy Hour, Springdale.

*St. Louis*—Broadway, Orpheum, Cape Girardeau; Hayton, Carterville; Joy, Chester; Avalon, Lawrenceville; Liberty, Malden; Gasconade, Owensville; Orris, St. Genevieve; Capitol, Taylorville, Ill.

## *Operator, Stagehand Scales Up for Study*

WASHINGTON, May 27.—Acting to bring about coordination of operators' and stagehands' pay scales in Greater New York, Division Administrator Sol A. Rosenblatt today appointed Donald K. Wallace and Daniel Bertrand of the Division of Economic Research and Planning to go to New York after June 1 to secure and collate data and statistics with respect to such employes. The information thus obtained is to be made available to a board that will be appointed to set up wage scales.

### *Legit Code Meet Changed*

Instead of holding its regular meeting on Wednesday, the legitimate theatre code authority meets tomorrow at the Paramount building. Authors' rights in the sale of plays to film companies will be discussed.

### *"Du Barry" for Waldorf*

Warners' "Madame Du Barry" will have its first public showing at the ball to be given at the Waldorf-Astoria on June 4 for the benefit of Mrs. Franklin D. Roosevelt's Clubs for Unemployed Girls in New York.

## *Bard for Retention Of Anti-Trust Laws*

OMAHA, May 27.—Revamping of the code so that the Sherman and Clayton anti-trust laws will continue in effect and assessment of code costs on the basis of the film rentals paid by theatres is urged in a statement issued by Calvin Bard of Allied of Iowa and Nebraska.

Bard has mailed 500 copies of his statement to exhibitors in this territory and has sent copies to Division Administrator Sol A. Rosenblatt.

We wants boards empowered to hear any kind of a complaint. He also favors elimination of block booking and protection of independents from circuit buying power.

Miss Regina Molseed, code board secretary here, says that of the 250 to 280 exhibitors in this territory 203 have signed the code as it stands.

### *Stop Buffalo Groceries*

BUFFALO, May 27.—An order to stop giving away groceries as premiums has been returned by the grievance board in the complaint of Lewis Isenberg, proprietor of the New Ariel, against R. Wick, Majestic.

# Indie Plans Seem Headed For 140-160

(*Continued from page* 1)

| | |
|---|---|
| Invincible | 9 |
| Liberty | 8 |
| Mascot | 12 |
| Majestic | 12 |
| Monogram | 28 |
| Fanchon Royer | 12 |
| Miscellaneous | 30 |
| Total | 160 |

Monogram's total includes eight westerns. Mascot's program includes four serials.

In New York from Hollywood, George Batcheller, Sr., told MOTION PICTURE DAILY on Thursday Chesterfield and Invincible may step their combined programs from 18 to 24 next season.

## *"Bank Night" Ruling By Charlotte Board*

CHARLOTTE, May 27.—The local grievance board yesterday decided that Harold Kay of the Liberty, North Wilkesboro, N. C., is operating a "bank night" in violation of the code by giving insufficient notification to the public that the purchase of a ticket to the house is necessary to register and participate in the award. The matter was heard on the complaint of W. J. Allen, New Orpheum, same town.

The decision further stated that in order to continue the "bank night," the theatre is definitely and specifically required to advertise that on such a night it is unnecessary for the public to purchase tickets to the house to receive awards.

In the case of M-G-M vs. L. L. Drake, Ansonia, Wadesboro, claiming designation of percentage dates, M-G-M designated "Tarzan and His Mate" for Saturday, which the exhibitor claimed unsuitable. The board decided the film was suitable for Saturday.

Two appeals from the local boards are now before Campi and will be heard May 31. They are the case of L. C. Sipe, Criterion, Anderson, S. C., vs. H. F. Kincey of Palmetto Theatres, operating the Strand at Anderson on reduced admissions. The board decided in favor of the plaintiff and Kincey appealed. The other case is that of S. S. Mitchell, Imperial, Newton, N. C., asking elimination of protection of Hickory, N. C., over Newton. The board reduced the protection from 30 to 15 days and Mitchell appealed.

## *Buffalo MPTO Hits Non-Theatre Films*

BUFFALO, May 27.—Strong protest is made in resolutions adopted by the M.P.T.O. of Western New York against any extension of non-theatrical showings. The resolution is directed at the M. P. Research Council and Rev. William H. Short.

Short's opposition to inclusion of a non-theatrical ban in the code is cited and exhibitors are urged to take an active stand against the council on the ground that it aims to destroy independents.

# K.C. Houses Set Deal on Advertising

(Continued from page 1)

runs, local theatres have been using the *Star* exclusively.

Directory users get a special rate of $3.50 a week, figuring about nine cents a line. The former rate was much higher. The *Star's* suburban theatre rate is 40 cents a line minimum.

Apart from the advertising deal, the *Journal-Post* has contracted with the I. T. O. to run promotional trailers, of about a minute and a half in length, exploiting the paper's features, in a circulation campaign. Between 35 and 40 neighborhoods will run the trailers, each receiving a sum said to approximate the cost of advertising in the directory. Compensation received by the theatre will be turned over as dues to the I. T. O.

## Sales Tax Is Now Foreseen in Wis.

(Continued from page 1)

still more than seven months away, the Fond du Lac Ass'n. of Commerce directors have gone on record favoring the substitution of a sales tax for the present income tax provided these sales taxes are uniform in all states and the funds collected by the Federal Government and returned to the states in proportion to the amounts paid.

## *Creditors' Hearing Is Called for Roxy*

(Continued from page 1)

last Friday, reveals an operating profit of $52,518.79 before fixed charges. No objections to the report are expected and the following day, Judge Caffey will most likely continue Howard S. Cullman as receiver.

Nothing of any importance is expected to happen today at the foreclosure hearing before Judge Caffey. The foreclosure which Continental Bank instituted at the start of the receivership probably will be continued, it is said.

Reports Saturday indicated that the first mortgage bondholders were satisfied with the present policy at the house. A new deal will have to be made with Harry C. Arthur after June 15, since the present deal ends with the receivership term.

## *Scott Reaches St. Louis*

St. Louis, May 27.—Harry Scott is here from New York and takes over the managership of the local United Artists exchange on Monday. Scott formerly held a sales executive post with Pathe and until recently was identified with the NRA in Washington doing special publicity work.

## *Frisco U. A. to Close*

San Francisco, May 27.—The United Artists will close May 30. Lack of suitable product is given as the reason. The theatre closed last year during the summer for a similar reason. It is expected to reopen about August 15.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Friends of Mr. Sweeney"*

(*Warners*)

Hollywood, May 27.—"Friends of Mr. Sweeney" rocked a preview audience with continuous laughter. Based on the Elmer Davis novel, the comedy treatment and dialogue succeed in getting laughs throughout, with a well-balanced cast handling the situations in rare form and with Edward Ludwig delivering a fine piece of direction.

The story, of the clean, wholesome type executed to please all classes of audiences, concerns an editorial writer (Charles Ruggles) employed by a highbrow, conservative magazine. He permits himself to become dominated to the point of becoming old and in a rut until his secretary (Ann Dvorak), with the aid of his old college chum (Eugene Pallette), pulls him out. This trio, next to Berton Churchill, dominates through a series of laugh-provoking situations blending well into the running story of crooked politics, shaded lightly with gangsterism, romance and logical tomfoolery which should be pleasing to juveniles as well as adults. It is by far the best comedy performance enacted by Ruggles and Pallette in many moons.

Robert Barrat, Dorothy Burgess, Harry Beresford, Dorothy Tree, William Davidson and Harry Tyler deliver. The picture has production value, action and fine settings. Credit the Warren Duff and Sidney Sutherland screenplay, with F. Hugh Herbert's and Erwin Gelsey's added dialogue, for a bangup job of comedy construction. Running time, 65 minutes.

## *"The Man with Two Faces"*

(*First National*)

Hollywood, May 27.—This complicated murder mystery keeps the audience in a whirl of confusion and suspense from the beginning to the final fadeout.

The story has Mary Astor, an actress, making a stage comeback after a morbid experience with her husband, Louis Calhern, who exercises a strange, hypnotic power over her. After Calhern has been reported dead, Miss Astor regains her own personality and, through the efforts of her brother, Edward G. Robinson, also an actor, becomes a stage sensation. At the height of her success, Calhern reappears, again reducing her to a colorless moral slave.

In the midst of a blackmail plot Calhern is murdered. An exciting and clever solution follows, involving Ricardo Cortez, manager of the show, a mysterious Mr. Chautard, also played by Robinson, Margaret Dale, and Miss Astor's mother, and Emily Fitzroy, the maid.

Robinson handles his dual role with veteran deftness. The able supporting cast includes David Landau, a police sergeant, and Mae Clarke as Robinson's friend. The direction by Archie Mayo is fine.

A strong cast and a good story make this one good. Running time, 73 minutes.

## *"The Cat's Paw"*

(*Harold Lloyd-Fox*)

San Diego, May 27.—A packed house at the Fox here gave Harold Lloyd's latest many laughs and prolonged applause. While radically different from Lloyd's previous efforts, due to lack of slapstick, "The Cat's Paw" has a strong cast, a novel plot and good acting.

Lloyd goes over big as Ezekiel O. Cobb, son of a Chinese missionary who comes to America for a wife and for children, and ends up as a substitute reform candidate for mayor. He punches the liberal candidate in the jaw for hitting a child and is swept into office.

Lloyd depends upon the incongruity of the situations and dialogue for laughs and gets them. One of the funniest sequences is a cabaret scene where a gangster moll lures him into a dance routine. Una Merkel, as the heart interest, and George Barbier, as a politician who takes Lloyd under his wing, share honors with him.

Despite the length of the feature, 105 minutes, the action is fairly fast, but it can stand cutting. The film can be promoted from the new comedy angle as well as the strong cast. Exhibitors should also plug the fact that the plot is taken from Charles Kelland's serial in the *Saturday Evening Post.*

## *Flash Review*

*S. A. Mann Brand*—A pro-Nazi preachment of limited appeal . . . lightened by flashes of homely humor and aided by good photography and several good performances, will undoubtedly interest strongly German neighborhoods . . . entirely German dialogue without English subtitles. . . .

*This film will be reviewed in full in an early issue of* Motion Picture Daily.

# "Melodrama" Good in K.C. With $11,700

Kansas City, May 27.—Grosses generally were off, only the Midland, with "Manhattan Melodrama," making a strong showing at $11,700.

Total for the week was $31,550. Average is $32,000.

Estimated takings:

***Week Ending May 17:***

**"20 MILLION SWEETHEARTS" (F. N.)**
**"NO GREATER GLORY" (Col.)**

MAINSTREET—(3,049), 25c-40c, 7 days, plus Saturday late show. **Gross:** $6,600. (Average, $7,000)

**"YOU'RE TELLING ME" (Para.)**
**"A MODERN HERO" (Warners)**

NEWMAN—(1,800), 25c, 7 days, plus Saturday late show. **Gross:** $5,800. (Average, $6,000)

**"WHIRLPOOL" (Col.)**

TOWER—(2,200), 25c, 7 days, plus Saturday midnight show. Stage: "Prosperity Parade" revue, featuring Kane & Hazelton, Al Gordon and His Racketeers, Kay Davidson, Fred Morton, Clarence Rand, Al Belasco, m. c. **Gross:** $4,700. (Average, $4,500)

***Week Ending May 18:***

**"MANHATTAN MELODRAMA" (M-G-M)**

MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $11,700. (Average, $11,000)

**"STAND UP AND CHEER" (Fox)**

UPTOWN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $2,750. (Average, $3,500)

## "Rothschild" Has Strong 10th Week

"House of Rothschild" continued to do good business in its 10th week at the Astor, topping some of the larger Broadway spots. The take was $15,800.

"Sadie McKee," with Fred Waring and his Pennsylvanians at the Capitol, was good for $45,000.

Estimated takings:

ASTOR—"House of Rothschild" 10th week, $15,800.

ROXY—"Hell Cat" (Univ.) and vaudeville—$18,900.

STRAND—"He Was Her Man" (Warners)—$11,742.

CAPITOL—"Sadie McKee" (M-G-M) and Fred Waring and Pennsylvanians on stage—$45,000.

## *Para. Regionals to Be Decided on Coast*

(Continued from page 1)

this meeting will be district and branch heads in addition to salesmen. All home office executives will attend.

District and division managers recently held a meeting in Chicago where sales policies and some of the new season's product were gone over. At the regional meets, exchange bookers and other personnel will attend with district heads presiding.

## *Dismiss Warner Suits*

Atlanta, May 27.—Two suits for $100,000 each brought by E. L. Rainey and G. A. Johns of the State Prison Commission against Warners as a result of the filming of "I Am a Fugitive from a Chain Gang" have been dismissed in Superior Court by request of the commissioners.

## *Schnitzer Deal Nears*

Joseph I. Schnitzer is en route to Hollywood via plane to further along plans for three productions next season. Erpi is his backer, it is understood, while in the offing is a distribution deal with one of the majors.

# ALLEZ OOP!

SWING YOUR AUDIENCE INTO THE SPIRIT OF FUN..

**BUSTER KEATON**
as the daring young man on the flying trapeze . . . in
**"ALLEZ OOP!"**

**ERNEST TRUEX**
"The Expectant Father"
is still one of the most talked about comedies of the season. Watch for
**"LOVE AND BABIES"**

**ANDY CLYDE**
has one of his biggest hits coming . . .
**"HALF BAKED RELATIONS"**

**TOM HOWARD**
goes on the Indian warpath and whoops up the laughs in
**"A GOOD SCOUT"**

**That glum looking crowd it seems so hard to please Will burst into laughs with the greatest of ease**

WHEN YOU START OFF YOUR SHOW WITH ONE OF

*Educationals'*

BIG STAR TWO-REEL COMEDIES

Educational Pictures
"THE SPICE OF THE PROGRAM"
Distributed in the U. S. A. by
FOX Film Corporation

*Have you played those nutty*

**HREE RITZ BROTHERS**

*in*

**"HOTEL ANCHOVY"**

*They're a circus all by themselves*

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 125 | NEW YORK, TUESDAY, MAY 29, 1934 | TEN CENTS

## Fox Sets 58; Convention On Tomorrow

### *Feature Output Up—112 Shorts in Lineup*

Fox will distribute 58 features, 112 shorts and 104 issues of Fox Movietone News next season.

The program, which includes a series of action pictures starring George O'Brien with Sol Lesser as producer, is more ambitious in number of features than in some years and will be outlined in detail at the company's annual sales convention which opens at the Waldorf tomorrow morning and terminates Friday evening.

More than 250 executives, home office officials and field representatives

(*Continued on page 4*)

### *Copyright Hearings Started by Senate*

WASHINGTON, May 28.—The Senate Foreign Relations Committee today began public hearings on legislation designed to have the United States become a party to the Rome Copyright Treaty.

A number of efforts have been made to secure legislation by which this country could adhere to the Berne convention under which a copyright secured in any one of the member countries becomes effective in all.

It is anticipated that film representatives will present their views tomorrow.

### *Reorganization Dates Not Set, Says Rhoden*

Declaring no dates for reorganization of Fox Rocky Mountain and Fox Midland had yet been set, Elmer C. Rhoden, operating head of the latter,

(*Continued on page 3*)

### *Schulberg to Renew Para. Pact—Zukor*

HOLLYWOOD, May 28.—That B. P. Schulberg will renew his contract as a Paramount producer was revealed

(*Continued on page 3*)

### *Showers*

**New Orleans, May 28.—Manager Rodney Toups of Loew's State ordered a sign in his lobby which read "May Shower of Hits." It rained for nine days in succession.**

## *Tabulating New Assents in Move to Decide Reopening*

**Campi is anxious to learn how many in the rank and file of exhibitors who have not signed the code really want to if given another opportunity. And with this thought in mind, code secretaries have been advised to accept consents of exhibitors, who have not assented, for submission to authority headquarters.**

**The consents to sign the code before the deadline is reopened will not be final, but will be tabulated by Campi to learn how many exhibitors who failed to sign want to comply. The consents are being taken under advisement and probably will be considered at the meeting of Campi after May 31.**

**If it is found exhibitors in substantial numbers want to avail themselves of the opportunity, Division Administrator Sol. A. Rosenblatt will be asked to reopen the assent date.**

## *Rosenblatt Will Decide Cleveland Zone Problem*

Division Administrator Sol A. Rosenblatt will decide the Cleveland issue which has arisen over clearance and zoning. Some time ago a protection plan for the Ohio city was reached by agreement of independent and major first and second run exhibitors and has until Dec. 31, 1934, to run.

While in Campi quarters it is believed the code supersedes all existing contracts, this is the first case to come up which involves a previous clearance and zoning agreement. Rosenblatt, at Thursday's meeting, will be asked to decide whether or not Campi's procedure for filing protests

(*Continued on page 3*)

## Agreement on Discounts Up To Supply Men

CHICAGO, May 28.—Establishment of standard discounts on all types of equipment with a view to eliminating cut throat price cutting was the main subject before the Independent Theatre Supply Dealers' Ass'n. following last night's election which resulted in a victory for Joe Robin.

This will be Robin's fourth term as president. Other officers elected after a strong fight by a minority group were: Vice-President, Joe Hornstein; secretary-treasurer, Clem Rizzo of Philadelphia; directors, K. R. Douglas, Boston; Max Rubin, Detroit;

(*Continued on page 3*)

## No Change in View at Roxy Before Fall

Reorganization of the Roxy will not take place until fall and no definite plan is in sight at this time, it was stated officially yesterday after a foreclosure hearing before Federal Judge Francis G. Caffey in the U. S. District Court. The sale of the theatre at foreclosure has been delayed by Judge Caffey at request of first mortgage bondholders until after President Roosevelt has signed the new bankruptcy bill.

Howard S. Cullman, receiver, will be recommended for reappointment June 8, and there is no doubt he will

(*Continued on page 7*)

## Warner Sales Meet Opens in Montreal

MONTREAL, May 28.—Warners' first regional sales meeting of the new season opened at the Mount Royal Hotel here today under the direction of Harry Paynter of Toronto, Canadian division manager, and with managers

(*Continued on page 3*)

## Not Subject to 10% Cancellation—U.A.

KANSAS CITY, May 28.—Through William E. Truog, its sales manager here, United Artists today notified Grace Gannon, local code board secretary, that it is in no way subject to the 10 per cent cancellation clause.

(*Continued on page 3*)

## Appeal Flood Campi Worry; More Coming

### *Hearing by Committee Is Now Suggested*

With 16 appeals on tap for Thursday's meeting and more arriving at Campi headquarters daily from all parts of the country, Code Authority, admittedly, is at a loss to figure out how it can hear and dispose of the many cases in quick order.

According to the code, all appeals must be heard by Campi. With 62 clearance and zoning and grievance boards meeting weekly and appeals flowing into the main office, it is figured that before long 100 appeals will be on the docket. Of the 16 now on file, two are from clearance and zoning decisions.

Campi does not expect to hear more

(*Continued on page 3*)

### *Names of Impartial Alternates Come in*

Recommendations for alternates for impartial men on all boards are now coming into Campi for Division Administrator Sol A. Rosenblatt's study. No alternates are expected to be named at Thursday's meeting. Each of the suggested men will be investigated by Rosenblatt and appointments will probably be made at the meeting after May 31.

### *Independents Meet Today at the Astor*

Independent exhibitor leaders from 15 states east of the Mississippi meet today at the Astor to discuss next season's sales policies of the various distributors. Also expected to be a topic of importance is the Allied production-distribution plan, which is understood still in the talk stage.

### *Report Trailer Use Down in Some Spots*

Decreasing use of trailers in theatres making three and four changes of program weekly is reported by ex-

(*Continued on page 7*)

### *No Paper Tomorrow*

***Motion Picture Daily* will not publish on Wednesday, May 30, which is Decoration Day.**

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Report Brandt Plans Opening an Exchange

Harry Brandt, independent circuit operator, is reported about to enter the local exchange field to handle independent product. He is said to be negotiating for World Wide product and also a number of other pictures to be produced by independents.

When questioned yesterday on the report, Brandt refused comment.

## Houses Closed Sundays

WILDWOOD, N. J., May 28.—Mayor Doris W. Bradway, who said she was acting on the request of residents for observation of the "blue laws," has ordered all picture houses closed here next Sunday. She added that she plans to make the resort "lily white."

## Powell's First Is Set

HOLLYWOOD, May 28.—The first vehicle on William Powell's new ticket with M-G-M will be another Philo Vance yarn, "The Casino Murder Case," which recently appeared in *Cosmopolitan*.

## South Improves, Waite

Returning from a tour of the south where he visited Paramount exchanges under his supervision, Stanley Waite yesterday stated things are considerably brighter now than they were a year ago.

## Frank Joins Paramount

BOSTON, May 28.—William Frank has joined the Paramount exchange as a salesman.

## Monogram's Forces End Salt Lake Stay

SALT LAKE CITY, May 28.—With discussions of next season's product completed at a regional sales convention here Monogram men began scattering yesterday. Edward Golden, sales manager, departed for Cincinnati where the next session is to be held June 2.

Trem Carr, vice-president in carge of production, went back to Hollywood, accompanied by Howard Stubbins, Los Angeles exchange head, and Floyd St. John, west coast distribution manager. J. T. Sheffield, district manager for Seattle, and Matt Aparton left as they arrived, by automobile.

Stubbins and his salesmen distributed several crates of oranges, but denied Walter Vincent's recent statement at the M.P.T.O.A. convention that producers gave away oranges and sold lemons.

## Mexican Producers Get Military Help

MEXICO CITY, May 28.—Civic government has effected a friendly censorship arrangement with the national government for Mexican made films. Native producers will inform the national government when they propose to make films with soldiers or military scenes, so an expert can supervise these sequences in order to prevent blunders.

The idea is to insure the utmost accuracy and spare Mexican producers any possible ridicule because of errors in history, military uniforming and procedure.

## Selznick Signs Walpole

LONDON, May 28.—David O. Selznick has signed Hugh Walpole to collaborate on M-G-M's "David Copperfield," and he will sail for New York on the *Ile de France*, June 6, with Selznick, George Cukor and Howard Estabrook.

## Drissell in Richmond

RICHMOND, May 28.—Roscoe Drissell, relief manager for Loew's, is substituting for Elmer H. Brient at Loew's here. Brient is on his vacation.

## Catholics' Boycott Helps Detroit Spot

DETROIT, May 28.—Despite 350,000 Catholic pledges in this diocese not to patronize theatres showing objectionable films, many local exhibitors say they are finding the publicity given proscribed pictures working to their advantage. Largely responsible for this condition is the practice of the *Michigan Catholic*, official Catholic organ, of listing "recommended" and "not recommended" entertainment, a practice which theatre men feel is defeating the purpose of the Catholic drive against bad films.

Here is an example cited: Recently the Deluxe, playing "not recommended" films at the same time the Gladwin put on a "recommended" program, came out away ahead of the latter financially.

## French Houses Ask More U. S. Pictures

PARIS, May 28.—An increase of the American film quota from 242 films for the current season to 325 for the 1934-35 season has been demanded by the French Cinema Owners' Ass'n. as its answer to the Syndical Chambre which wants an embargo on all film imports for three months.

The exhibitors have put their case before Minister of Commerce Lucien Lamoureux. According to exhibitors only 20 of the 174 French films produced last year were excellent.

## New Contracts Signed

HOLLYWOOD, May 28.—Fox has signed Lew Ayres to a new one-year contract. Lynn Overman, stage star, has been given a long term ticket by Paramount. Violet Kendle - Cooper, stage actress, has been signed by Radio for "The Fountain." M-G-M has re-signed Isabel Jewell to a long-termer, but failed to renew its option on Alice Brady. Robert Allen, stage actor, has also been signed by Columbia.

## Lindsey Seeks Judgeship

HOLLYWOOD, May 28.—Judge Ben Lindsey has resigned his connections with the NRA and intends to become a candidate for a Superior Court judgeship.

## Columbia Jumps 1¼ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34¾ | 33½ | 34⅜ | +1¼ | 2,700 |
| Consolidated Film Industries | 3⅝ | 3⅝ | 3⅝ | — ⅛ | 200 |
| Consolidated Film Industries, pfd | 16⅞ | 16½ | 16½ | — ¼ | 300 |
| Eastman Kodak | 96 | 95⅞ | 96 | + ⅛ | 300 |
| Fox Film "A" | 15 | 14¾ | 15 | + ½ | 300 |
| Loew's, Inc. | 31¾ | 31½ | 31⅝ | + ¼ | 1,600 |
| Paramount Publix, cts | 4⅞ | 4¾ | 4¾ | ..... | 1,100 |
| Pathe Exchange | 2¾ | 2⅝ | 2⅝ | — ⅛ | 400 |
| Pathe Exchange "A" | 22⅝ | 21¾ | 22⅜ | + ⅞ | 2,000 |
| RKO | 3 | 2⅞ | 2⅞ | — ⅛ | 900 |
| Universal Pictures, pfd | 38 | 38 | 38 | ..... | 10 |
| Warner Bros. | 6 | 6 | 6 | + ⅛ | 1,200 |

## Technicolor Drops ⅜ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10¾ | 10½ | 10½ | — ⅜ | 700 |
| Trans Lux | 1⅞ | 1⅞ | 1¾ | + ⅛ | 300 |

## Paramount Publix Bonds Rise ⅝

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅜ | 9⅜ | 9⅜ | + ⅜ | 3 |
| Keith B. F. 6s '46 | 68 | 67¾ | 68 | ..... | 4 |
| Loew's 6s '41, ww deb rights | 99⅝ | 99½ | 99⅝ | — ⅜ | 5 |
| Paramount Broadway 5½s '51 | 46⅛ | 45½ | 45½ | ..... | 10 |
| Paramount F. L. 6s '47 | 51⅞ | 51⅞ | 51⅞ | — ⅛ | 1 |
| Paramount Publix 5½s '50 | 52⅝ | 51⅞ | 52⅝ | + ⅝ | 13 |
| Warner Bros. 6s '39, wd | 60½ | 59½ | 59⅞ | — ⅛ | 40 |

## Purely Personal

SHIRLEY TEMPLE, doing much better than many players several times her age, is appearing in three films simultanously on Broadway this week: "Little Miss Marker" at the Paramount, "Now I'll Tell" at the Roxy and "Managed Money," a short at the Palace.

GINGER ROGERS disports on three screens at the same time, too. The dopesheet: "20 Million Sweethearts" at Loew's State, "Upper World" at the Strand and "Change of Heart" at the Center.

HUBERT T. MARSH, chairman and managing director of British & Dominions Film Corp., and HERBERT WILCOX, producer and director, sail tomorrow on the *Olympic* for England.

FRANK JOYCE of Selznick-Joyce is improving and may be able to get away to Hollywood in a couple of days.

FRED ASTAIRE flies to the coast today to begin work on the screen version of "The Gay Divorce" for Radio.

SARI FEDAK is appearing in the Hungarian film "Iza Neni," which opens at the Tobis Friday.

## FWC for 55c. Scale At Studio Previews

LOS ANGELES, May 28.—F. W. C. is not in accord with the tentative plan adopted among producers, distributors and independent exhibitors to cure the preview evil by not advertising showings.

The big circuit contends the solution is to charge 55 cents for all previews. It is admitted this will keep neighborhood patronage away from previews to a certain extent, but F. W. C. contends this is a producers' problem.

## Reports Saenger Loss

NEW ORLEANS, May 28.—E. V. Richards, Saenger receiver, has filed a report with the Federal Court showing an income for the 23 theatres in Louisiana, Mississippi and Florida, which are not included in the Saenger New Orleans group, as $974,132.78, a net loss of $14,601.52 from Jan. 27 to Dec. 30, 1933.

## Detroit House Closed

DETROIT, May 28.—After eight days Jack Dickstein, of the Gus Sun Vaudeville office here folded up the Detroit Opera House. Dickstein had a policy of vaudeville and girlesk along with pictures.

## Gets Color Cartoons

HOLLYWOOD, May 28.—In addition to the regular Oswald and Lucky Rabbit black and white cartoons, Walter Lantz will produce a series of six "Cartoon Classics" in Technicolor for Universal.

## "U" Signs Montgomery

HOLLYWOOD, May 28.—As a result of his work in "Little Man, What Now?" Universal has signed Douglass Montgomery to a long term contract

# Appeal Flood Campi Worry; More Coming

(Continued from page 1)

than five cases, if that many, at Thursday's session. That leaves 11 for the next session, plus additional appeals which may filter in.

In some quarters, it is suggested Campi appoint four members of the original board, and not alternates, to hear appeals, setting aside a day before Campi hearings to do so. Whatever decision this board makes will be recommended to the main body of 10 for final disposition.

The board of four would consist of an impartial member, an independent exhibitor, an independent distributor and a major producer-distributor. This plan is not official and not more than a suggestion in the mind of a leader who was asked for his solution to the present appeal situation.

## *Reorganization Dates Not Set, Says Rhoden*

(Continued from page 1)

last night stated he was not in a position to discuss plans for reorganizing the circuits at this time. Asked about reports which had him heading the two circuits, Rhoden said he knew nothing about them.

Rhoden said his trip east was on a budget matter and that he plans to leave for Kansas City Thursday night. He denied his visit had anything to do with the reorganization plans and asserted that with the Woolf-Shanberg suit settled, a Fox Midland creditors' meeting was held last week. Rhoden did not know when the bankruptcy sales would be held, the dates not having yet been set.

KANSAS CITY, May 28.—It is believed here that Elmer C. Rhoden's conferences with major circuit heads in New York have to do with price increases at downtown first runs rather than with revised clearances necessitated by price slashes.

## *Hollywood Personals*

HOLLYWOOD, May 28.—Victor Moore is due in town June 5. . . . Boris Karloff has bought Katharine Hepburn's former retreat in Coldwater canyon. . . . Lillian Ellis is being sent to school by Hal Roach to erase that Danish accent. . . . Thelma White is winding up her final short on an RKO contract and heads for New York and probably London for personal appearances. . . . Samuel Goldwyn is looking for a new title for "Resurrection." . . . Adolph Zukor and Emanuel Cohen fished from Cecil B. De Mille's yacht, "Seward," over the week-end. . . . Jo Swerling assigned the original story for the next Jack Holt picture. . . . Orry Kelly has postponed his trip to New York again. . . . El Brendel signed for "Sailor's Holiday" (Warner short). . . . O. P. Heggie signed for "Peck's Bad Boy" (Sol Lesser). . . . Marion Shilling replaces Janet Chandler in the cast of "The Red Rider" (Universal serial). . . . Jean Hersholt borrowed from M-G-M by Radio for a role with Ann Harding, in "The Fountain."

# *Rosenblatt Will Decide Cleveland Zone Problem*

(Continued from page 1)

against present schedules stands as far as Cleveland is concerned.

Code Authority yesterday had not heard from Cleveland and the only information available on the Cleveland situation was printed in MOTION PICTURE DAILY.

In other quarters, it is held that if Cleveland exhibitors are satisfied with the present protection schedule the plan should not be disturbed. However, if the plan is found faulty, then the code should prevail and changes should be heard and decided upon by the board, it is said.

## *4 Cases Dismissed By Capital Board*

WASHINGTON, May 28.—Four cases were dismissed today by the grievance board. Three of the complaints were filed by Herbert Zimmerman, operating the Echo, Baltimore, who charged Fox, Warners, and M-G-M were selling product to his competitor, who allegedly was screening it at lower prices and before the Echo. He asked that he be allowed to meet competition by lowering his prices notwithstanding the minimum price provisions in his contracts.

The stand taken by the defendants was that inasmuch as the code prohibits exhibition under contract admissions the complaints should be dismissed.

The fourth dismissal was in the case of J. Frank Falls, operating the Virginia, Danville, Va., against the Kincey interests, which he charged with tying up all sub-run product. Kincey, he alleged, had prevented the Virginia from obtaining contracts for Warners-First National by contracting for the exclusive use of this product.

The case of Louis Tunick vs. Al Kahn, both of Baltimore, which came up for the first time May 14, was adjourned for a second time, to June 4, for further evidence. Gift nights are involved.

## *Confers on Coast on Labor Board Action*

LOS ANGELES, May 28.—Jefferson Davis, recently appointed impartial member of the studio labor board, arrived here today and held his first meeting with Ed Smith and Major Joseph Donovan to formulate a mode of operation for the board.

He makes it emphatic that all complaints pertaining to labor violations must clear through the board. All complaints with the state NRA compliance board must now be turned over to him or else will be ignored. The board, it is said, can and will function without Pat Casey, unless a dispute arises where a complainant demands a third party.

Davis said "speed, action and fairness" will serve as his motto. He asserted he would start the machinery going tomorrow.

## *Warners Set New Title*

HOLLYWOOD, May 28.—The title of Warners' "Hey, Sailor" has been definitely changed to "Here Comes the Navy."

## Not Subject to 10% Cancellation—U.A.

(Continued from page 1)

The notification was in answer to a request sent out by her to all distributors for dates of all releases after December 7 to be posted so that exhibitors might be informed as to when cancellation became effective. Miss Gannon was told that in view of the policy of United Artists to license pictures individually and on individual contracts, the company is under no compulsion to furnish release dates on any of its product.

The matter will be brought to the attention of the grievance board at next week's meeting and is expected to go to Campi in New York for decision.

## *Youngclaus Drops Case*

OMAHA, May 28.—After the grievance board had listened most of the afternoon to arguments between attorneys for W. N. Youngclaus of Columbus, Neb., and the Central States Theatre Corp., over the former's complaint that he was unable to obtain enough major product to operate, the complaint was withdrawn by Youngclaus.

Central States then complained against Youngclaus, charging that he was manipulating a free ticket deal with a Columbus shoe store on a reduced admission scale. After 10 minutes the board ordered Youngclaus to stop the practice.

Will Singer, manager of the Omaha Brandeis, was chairman.

## *N. O. Case Goes to Campi*

NEW ORLEANS, May 28.—Paramount's claims against Rene Brunet's Imperial Theatre on a charge of breach of contract today was referred by the grievance board to Campi in New York. Exhibitors will meet at the Jung Hotel June 1 to discuss a new zoning schedule.

## *Schine Charge Upheld*

BUFFALO, May 28.—The overbuying complaint brought by Schine Theatrical Enterprises in behalf of the Palace, Lockport, against Reliance Theatres has been upheld by the grievance board. In MOTION PICTURE DAILY of May 23 it was erroneously stated that the reverse was the case.

## *Drops Cleveland Case*

CLEVELAND, May 28.—Max Kaplan of the Grand has withdrawn his complaint against George Israel of the Temple. Kaplan charged Israel was charging 10 cents on a 15-cent minimum contract. The case was to have been heard today.

## *Joe E. Brown a Colonel*

LOUISVILLE, May 28.—Joe E. Brown has joined Clark Gable and Mae West in the ranks of Kentucky colonels. Governor Ruby Laffoon has placed him on his staff.

# Agreement on Discounts Up To Supply Men

(Continued from page 1)

Ray Smith, Milwaukee; Harry Graham, Denver; B. F. Shearer, Seattle and Robin, Hornstein and Rizzo.

Twenty-two manufacturers are exhibiting. The manufacturers' group, headed by E. A. Williford, National Carbon Co., held a brief meeting yesterday. Tonight future policies are to be aired.

Robin's reelection clears up an internal squabble which, members admit, has hindered progress for several months. He predicts progress for the future and says he is working on a supplemental code designed to remove supply dealers from the general wholesale code.

## Warner Sales Meet Opens in Montreal

(Continued from page 1)

from six key centers of the Dominion in attendance.

A. W. Smith, Jr., Warners' eastern and Canadian sales manager, is here from the home office for the two-day meeting and will outline sales policies and sketch production plans of the company for the new season at tomorrow's meeting.

## *Schulberg to Renew Para. Pact—Zukor*

(Continued from page 1)

today by Adolph Zukor, Paramount head. The disclosure was made in denying reports, current here and in New York, that the company planned to release 24 features by outside companies next season.

Zukor asserted Schulberg would make "several," adding that his company had also contracted with Ben Hecht and Charles MacArthur for four features. "Outside of this," he declared, "Paramount has not contracted for any others, nor will," He said "Paramount itself is fully capable of making the necessary number of pictures called for by the distribution department and theatres."

## *Council Busy in Boston*

BOSTON, May 28.—Chairmen are organizing local committees to study the film situation in 30 suburban cities and towns, according to Mrs. James B. Ayer, chairman of the Boston Chapter of the M. P. Research Council today. These chairmen will organize their own committees and in some of these communities they have already organized, she declared.

## *Krug Back in Pittsburgh*

PITTSBURGH, May 28.—Karl Krug, until recently of the United Artists exploitation staff in New York, has been named theatrical columnist and reviewer for the *Sun-Telegraph* Hearst afternoon daily. Until January, 1932, Krug was drama editor for more than a decade for the Scripps-Howard *Press*.

# Fox Sets 58; Convention On Tomorrow

(*Continued from page* 1)

from every exchange in the United States and Canada as well as several foreign countries, will attend the meetings and screenings.

Plans for distribution will be discussed by John D. Clark, general manager of distribution, and other executives of the company.

After the roll call by William Sussman, Clark's assistant, the first day's program calls for discussion of the company's new product by Clark; foreign department plans and accomplishments on behalf of Clayton P. Sheehan, general foreign manager, who is still abroad; L. P. Knox, of India, and W. W. Sullivan of Central America; short subjects on the new schedule by E. W. Hammons, president of Educational; Jack Skirball, W. J. Clark, Truman H. Talley, of Movietone News, and W. J. Kupper, western division manager

Highlights of the second day will be the presentation of publicity and advertising plans by Charles E. McCarthy, director of advertising and publicity; Arch Reeve, A. O. Dillenbeck, Earl Wingart, Gabe S. Yorke and J. A. Clark; sales address by E. C. Grainger, eastern division manager; discussion of the code by Louis Nizer; and distribution plans by Herman Wobber.

### Last Day's Program

The last day will be featured by distribution department meetings under the guidance of Clark, Kupper and Grainger, and sales meetings conducted by Sussman, Jack Sichelman and Nat Finkler.

S. R. Kent will close the convention with an address on executive plans Friday afternoon. Others who will discuss this phase are W. C. Michel, executive vice-president; Sydney Towell, treasurer; and Spyros Skouras, head of theatre department.

Three of the new season's features will be screened, one each evening, and a sample of some of the new shorts one afternoon. Shown will be "The Cat's Paw," starring Harold Lloyd, which was caught and previewed from San Diego in MOTION PICTURE DAILY yesterday; "The World Moves On" which will have a two-a-day engagement on Broadway, and "Handy Andy," starring Will Rogers. The latter picture was previewed from Hollywood on May 1.

The following executives and delegates will attend:

*Sales Department*: John D. Clark, E. C. Grainger, William J. Kupper, William Sussman, Jack Sichelman, N. B. Finkler, E. H. Collins, Saul Krugman, C. A. Hill, Eugene McEvoy, Joseph St. Clair, Harry Mersey, Roger Ferri, Jack Bloom, Thomas Quinn, Irving Lincer, Morris Caplan, Edward Jacobs, Harry Reinhardt, James Glynn.

*Advertising and Publicity*: Charles E. McCarthy, G. S. Yorke, Arch Reeve, Earl Wingart, Joel Swenson, A. O. Dillenbeck, W. H. Schneider and A. H. Belbin of Hanff-Metzger, Carl Mos, Louis Shanfield, Charles Leonard, Russell Moon, Abe Goodman, Leonard Gaynor, Charles Wagner, Elliott McManus.

*Ad Sales Department*: J. A. Clark, Jerry Novat, L. D. Balsly, Paul Allison, William Caldwell, W. E. Sennett.

*Educational*: E. W. Hammons, Jack Skirball, W. J. Clark, Harvey Day, Sol Edwards, Gordon White, F. X. Carroll.

*Foreign Department*: Clayton P. Sheehan, I. A. Maas, M. L. Ahern, L. P. Knox, W. W. Sullivan, A. T. Stromberg, Max Goosman, Paul M. Wir, R. F. Volentine, John Lindsey.

*Guests*: T. H. Talley, Hunter Lovelace, John Mock, Felix Jenkins, Ralph Talbot, Percy Heiliger, Louis Nizer, John Edmundson, E. P. Kilroe, William Freedman, Alan Freedman, George Skouras, Edward Peskay, Edward Alperson, Larry Kent, Frank Lynch, Leslie Whelan, Frank Harris, Creed Neeper, W. J. Eadie, Dan Michalove, Sam Fox, Leonard Greene.

From the sales department:

***Eastern Division***

*Albany*: M. Grassgreen, manager, B Dare, E. Hollander, G. H. Rosenbaum, H. Alexander.

*Boston*: T. H. Bailey, district manager, E. X. Callahan, manager, S. Berg, N. Murray, J. Jennings, J. M. Cobb, R. E. Heffner, J. J. Scully, M. Simons, C. Mayer.

*Buffalo*: S. Samson, manager, L. E. Blumenfeld, G. E. Dickman, W. C. Rowell, M. W. Kempner.

*Cincinnati*: J. J. Grady, manager, J. B. Neff, N. Shafer, J. Needham, E. A. Burkart, R. Knoepfle.

*Cleveland*: G. A. Roberts, district manager, I. J. Schmertz, manager, F. J. Hunt, D. S. Davidson, Edward R. Bergman, S. H. Lichter.

*Indianapolis*: George T. Landis, manager, J. Ricketts, J. R. Neger, H. L. Hancock, Thomas McCleaster.

*New Haven*: B. Simon, manager, S. Germaine, S. Horowitz, E. Wright.

*New York*: H. H. Buxbaum, manager, J. J. Lee, M. Sanders, G. Blenderman, Al Mendelsohn, Seymour Florin, Louis Kutler, Irving Dreeban, Morris Kurtz, J. Schwartz, W. Schuter, R. Gledhill.

*Philadelphia*: Edgar Moss, district manager, Sam Gross, manager, F. J. Kelly, G. Fleischman, S. Diamond, W. G. Humphries, Ben R. Tolmas, A. J. Davis.

*Pittsburgh*: Ira H. Cohen, manager, J. B. Hanna, A. W. McCormick, A. Interrante, C. Kellenberg, G. Moore.

*Washington*: S. N. Wheeler, manager, J. M. Cohan, J. A. Murphy, F. B. Klein, J. Skillman, A. C. Melvin.

***Canada***

*Calgary*: V. B. Skorey, manager.

*Montreal*: Edward English, manager, J. F. Pearson, W. J. O'Hare.

*St. John*: R. G. March, manager.

*Toronto*: J. P. O'Loghlin, district manager, H. J. Bailey, manager, J. W. Powis, William J. Reid, L. Paulson.

*Vancouver*: C. R. Dippie, manager.

*Winnipeg*: J. H. Huber, manager, E. H. Teel.

***Western Division***

*Atlanta*: H. G. Ballance, districct manager, Paul Wilson, manager, R. H. Ford, Don Reid, T. I. Baskin, P. Langdon, M. Mitchell, R. H. Fairchild, R. C. McClure, B. Dow.

*Charlotte*: H. R. Beiersdorf, manager, J. S. Hinson, J. E. Gribble, J. E. Holston, G. E. Ebersole.

*Chicago*: C. W. Eckhardt, manager, W. C. Gehring, George Benson, E. P. Grohe, F. Sliter, H. Goodamote, H. Loeb, M. Simon.

*Dallas*: C. E. Hilgers, manager, W. W. Rucker, D. W. Scott, Neal B. Houston, L. C. Baxley, D. P. Rathbone, W. S. Miller.

*Denver*: R. J. Morrison, manager, C. A. Larson, H. Rennie, Edward M. Loy.

*Des Moines*: Stanley Mayer, manager, O. Clark, E. P. O'Neil, H. Gottlieb, A. W. Riegelman.

*Detroit*: Lester Sturm, manager, L. Sanshie, A. D. Knapp, E. A. Westcott, R. Carrow.

*Kansas City*: W. E. Scott, district manager, G. W. Fuller, manager, W. J. Kubitzki, M. A. Tanner, O. O. Flake, C. Knickerbocker, W. Flynn.

*Los Angeles*: John Dillon, manager, M. Sudmin, B. Robison, W. T. Wall.

*Memphis*: T. W. Young, manager, N. Wyse, H. P. Laseter, Fred Dodson.

*Milwaukee*: J. H. Lorentz, manager, M. Kahn, George W. Edgerton, M. Horwitz, C. Michael.

*Minneapolis*: M. A. Levy, manager, P. Lundquist, F. G. Hallowell, W. Crystal, J. Podoloff, J. S. Cohan, E. Lorentz, N. Hall.

*Oklahoma City*: R. A. Higdon, manager, R. E. Parsons, M. W. Osborne, H. B. Kinser.

*Omaha*: J. E. Scott, manager, R. A. Wagle, H. P. Ironfield, Henry Novitsky, C. F. Reese.

*New Orleans*: E. V. Landaiche, manager, G. J. Broggi, G. Dunlap, Charles Clark.

*Portland*: Charles Powers, manager, V. A. Whitcomb, C. L. Robinett.

*St. Louis*: B. B. Reingold, manager, J. A. Feld, G. Ware, Harry Kupper, O. F. Lessing.

*Salt Lake City*: C. L. Walker, manager, C. J. Hallstrom, V. J. Dugan, J. L. Tidwell, Joseph D. McElhinney.

*San Francisco*: Herman Wobber, district manager, G. M. Ballentine, manager, J. Mealey, J. W. Flanagan, Al Laurice.

*Seattle*: Herndon Edmond, manager, J. W. Brooks, A. Gollofon, H. A. P. Frederick.

## *Ready for Fox Meeting*

**S. R. Kent**
President,
Fox Films

**John D. Clark**
General Manager,
Distribution

**W. C. Michel**
Executive
Vice-President

**Herman Wobber**
General Western
Representative

**Spyros Skouras**
Head of Fox
Theatres

**E. W. Hammons**
President of
Educational

**Jack Skirball**
Sales Manager,
Educational

**E. C. Grainger**
Eastern Division
Manager

**W. J. Kupper**
Western Division
Manager

**C. E. McCarthy**
Advertising, Publicity Director

Alice Faye, Fox player, arrives in New York today from Hollywood. She will attend the convention.

Having arrived by plane, James Dunn, Fox player, attended the McLarnin-Ross fight last night and will be present at the convention.

Carrying with him the first print of "The Cat's Paw," Harold Lloyd will arrive tomorrow.

## *Wanger Dickering?*

HOLLYWOOD, May 28.—Walter Wanger, until recently an associate producer at M-G-M, is dickering for a release through Fox, according to reports current here. He plans his own features and is now en route to Europe.

Efforts to reach S. R. Kent for a statement yesterday proved unavailing.

Comparisons will be made with "The Birth of a Nation" for spectacle and thrill . . . with "Smilin' Through" for tender romance. The talking screen's next BIG achievement is MARION DAVIES, GARY COOPER in Metro-Goldwyn-Mayer's hit "OPERATOR 13"

with JEAN PARKER . . . KATHARINE ALEXANDER . . . TED HEALY . . . THE FOUR MILLS BROTHERS . . . From the stories by Robert W. Chambers . . . Directed by Richard Boleslavsky . . . Produced by Lucien Hubbard . . . A Cosmopolitan Production

# No Change in View at Roxy Before Fall

(Continued from page 1)

be continued, it was stated authoritatively. Cullman reported a $40,000 loss after taxes for the last 22 weeks of operation. Attitude of the first mortgage bondholders is not to disturb the present operation, which also indicates Harry C. Arthur will continue his operating agreement with Cullman. The present receiver may be appointed trustee under the new bankruptcy law.

Continental Bank & Trust Co., holding 65 per cent of first mortgage bonds, or representing claims of $4,-$85,852.51, of which $3,595,208.37 is in first mortgage bonds and the balance interest due and other claims, presented its case without opposition. The original mortgage, entered into Oct. 22, 1925, was for $4,250,000.

Chase National Bank, original holders of $2,500,000 junior bonds, submitted claims and other data which brings its principal and interest due to June 20, 1932 to $1,715,040.20.

## *Report Trailer Use Down in Some Spots*

(Continued from page 1)

hibitors in many localities and is creating concern among trailer makers.

The trailer reduction tendency is spreading to the larger circuits and many houses operated by Skouras, M. E. Comerford and Harry Arthur now confine their advertising of coming attractions to a mere title and cast announcement by trailer and to lobby advertising. The policy has been in effect in Comerford houses in Pennsylvania for the past six months, it is learned.

The tendency appears to be confined to houses making a minimum of three changes weekly. In such theatres audience irritability on seeing the same trailer three or more times per week resulted in numerous complaints and, in some instances, in lost patronage, according to exhibitor reports. Patrons habitually attending each new program were said to be the most vigorous complainants.

## *George Daransoll Quits*

PITTSBURGH, May 28.—George Daransoll, for the last six months manager of Warners' Cameraphone in East Liberty, has resigned. His place is being filled temporarily by Ed Segal, assistant manager of Warners' Etna. No successor to Daransoll will be named until Harry Kalmine, zone manager, returns from Bermuda.

## *Pick First for Ostrow*

HOLLYWOOD, May 28.—Lou Ostrow's first for Universal will be "They Didn't Want Love," an original by Adele Buffington. Although the director has not been finally set, it is thought Richard Thorpe will get the job.

## *Mack Goes to Cincy U. A.*

CINCINNATI, May 28.—William A. V. Mack has been named manager of United Artists here, succeeding Sam Kramer, appointed last December.

# "Wives" and Lewis $4,800, Portland

PORTLAND, May 28.—"Merry Wives of Reno," helped by Ted Lewis and his stage show at Hamrick's Oriental, grossed $4,800, or $2,800 over normal.

"Viva Villa" at United Artists took $6,000, $1,000 over normal.

Total first run grosses were $25,100. Average is $23,000.

Estimated takings for the week ending May 26:

**"20 MILLION SWEETHEARTS" (F. N.)**
BROADWAY — (1,912), 25c-35c-40c, 7 days. **Gross:** $5,700. (Average, $6,000)

**"FINISHING SCHOOL" (Radio)**
**"HEAT LIGHTNING" (Warner)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $1,800. (Average, $3,000)

**"MERRY WIVES OF RENO" (Warner)**
HAMRICK'S ORIENTAL—(2,040), 35c-40c-55c. Stage: Ted Lewis and band, 7 days. **Gross:** $4,800. (Average, $2,000)

**"MURDER AT THE VANITIES" (Para.)**
**"THE PARTY'S OVER" (Col.)**
PARAMOUNT—(3,008), 25c-35c-40c, 8 days. **Gross:** $5,000. (Average, $5,000)

**"WINE, WOMEN & SONG" (Chadwick)**
PANTAGES—(1,700), 15c-25c, 7 days. Stage Show. **Gross:** $1,800. (Average, $2,000)

**"VIVA VILLA" (M-G-M)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

## *Twelvetrees-Woods Busy*

HOLLYWOOD, May 28.—Fox is at work on "She Was a Lady" at Bridgeport, Cal. Helen Twelvetrees and Donald Woods, recently borrowed from Warners, are in the top spots. New additions to the cast are Paul Harvey, Barbara Weeks and Ann Howard. Hamilton MacFadden is directing.

## *Gets "Heldorado"*

HOLLYWOOD, May 28.—Irving Cummings has been set for the directorial post on Jesse L. Lasky's "Heldorado" for Fox. Frank Dazey did the original. Spencer Tracy has been written in for the lead spot. Cummings directed "Grand Canary" recently for Lasky.

## *Kahn Joins Fox*

Gus Kahn, song writer, has been signed by Fox to write lyrics for compositions by Werner Richard Heymann which will be incorporated in "Caravan," which Erik Charell is directing.

## *Two Writers Signed*

HOLLYWOOD, May 28.—Lynn Starling has signed to script "Serenade" for Fox.

Rose Franken, author of "Another Language," will write the script of "The State vs. Elinor Norton."

## *Simons, Mayer Upped*

BOSTON, May 28.—Matty Simons of the Fox booking department has been promoted to salesman. Charles Mayer of the company's home office has been given a new post in charge of prints here.

## *Borrow Harvey's Lead*

HOLLYWOOD, May 28.—Having tested every available actor on their lot for Lilian Harvey's next picture, "Serenade," Fox will borrow a leading man from another studio.

## *'Chandu,' O'Brien's First*

Hollywood, May 28.—"Chandu," will be George O'Brien's first for Fox, Sol Lesser producing.

# "Change of Heart" Indianapolis Hit

INDIANAPOLIS, May 28.—"Change of Heart" was the big surprise of the week here. It ran up to $5,000 at the Apollo, just 100 per cent over normal.

Business was generally good. "Murder at the Vanities" was $1,000 up to $3,500 in the Circle, and "Manhattan Melodrama" ran $1,000 over average with $5,500 at the Palace.

Total first run business was $24,600. Average is $16,500 without the Indiana.

Estimated takings for the week ending May 26:

**"CHANGE OF HEART" (Fox)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $5,000. (Average, $2,500)

**"MURDER AT THE VANITIES" (Para.)**
CIRCLE—(2,800), 20c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

**"FINISHING SCHOOL" (Radio)**
**"SISTERS UNDER THE SKIN" (Col.)**
INDIANA — (3,100), 20c-40c, 7 days. **Gross:** $3,000.

**"THE BLACK CAT" (Univ.)**
LYRIC—(2,000), 20c-40c, 7 days. Vaudeville. **Gross:** $6,000. (Average, $6,000)

**"MANHATTAN MELODRAMA" (M-G-M)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500)

## *N. O. Grosses Decline*

NEW ORLEANS, May 28.—Grosses at downtown theatres have steadily declined since the *Item*, evening newspaper, inaugurated the star system, while a corresponding increase has developed in the suburban houses. As the Loop houses have lost patronage, lineage has also decreased in the daily papers.

## *May End Portland Board*

PORTLAND, May 28.—Mayor Joe Carson for some time past has been considering elimination of the censor board. He has directed the city attorney to prepare an ordinance to eliminate the board. Later he may ask some of the censors in as an advisory board.

## *Sally Sandlin a Writer*

HOLLYWOOD, May 28.—Sally Sandlin, former secretary to Robert Yost, has been elevated to the position of writer at Fox. Her first assignment will be collaborating with Lynn Starling on Lilian Harvey's next, "Serenade."

## *Charter Saga Theatres*

DOVER, May 28.—Saga Theatre Corp. has been chartered to operate theatres, music halls, etc., listing capital stock of 10 shares, no par values. The incorporators are Joseph H. Courtney, Walter W. Gross, and J. D. Wagoner of New York.

## *Roach Gets Fred Toone*

HOLLYWOOD, May 28.—Hal Roach has signed Fred Toone, colored actor, better known as "Snowflake," to a long term contract. He will be featured along the same lines as Stepin Fetchit.

## *Addison Heading Tent*

CLEVELAND, May 28.—Variety Club has eliminated weekly meetings until fall. H. M. Additon, Loew division manager, vice-president, is acting president, following the resignation of J. E. Fontaine.

# "Rothschild" Big Draw in Twin Cities

MINNEAPOLIS, May 28.—Taking another $5,000, "The House of Rothschild" went into its third week at the Minneapolis Century while opening with $7,500 at the St. Paul Paramount.

Minneapolis' six first runs, which should average around $26,000 with the Century included, made it $28,500, while St. Paul's five, usually getting $16,000, took $19,500.

Estimated takings:

***Minneapolis:***
***Week Ending May 24:***

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
CENTURY—(1,650), 25c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $4,000)

**"THE TRUMPET BLOWS" (Para.)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

**"STAND UP AND CHEER" (Fox)**
MINNESOTA—(4,000), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,500)

***Week Ending May 25:***

**"STINGAREE" (Radio)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"THIRTY DAY PRINCESS" (Para.)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

**"I WAS A SPY" (Fox)**
WORLD—(400), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000)

***St. Paul:***
***Week Ending May 25:***

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $7,500. (Average, $5,500)

**"THIRTY DAY PRINCESS" (Para.)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

**"STINGAREE" (Radio)**
RKO ORPHEUM—(2,600), 20c-40c, 4 days. Gross: $2,500. (Average for week, $4,000)

**"FORGOTTEN MEN" (First Division)**
RKO ORPHEUM—(2,600), 20c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)

**"LAUGHING BOY" (M-G-M)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

**"SWEDEN, THE LAND OF THE VIKING" (Foreign)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000)

## *Cincy Court Refuses Injunction to Union*

CINCINNATI, May 28.—Judge Nelson Schwab, in Common Pleas Court, has refused to grant an injunction to Operators' Local 327, which sought to enjoin the Sound Projectionists' Union of America, a local organization, from further operations here.

The suit was based on claims that the defendant organization was not a bona fide union; that it had resorted to unfair tactics to mislead employers and the public; caused stench bombs to be placed in theatres employing plaintiff's operators, and violated the code by working for less money and longer hours than prescribed.

The court ruled that the evidence adduced did not substantiate plaintiff's claims, and that the real controversy appeared to be over the scale of wages, which defendants had expressed a willingness to arbitrate.

## *Va. Bars Nudist Films*

RICHMOND, May 28.—"Elysia" and "Children of the Sun," both nudist films, have been barred by the Virginia censors, and word has been sent out that no licenses will be granted any films of this type.

# "This Man" Is Philly Lead; Raft on Stage

PHILADELPHIA, May 28. — With George Raft in person and "This Man is Mine" on the screen, the Earle led the totals last week with $18,000, over par by $6,000.

"Manhattan Melodrama" took a nice $13,000 in seven days at the Stanley.

"House of Rothschild" held up well with $8,500 and is now in its fifth week and may go a sixth. Other holdovers, "Sadie McKee" and "Stand Up and Cheer" held up well, though the week's total slumped under recent weeks.

Total grosses were $69,800. Average is $65,800.

Estimated takings for the week ending May 24:

**"HOUSE OF ROTHSCHILD" (U. A.)**
ALDINE—(1,300), 40c-55c-65c, 6 days, 4th week. **Gross:** $8,500. (Average, $7,000.)

**"WHARF ANGEL" (Para.)**
(2nd run)
ARCADIA—(600), 25c-40c-50c, 5 days. **Gross:** $1,200. (Average, 6 days, $2,400.)

**"SADIE McKEE" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 5 days, 2nd week. **Gross:** $9,000. (Average, 6 days, $12,000.)

**"THIS MAN IS MINE" (Radio)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: George Raft, Stuart and Lash, Hollywood Revels. **Gross:** $18,000. (Average, $12,000.)

**"STAND UP AND CHEER" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days, 2nd week. Stage show with Bob Hall, "Stars of Tomorrow," "Popeye, the Sailor." **Gross:** $13,000. (Average, $12,000.)

**"GLAMOUR" (Univ.)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,900. (Average, $3,500.)

**"MANHATTAN MELODRAMA" (M-G-M)**
STANLEY—(3,700), 40c-55c-65c, 7 days. **Gross:** $13,000. (Average, 6 days, $12,000.)

**"THE WITCHING HOUR" (Para.)**
STANTON—(1,700), 30c-40c-55c, 5 days. **Gross:** $4,200. (Average, 6 days, $7,000.)

# "Gambling Lady" on Dual Buffalo Top

BUFFALO, May 28. — "Gambling Lady" and "Manhattan Love Song" was the best draw of the week here. It ran the Lafayette take $1,400 over par for a total of $7,900.

The only other good grosser was "The House of Rothschild" which reached $8,500 in its second week at the Hippodrome. Business elsewhere was off.

Total first run business was $37,500. Normal is $36,300.

Estimated takings for the week ending May 25:

**"SADIE McKEE" (M-G-M)**
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Hal Sherman, Eunice Healy, Poet Prince (Anthony Frome), Picchiani Troupe. **Gross:** $14,300. (Average, $15,000.)

**"COME ON, MARINES" (Para.)**
**"SING AND LIKE IT" (Radio)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,000. (Average, $6,000.)

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
HIPPODROME—(2,100), 25c-40c, 7 days, 2nd week. **Gross:** $8,500. (Average, $8,000.)

**"THUNDER OVER MEXICO" (Principal)**
**"YOU MADE ME LOVE YOU" (Majestic)**
HOLLYWOOD—(300), 25c-40c, 7 days, 2nd week. **Gross:** $800. (Average, $800.)

**"GAMBLING LADY" (Warners)**
**"MANHATTAN LOVE SONG" (Monogram)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,900. (Average, $6,500.)

# *Looking 'Em Over*

## *"Born to Be Bad"*

*(20th Century-United Artists)*

Story unrealities and a lagging treatment make "Born to Be Bad" a mediocre effort. As it nears its climax, the attraction gains momentum and ends with what is its highest point emotionally and it's good. Unfortunate, however, is the fact that this takes so much footage to reach.

The story is pretty much the life yarn of Loretta Young, attractive mother of a young uncontrollable, Jack Kelk, offspring out of wedlock. Thrown around by life, the mother, as the picture opens, makes her living by entertaining out-of-town buyers even when they have "ideas." Having little time to train the youngster, he drifts along, reflecting the lack of conduct and morals which motivate Miss Young's existence.

When the boy is injured by a truck, a conniving lawyer goes into collusion with her in an attempt to extort damages from Cary Grant's dairy firm. Motion pictures taken after the accident show up the fake, result in Jackie being removed to an orphan asylum and his subsequent adoption by Grant.

Still not content, Miss Young makes efforts to regain the boy and invades the Grant household, goes into an affair with Grant under his own roof and with his wife a few steps down the corridor. Shown up in exacting colors which reflect the "Born to Be Bad" title, Miss Young eventually realizes the errors of her way, bows out of the picture and returns to the befriending bookshop where the child was born. Lowell Sherman directed. Running time, 61 minutes.

## *"The Woman in Command"*

*(Gaumont British)*

Grand fun from beginning to end is this Gainsborough production. In its chief roles it has Cicely Courtneidge and our own Edward Everett Horton. The duo make a hilarious combination. Besides a succession of uproarious comedy antics, the film offers some pleasing musical interludes, fine settings and first-rate photography.

As the film opens Miss Courtneidge is being crowned as her aged mother's successor as "queen" of a highly popular British variety family known as the Marvellos. Horton, stage manager of the troupe, is hopelessly in love with her until, almost at the close of the film, she responds to his dogged devotion to her. As "queen" Miss Courtneidge must give orders and see to it that every member of the company does his duty and honors the Marvello tradition, a tradition which is defied by the youngest of them, a slip of a girl, who falls so deeply in love with Anthony Bushell, a young officer, that in her eyes nothing else in the world matters.

Cicely, treasuring the memory of a youthful romance of her own with a soldier, decides that the young girl shall not be deprived of happiness as she was when she forced duty to the Marvello name to triumph over love. So she fixes things for the young lovers, and gives herself a break by accepting the advances of Horton.

The acting is good. Maurice Elvey directed. Running time, 70 minutes.

## *"S. A. Mann Brand"*

*(Tobis-Bavarian Films)*

This is a pro-Nazi preachment and, with German dialogue and no English sub-titles, its appeal as entertainment obviously is limited. The weight of its propaganda is somewhat lightened by flashes of homely humor and the production as a whole is aided by good photography and some good performances. These factors should make it of interest in strongly German neighborhoods where Nazism interests.

The story opens in pre-Hitler Germany, with the Nazi party still in the process of formation. Fritz Brand, member of a Nazi organization in a strongly Communistic neighborhood, is saved from murder by the daughter of the Communist organization's leader. He is alienated from his father, a Marxist follower; is fired from his job by Communist influence and undergoes a number of other persecutions in order to demonstrate the struggle between the National Socialist party and Communists in Germany. The Hitler ideal of German womanhood and youth is supplied by a war widow and her son who undergo poverty and tragedy at the hands of the Reds for the new Germany. The two are friends and neighbors of Brand's. With the election of Hitler their troubles are ended and a new era dawns in Germany. Brand and the Communist's daughter, now a convert to National Socialism, are reunited.

The audience at which the picture was caught was entirely German and gave every indication of enjoying "S. A. Mann Brand." Running time, 90 minutes.

*(Additional reviews on page 10)*

# "Villa" Under Church's Ban Leads Detroit

DETROIT, May 28.—Despite the fact that "Viva Villa" was one of the "not recommended" for the 350,000 Catholics who signed the "pledge" backed by Michigan Catholics, the Michigan was the one bright spot last week. The $25,000 take was $5,000 up.

United Artists worried along with "The House of Rothschild" in its third and last week and took $7,800. The Fisher, playing "Private Scandal," was away off. The Fox with "Stingaree" and Hal Leroy topping the stage end, ran the Michigan a good second.

Total for the week was $56,400 against $59,600 last week and an average of $55,000.

Estimated takings for the week ending May 24:

**"PRIVATE SCANDAL" (Para.)**
FISHER—(2,975), 15c-40c, 7 days. **Gross:** $5,600. (Average, $10,000.)

**"STINGAREE" (Radio)**
FOX—(5,100), 15c-50c, 7 days. Stage: Hal Leroy. **Gross:** $18,600. (Average, $15,000.)

**"VIVA VILLA" (M-G-M)**
MICHIGAN—(4,100), 15c-50c, 7 days. Stage: Cliff (Ukelele Ike) Edwards and show. **Gross:** $25,000. (Average, $20,000.)

**"THE HOUSE OF ROTHSCHILD" (U. A.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $7,800. (Average, $10,000.)

# "Melodrama" with "Lady" Omaha Top

OMAHA, May 28.—"Manhattan Melodrama" and "Uncertain Lady," on a dual bill, took top honors here last week, going to $8,500 at the Orpheum. This is $500 up.

"Viva Villa" at the Paramount was good for $7,200, nearly $1,000 better than last week. The Paramount did the unusual in holding over "Big Bad Wolf" for a second week, and so successful was the move that the Tri-States circuit will duplicate in all its 23 houses.

"I'll Tell the World" slumped at the start, chiefly due to a week-end heat wave. It was picking up as the run closed, but not enough, leaving the house about $3,500, quite a bit below average.

"Stingaree" and "The Crime Doctor," at the Brandeis, were disappointing and were withdrawn after six days, claiming a gross of $3,500. The management says a cooling system, latest in the field, will be functioning about June 1.

Total first run business was $22,700. Average is $22,500.

Estimated takings:

***Week Ending May 23:***

**"VIVA VILLA!" (M-G-M)**
PARAMOUNT — (2,900), 25c-35c-40c, 7 days. **Gross:** $7,200. (Average, $6,750)

***Week Ending May 24:***

**"STINGAREE" (Radio)**
**"THE CRIME DOCTOR" (Radio)**
BRANDEIS—(1,500), 25c-35c, 6 days. **Gross:** $3,500. (Average, $4,000)

**"MANHATTAN MELODRAMA" (M-G-M)**
**"UNCERTAIN LADY" (Univ.)**
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $8,500. (Average, $8,000)

**"I'LL TELL THE WORLD" (Univ.)**
**"ALL MEN ARE ENEMIES" (Fox)**
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $3,500. (Average, $4,000)

So-o-o-

# "BABY, TAKE A BOW"

*with*

**SHIRLEY TEMPLE**

**JAMES DUNN**

**CLAIRE TREVOR**

**ALAN DINEHART**

*Produced by*
JOHN STONE

*Directed by*
HARRY LACHMAN

*Boys: Be sure to get this one!*

S. R. KENT

FOX

## Coast Production Falls Off in Week

HOLLYWOOD, May 28.—Production for the week ending May 26 showed a decided decline below the preceding week with a total of 34 features and 13 shorts in work as compared to 38 features and 12 shorts in work the previous week.

There are 24 features in the final stages of preparation scheduled to get into work within the next two weeks, while the cutting rooms are more or less congested with a total of 44. Shorts register a total of 17 preparing and 20 editing.

M-G-M continues to lead the field with eight features in work, two preparing and 10 editing. Paramount reports seven, four and three; Fox, three, three and four; Warners, three, five and six; Columbia, three, two and six; Universal, three, one and zero; Radio, zero, four and 10, while independents have a total of seven, three and five.

In the short subject field M-G-M reports a total of three working, five preparing and three editing. Roach has two, three and three; Universal, one, zero and zero; Columbia, one, two and one; Warners, one, zero and one; Radio, zero, one and seven, while the independents report five, six and five.

## *Dual Ban in Pacts Reaches Phila. Court*

PHILADELPHIA, May 28.—The right of producers to ban duals in contracts was challenged in a petition filed in U. S. District Court here by Harry Perelman, independent theatre owner of West Allegheny and Lehigh, asking nullification of his contract with Warners and eight affiliates carrying clauses prohibiting him from double featuring. In his petition he also names other major distributors. Date for argument is to be set later.

Ben Golder, Perelman's legal representative, issued a statement announcing the formation of a group known as the Independent Exhibitors' Protective Ass'n. to safeguard the interests of its members. The statement also attacks the Hays organization and claims violation of the anti-trust laws.

The new organization is composed of some M. P. T. O. members and is said to have about 40 members, mostly from this city. Perelman is active in the new body.

## *10 Per Cent Tax for Ky.*

FRANKFORT, May 28.—A 10 per cent admission tax has been introduced in the special session of the Kentucky legislature among new revenue measures introduced following the defeat last week of the proposed three per cent general sales tax. Action on the admission tax measure is expected within the next few days.

## *Cobb Short Out Soon*

Irvin S. Cobb's first short for Hal Roach will be released on M-G-M's current schedule.

## *Roxy Team Licks Rivoli*

The Roxy baseball team yesterday downed the Rivoli nine by 17-7.

# *Looking 'Em Over*

## *"Sorrell and Son"*

*(B. & D.-United Artists)*

Well acted and nicely mounted and photographed, "Sorrell and Son" proves only mildly entertaining. The story has a quiet dignity that many probably will enjoy, but some audiences may find it slow-paced and somewhat depressing. The years of Sorrell's struggles and labor to attain advantages for his son are unrelieved by humor of any kind and, despite his ultimate success and that of the son, the picture retains a heavy flavor.

Capt. Sorrell, played by H. B. Warner, at the close of the World War, returns to London, marries and begins a search for employment. Unsuccessful except for temporary jobs now and then, Sorrell's bride tires of their poverty and leaves him with their son. Driven by his love for the boy, Sorrell eventually accepts the only available work, that of handy man in a small town cafe. A patron of the place, an inn keeper, later makes Sorrell assistant porter.

Sorrell's son, Kit, played by Hugh Williams, chooses surgery for his profession. To put the boy through school, Sorrell works the harder, eventually to become the partner of the inn keeper. Kit succeeds in his profession, wins the girl whom he loved as a student, but is called home from his moneymoon by the final illness of his father, on whom hard work and the years have taken their toll. Despite the surgical skill of the son, he is unable to save Sorrell's life.

The performances of Warner and Williams are understanding. Others in the cast, mostly unknown here, are good in less important roles. Running time, 81 minutes.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Personality Kid"*

*(Warners)*

HOLLYWOOD, May 28.—Pat O'Brien, as a pugilist, and Glenda Farrell, as his wife and manager, project the human drama behind the fight racket in this. The production emphasizes, and strives to stress the emotional, rather than the physical, elements of pugilism.

Because of his personality in the ring and his showmanship, O'Brien's backers, Robert Gleckler and Henry O'Neill, "frame" fights in order that O'Brien's personal drawing power might be crowned with victories. Eventually, however, this leads to his being barred from the ring. He becomes estranged from Miss Farrell and is spurned by Claire Dodd, a society artist. On the slide, he receives an offer to "throw" a fight, but refuses when he hears that his wife is about to have a baby. He borrows $5 from his backers, buys a basketful of groceries, goes into the fight, crosses his opponent and wins. The baby is born and, while the newspapers herald his comeback, he is reconciled to his wife in the hospital for a happy ending.

Miss Dodd, Thomas Jackson, a reporter; Clarence Muse, a colored trainer, and Gleckler, support nicely. Alan Crosland directed, from a story by Gene Towne and Graham Baker, scenarized by F. Hugh Herbert and Erwin Gelsey. Adapted by David Boehm.

It should appeal to those who like prizefight films with a human undercurrent.

**Local and state censorship may vary running time in different sections of the country. Running time, as published herewith, is clocked on the basis of the product as caught by *Motion Picture Daily* reviewers, east and west.**

## *Flash Review*

*High School Girl* . . . one of the best modern youth films yet screened. . . .

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## *M-G-M Lets Joyce Go*

HOLLYWOOD, May 28.—M-G-M has passed up its option on Alice Joyce, who may join Paramount.

## *Schlesinger Visiting*

HOLLYWOOD, May 28.—Morris S. Schlesinger, owner of two large theatres in Newark, N. J., is here visiting his brother, Leon, animated cartoon producer.

## *Cantor in Frisco Friday*

SAN FRANCISCO, May 28.—Eddie Cantor will start a week of personal appearances at the Orpheum here Friday. He will receive 50 per cent of the take.

## "Rothschild" Goes Big in Providence

PROVIDENCE, May 28.—Most of the heavy sugar in town was collected by Loew's State with the smash hit, "The House of Rothschild," which brought in $16,000 in a week which was only so-so for most of the houses. Fay's managed to crack out an average week but other houses were below par.

For some reason or other "Stand Up and Cheer" did only $5,000 at the Majestic, although those who saw the picture were loud in their praise.

Total first run business was $36,500. Average is $40,500.

Estimated takings for the week ending May 24:

**"HOUSE OF ROTHSCHILD" (U. A.)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Three Swifts. **Gross:** $16,000. (Average, $12,000.)

**"WITCHING HOUR" (Para.)**
**"MANHATTAN LOVE SONG" (Monogram)**
PARAMOUNT—(2,300), 15c-40c, 6 days. **Gross:** $3,500. (Average, $6,500.)

**"STAND UP AND CHEER" (Fox)**
**"THE MORNING AFTER" (Univ.)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000.)

**"A MODERN HERO" (Warners)**
FAY'S—(1,600), 15c-40c, 7 days. Stage: Cotton Club Revue. **Gross:** $7,000. (Average, $7,000.)

**"STINGAREE" (Radio)**
**"THE PARTY'S OVER" (Col.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $4,000. (Average, $7,000.)

**"HELL BENT FOR LOVE" (Col.)**
**"MARRIAGE ON APPROVAL" (Monogram)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000.)

## *"Miss Marker" Gets $35,000, Paramount*

"Little Miss Marker," with Dave Appollon and his revue on the stage, were good for $35,000 at the Paramount last week.

"Murder at the Vanities" had a fair $19,500 at the Rivoli.

Estimated takings:

GAIETY—"Beyond Bengal" (Showmen's Pictures)—$7,226.

PARAMOUNT—"Little Miss Marker" (Para.) and Dave Appollon Revue on stage—$35,000.

RIALTO—"Crime Doctor" (Radio)—2nd week, 8 days—$8,200.

RIVOLI—"Murder at the Vanities" (Para.)—$19,500.

## *Rothacker in Hollywood*

HOLLYWOOD, May 28.—Watterson Rothacker arrived here today to advance independent production plans and will make his headquarters at the General Service Studios, starting Thursday. He expects to announce definite plans within a fortnight. While he denies he is making any deal with Richard Barthelmess at the moment, he says an understanding with the actor may not be impossible.

## *Edwin C. Hill at Ampa*

Edwin C. Hill, who has been signed as the globe trotter for the new Hearst Metrotone Newsreel, is coming down from Maine on Thursday to be the principal guest of the Ampa. Johnny Weissmuller is also slated for the luncheon. He is expected from the coast tomorrow night.

## *Tupper Turns Editor*

HOLLYWOOD, May 28.—Tristram Tupper, Monogram scenario chief and secretary of the Screen Writers' Guild, will edit the new guild monthly magazine. Associate editors are Brian Marlowe, Joel Sayre and Wilfred McDonald.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 126 NEW YORK, THURSDAY, MAY 31, 1934 TEN CENTS

## Fox Lists 43 Of 58 Total For 1934-35

### *To Name Others Later—11 Musicals Planned*

Planning 58, a record in features for the company, Fox yesterday listed 43 vehicles of the projected total by name, declared data on the remaining 15 will be divulged later and pointed out 11 of its program for 1934-35 will be musicals.

Stories, casts and production plans for the 43 will be one of the highlights of the company's annual sales convention which got under way at the Waldorf yesterday with approximately 250 Fox men from all over the United States and Canada in attendance.

As far as it went, the product announcement listed Janet Gaynor in one starring vehicle and as one of the lead in "One More Spring" which

(*Continued on page* 10)

### *McLeod Tests Clean Picture Sentiment*

New Orleans, May 30.—In order to test the agitation about shady films Harry McLeod, St. Charles manager, has booked "No Greater Glory," which at a preview was approved by 60 women representing organizations having a membership of 20,000.

McLeod said: "Now, we'll see if the public really wants clean films, or if it is the spicier ones that bring in ticket buyers."

### *Washington Women Join Film Boycott*

Washington, May 30.—More than 7,000 Catholic women, members of the Washington Legion of Decency, will pledge themselves not to attend theatres where so-called unclean pictures are shown as part of the nationwide drive being conducted by the church.

Plans for the campaign were worked out earlier this week and the boycott will begin within two weeks, it was stated.

### *More Aid for Allied Production Plan Seen*

Additional independent exhibitor support for Allied States' proposal to sponsor a production list next season was indicated following a meeting of exhibitor representatives from eight eastern states on Tuesday at the Hotel Astor, at which plans for a three-point

(*Continued on page* 3)

### *"Clean-Cut Stories"*

**Highlight of its program for 1934-35 is "a distinct tendency toward clean-cut stories which shoot straight to heart and home and an increased use of music," Fox informed its conventioneers, who went into the first of a three-day sales convention at the Waldorf yesterday.**

## Lawyer Stirs Noisy Debate Before Board

Fireworks started quickly Tuesday before the New York clearance board with Benjamin Rich, attorney for Springer & Cocalis, precipitating a free-for-all when the board tried to quiet him.

Having unsuccessfuly challenged Louis Geller, independent board member, as being prejudiced last week, Rich again challenged the exhibitor as the complaint of Harmon Yaffa,

(*Continued on page* 3)

### *Denver Board Rules Out Two-For-Ones*

Denver, May 30.—Three cases involving reduced admissions have been decided in favor of the plaintiffs by the local grievance board.

Tom Sullivan, Gothic Theatre, Englewood, Col., has been ordered to stop two-for-ones. The complainant was Fred Lind, Grand Theatre, Littleton, Col. The Rex, Rapid City, S. D., was defendant in a similar complaint, which was brought by the Elks Theatre in the same city. The Elks also won a verdict against the State, also in Rapid City, on a charge of two-for-ones and throwaways.

## Radio Prizes Held Unfair To Theatres

### *Survey Shows 88 of Air Programs Have Offers*

That 88 national air programs offering free prizes constitute theatre competition as much as free studio broadcasts and use of film names is a conclusion reached by *Motion Picture Herald* in an article appearing today.

Discussions of the subject have been held by the film and radio Code Authorities and the latter has agreed to conduct a survey of radio advertisers, but only about 60 per cent of the latter have replied to date, according to the article. As a result this industry's

(*Continued on page* 3)

### *Suit Is Filed Here On "Mussolini" Deal*

Suit was filed in New York Supreme Court Tuesday by Abraham J. Gellinoff in behalf of Guido Orlando against Vincenzo Melocchi, Luigi de Giorgio and Fernando Villa, who

(*Continued on page* 3)

### *30 to 35 in Brandt Group Next Season*

Between 30 and 35 theatres will be operated and booked by Brandt Brothers by the next selling season, William Brandt states. The circuit now books and operates 24, the latest addition being the Tivoli, Brooklyn.

### *25c Scale Now Rules All K. C. First Runs*

Kansas City, May 30.—Prevailing prices at all first runs here became 25 cents today with the Fox Uptown's evening price cut to 40 cents to meet

(*Continued on page* 12)

## Film Leaders Oppose Rome Copyright Act

### *Passage Would Stir Up Litigation, Claim*

Washington, May 30.—Adherence to the Rome copyright convention without reservations designed to protect American authors would work havoc upon the film industry, members of the Senate Foreign Relations Committee were told yesterday by a number of those who appeared in opposition to the Luce bill.

Opposition to the legislation was also voiced by Senator Dill of Washington, who declared the matter properly should come before the Patents Committee, which has before it a considerable number of copyright bills. He pointed out that with the session near its end enactment would be impossible and the bills should be studied

(*Continued on page* 10)

### *Kuykendall to Give Work to Committees*

Committees to carry out the various resolutions adopted at the M.P.T.O.A. Los Angeles convention last month will be named by Ed Kuykendall, president, during his current stay here.

The committees are slated to begin work immediately after their appointment on M.P.T.O.A. plans for curbing double features, on bringing about admission increases, elimination of score

(*Continued on page* 3)

### *London Films Plans For Its Own Studio*

By BRUCE ALLAN

London, May 30.—London Films will establish itself in its own studios, probably at Elstree, on the expiration of its present studio lease next summer. Several sites and plans are under consideration and a decision on the move is due in the near future.

Financial interests associated with

(*Continued on page* 3)

### *Chesterfield Talks New 1st Div. Deal*

Chesterfield may become an exclusive independent producer for First Division when the latter completes its national exchange system. First Division now has 15 branches and plans five more within the next three months.

Preliminary discussions of the production deal have been started, but

(*Continued on page* 12)

## *Greek Brandy Licks Code*

**Chicago, May 30.—Something for the record was accomplished here when two cases involving four exhibitors before the grievance board wound up in a love fest of all parties. First, Joe Czigany, the Circle, Goshen, Ind., appeared to complain against the Jefferson, also in Goshen, operated by Jack Rose and Alex Manta, for running a thing called "Tango Nights," in which prizes were given away. Not fair and contrary to code, said Czigany. "Okay," said Manta, "we'll cut 'em out." Time, one minute and half.**

**Then appeared A. Robinson, the Lincoln, Goshen, versus the same Jack Rose and Alex Manta. Robinson's theatre was opened**

(*Continued on page* 3)

MOTION PICTURE DAILY
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*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Warners Reply Stock Tells Its Own Tale

Replying to the stockholder's suit filed by Mollie B. Levine in the New York Supreme Court last week, Warners on Tuesday issued the following statement:

"Mollie B. Levine has sued Warner Brothers Pictures, Inc., and various individuals. She alleges in her complaint that she has been a stockholder of the corporation since May, 1931. She is a holder of record of 25 shares of the common stock of the corporation, and this stock was transferred to her name on the corporate books on May 20, 1931, on which date the closing price of the Warner common stock on the New York Stock Exchange was 5. The range on the New York Stock Exchange for the month of May, 1931, was 8½ to 4¾. No other comment need be made."

## Greenthal in London

LONDON, May 30.—Monroe Greenthal, U.A. exploiteer, has arrived here to confer with Alexander Korda on a campaign for "The Private Life of Don Juan."

## J. S. Hummel Returns

Joseph S. Hummel, foreign sales manager for Warners, arrived yesterday on the *Champlain* from a two-month European trip.

## Phil Ryan Busy on Deal

Phil Ryan, who plans to produce at least one feature with Chic Sale, is in town working on his deal. He will work in Hollywood.

# Insiders' Outlook

FLYING the Fox Metropolitan banner are approximately 85 theatres. They represent a tidy sum of invested capital. But far and away the significance of that string is not the playing time it controls, nor the potential profits which may snuggle somewhere in its operation. Fox Metropolitan has many eyes cast in its direction these days because it may easily be the pivot around which will swing into being a considerably changed national picture. . . .

▼

The story has been told, in part. Because the Warners, who last season sold their 60 pictures to the Loew circuit in Greater New York presumably have been accorded only five "big halves" of the week—and that means those coveted Saturday and Sunday dates—the men who decide matters on 44th Street have determined to enter the richest territory in the United States with both feet. At least, this is the reason advanced in conservative circles for the interest which Warners are displaying in Fox Met and how it jumps. . . .

▼

The yarn now shifts to Broadway and 45th Street, where, on the seventh floor of Loew's State Building, sits Nick Schenck in an office that directs the affairs of Loew's and M-G-M. It has been many years now since even a threat to Loew's powerful position in the greater city has reared its head. With its 70-odd houses in the five boroughs, the Loew position through the years has continued unassailed by talk or action of invasion. Schenck, of course, wants it that way and, while he may not be in a position to check any moves hostile to his think tank, certainly he is in a position to fight back, tooth and nail. . . .

The Warners, it is common gossip, are set to make an attractive cash bid for Fox Met at the Federal court hearing set for June 20. So far as is known, the attitude of the bondholders' committee in charge of reorganization favors a renewal of the existing deal with the Skourases and Randforce, which means Sam Rinzler and Louis Frisch, on a plan which would take a longer period of time to work out. It is said for Schenck he is not interested in Fox Met except under one condition. That is, if the Warner cash bid proves attractive enough to grab those houses. In that event, Schenck is reported prepared to step in, ready to acquire Fox Met regardless of the price or the conditions. . . .

▼

Matters such as this are for the court to determine. Any other dope on what may happen consequently becomes speculation. Yet there isn't much that is speculative over what may develop if the Warner bid wins out. Loew will have a competitor. So will RKO and, out of that, pretty much anything may develop. It isn't likely that Schenck will sit on his haunches and or go into a rest period while the stronghold of his circuit nurtures interests hitherto active in other parts. . . .

▼

While Loew's and RKO have had their differences of opinion in the past, it is interesting, if not significant, to note that the circuits, both giants in New York, for years have evenly split the Paramount product. When Paramount some years ago contemplated building houses in sections where Loew theatres already happened to be, the move was stalled off by powwow and conference. The dope is both Loew and RKO understand each other on circuit operations in this town. That leads to conjecture over what might develop if a third factor, as powerful as the Warners, suddenly entered the setup. The ramifications could reach across the Hudson into the broad acres beyond. Very easily so. . . .

KANN

## Fox Off ⅜ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34⅝ | 34 | 34⅜ | ..... | 1,300 |
| Consolidated Film Industries | 3⅞ | 3⅞ | 3⅞ | + ¼ | 100 |
| Consolidated Film Industries, pfd | 16½ | 16½ | 16½ | ..... | 100 |
| Eastman Kodak | 96⅛ | 95 | 96⅛ | + ⅛ | 600 |
| Fox Film "A" | 15⅞ | 14⅝ | 14⅝ | — ⅜ | 1,300 |
| Loew's, Inc. | 32¼ | 31⅝ | 31⅞ | + ¼ | 7,400 |
| Paramount Publix, cts | 5⅛ | 4⅝ | 4¾ | ..... | 9,200 |
| Pathe Exchange | 2⅞ | 2¾ | 2⅞ | + ¼ | 800 |
| Pathe Exchange "A" | 22¾ | 22 | 22⅜ | ..... | 1,100 |
| RKO | 2⅞ | 2⅞ | 2⅞ | ..... | 100 |
| Warner Bros. | 6⅛ | 5⅞ | 5⅞ | — ⅛ | 2,400 |

## Trans Lux Drops ⅜ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10⅞ | 10⅜ | 10½ | ..... | 300 |
| Trans Lux | 1½ | 1½ | 1½ | — ⅜ | 700 |

## Paramount Publix Bonds Climb 1½

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 2 |
| Loew's 6s '41, ww deb rights | 99¾ | 99 | 99¾ | — ¼ | 7 |
| Paramount Broadway 5½s '51 | 45½ | 45½ | 45½ | ..... | 1 |
| Paramount F. L. 6s '47 | 53 | 53 | 53 | +1⅛ | 7 |
| Paramount Publix 5½s '50 | 53 | 52 | 53 | +1½ | 10 |
| Pathe 7s '37, ww | 97⅝ | 97⅝ | 97⅝ | +2⅝ | 5 |
| Warner Bros. 6s '39, wd | 60 | 59⅛ | 59½ | — ¼ | 21 |

# Purely Personal

HERBERT CRUIKSHANK shoved off for two months in Europe on the *President Roosevelt* yesterday accompanied by his son, LAWRENCE, who did so well at Yale where he is a junior that HERB has taken him back to Ireland where he was born. This was when CRUIKSHANK was American consul in that country. Dad will probably show the youngster a few things in that Gay Paree as well.

CHARLES BAILY, member of the Warner contract department, became the father of twins yesterday, a boy and a girl. He also became richer by $100 presented by the Warner Club, or 50 smackers for each arrival. It's a custom over on 44th St.

HELEN WESTLEY, who had a role in "The House of Rothschild," was interviewed over Station WOR last night by RADIE HARRIS.

SYDNEY HOWARD, British comedian, arrived yesterday on the *Europa*. He will leave soon for the coast with a Reliance contract.

NATE SPINGOLD, JACK COHN, ABE SCHNEIDER and ABE MONTAGUE made a Columbia foursome at the M. P. Club Tuesday.

PHIL RUBINOFF, brother and manager of DAVE, is in town from Hollywood to see his daughter, BARBARA FAITH, born during his absence.

AUSTIN C. KEOUGH, Paramount general counsel, returned from a two weeks' business trip to the coast yesterday.

LESLIE HOWARD will leave soon for London to play a role in "The Scarlet Pimpernel" for London Films.

AL JOLSON and RUBY KEELER leave the coast tomorrow on the *St. Helena* for New York, arriving about June 17.

EDWARD G. ROBINSON arrived from the coast yesterday for a brief vacation.

WILL H. HAYS brightening M. P. P. D. A. corridors in new, spring brown.

LEO ABRAMS, local Universal manager, operated on recently, has pleurisy.

A. H. SCHWARTZ has gone off on a fishing trip. Depend on him to come back with fish and a fish story.

SYLVIA SIDNEY arrives from Hollywood tomorrow for a short vacation.

AL MARGOLIES, formerly with Fox, has joined the U. A. publicity staff.

ESTHER MUIR arrived yesterday on the *Champlain* from a European trip.

E. B. HATRICK will be ready to leave for Europe this week-end.

JULES E. BRULATOUR chatting with friends in front of Loew's State.

MILT KUSELL plans to leave for Albany today.

# Lawyer Stirs Noisy Debate Before Board

(*Continued from page* 1)

operating the Gem and Majestic, was about to be heard. Former Senator George F. Thompson, impartial member and chairman of the session, again denied the request and this brought about a temporary flurry of excitement.

Without waiting for further remarks from the chair, Rich then challenged Thompson, contending that under the code the impartial man could not act on cases, could not be chairman and had no right to rule on requests. The attorney also stated that according to the code, the impartial man had no voting powers, except in a tie, and that he could not sit.

While Rich kept challenging and demanding what he called his rights under the code, board members tried to quiet him, but in vain. The attorney had employed a stenographer to record the proceedings and made it his business to drown out objections by Harry H. Thomas, who called him impertinent, and by Thompson.

Geller at this time told Rich he was not running the board and that he should obey the orders of the chair. Rich continued his demands, waving a copy of the code before the board, and asking whether he could bring in witnesses to try and prove that Geller was prejudiced against the defending circuit.

### Refuse to Answer Rich

Thompson and the board evaded the issue and refused to answer Rich on this question. The attorney, undaunted by objections, kept on making a recitation for the record until Thompson told him:

"I wish we had a sergeant-at-arms here. He could take care of you the way we want."

At another point Thompson, apparently annoyed by the secretary, typing on his silent machine, stated:

"Make all the remarks you want. It's your record and you can put anything you want into it. You can take it up Broadway, too, for all I care."

After a final declamation in which he said the action of the board was unethical and unfair, Rich withdrew as he did last week when he did not get anywhere on his objections against Geller. Thompson told him the board would decide the case and if he wanted to he could appeal before Code Authority.

With the withdrawal of Rich, his hired secretary became a problem. Most of the members were in favor of barring him from taking the minutes, but Louis Nizer, attorney for distributors, and I. Levenson, attorney for Vitagraph, entered into the breach by stating that as co-defendants they were entitled to have a record of the minutes and so took over the responsibility for the recorder.

Thompson then told the man to try and make his client behave, but the retort was: "I'm just a stenographer."

Springer & Cocalis, the defendants, have not signed the code.

Yaffa's complaint was that he was able to buy only 95 first runs for the Gem and Majestic. He charged collusion and conspiracy on the part of Springer & Cocalis and major exchanges in selling away from him. Last year, he claimed, he had 206 films for the two houses, but most of this product had been sold away from him.

Harry Suchman, counsel for Yaffa, examined William A. Landow and Samuel G. Bock, operators of the Heights, and tried to prove that Springer & Cocalis attempted to intimidate the exhibitors into selling out to S. & C. When this failed a price war followed, they claimed, affecting the entire neighborhood.

Decision on this and other cases heard will be rendered today.

## *Good Old NRA*

**Louis Weber, attorney for Skouras Theatres, says anything can happen during a code board hearing. Last week, while attending a case on behalf of his circuit, he became a father and didn't know it until the local board adjourned.**

## *Kuykendall to Give Work to Committees*

(*Continued from page* 1)

charges and block booking and on preparatory work for increasing cancellation privileges and revising labor provisions in the event of reopening of the code. Resolutions calling for work on all of these subjects were passed at the organization's last convention. The M.P.T.O.A. is championing a 15 per cent, instead of a 10 per cent code cancellation provision.

Kuykendall arrived here Tuesday from his Columbus, Miss., home and will be here for another week.

## *London Films Plans For Its Own Studio*

(*Continued from page* 1)

London Films recently acquired considerable acreage at Elstree and present indications are that a studio will be erected on the site for the company soon.

## *To Sell St. Louis Arena*

St. Louis, May 30.—U. S. District Judge Charles B. Davis has ordered the Arena placed on the auction block for the benefit of the bondholders of the National Exhibition Co., which operated the house, setting a minimum knockdown price of $500,000. Former Circuit Judge William H. Killoren will conduct the sale.

## *More Aid for Allied Production Plan Seen*

(*Continued from page* 1)

program for more advantageous terms on product were discussed.

The program will be worked out by a committee of five known as the "Independent Film Buyers' Protective Group" and composed of Lou Blumenthal, chairman; Dr. J. B. Fishman, John Benas, Edward Ansin and David Barrist. Harry Brandt and Sidney Samuelson, Allied official, acting in an ex-officio capacity, were named to cooperate with the committee, which was empowered to:

"1.—Explore all possible sources of new product, both American and British, with a view of lining up pictures that can be purchased on 'fair-play' terms.

"2.—Seek definite tieups with certain existing companies whereby additional product will be made available to independent theatres.

"3.—Organize and formulate protective measures against unfair rentals, percentages, preferred playing time, etc."

The committee is in temporary quarters at the offices of the I.T.O.A.

The meeting was held under the joint auspices of the I. T. O. A. and M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware. Both organizations have pledged Allied their support on the production venture in return for Allied support for their campaign of opposition to indicated new season sales policies, particularly those involving preferred playing time and percentage engagements.

Allied is scheduled to reveal details of its production venture to its exhibitor supporters following its national directors' meeting here, June 13 and 14.

"The campaign for 'fair-play' product buying," it was stated after the meeting, "will be carried throughout the country over the wires of the various press services so that the public at large may be kept informed on what the average independent theatre has to put up with in the purchasing of film. It will also serve to create public approval of the theatre owners' fight against extermination."

## *Para. Signs Ann Ronnell*

Hollywood, May 30.—Ann Ronnell, sister-in-law of Sol Rosenblatt, has been signed by Paramount to pen the music for "The Big Broadcast of 1934."

## *Zukor on Way East*

Hollywood, May 30.—Adolph Zukor is on his way to New York.

# Radio Prizes Held Unfair To Theatres

(*Continued from page* 1)

Code Authority is disposed to seek some method of hurrying action.

Film leaders regard the prizes as unfair competition in view of the fact that the industry code has provided means of restricting the practice in theatres by 75 per cent votes in localities.

The *Herald* quotes *Radio Art* as saying that radio advertisers are offering everything from powder puffs and cereals to model airplanes and dish towels; cash, trips to Chicago and New York with all expenses paid, automobiles, refrigerators and toothpaste.

## *Suit Is Filed Here On "Mussolini" Deal*

(*Continued from page* 1)

brought the film "Mussolini" to this country, for alleged breach of contract. Damages are fixed at $100,000.

Orlando claims he signed a contract to secure American distributors for the films and the defendants agreed to pay him eight per cent of the gross as well as to secure him an Italian government decoration and a position as head of an American subsidiary of the Luce Institute of Rome.

Under the terms of the agreement, Orlando alleges, he was to be paid even if he introduced, or caused to be introduced, anyone to the importers who subsequently secured a contract. Orlando says he introduced Frank Teller, and as a result an agreement was reached with Samuel Cummins and Jack Kortel for release of the film.

Samuel Cummins said Tuesday that he and Kortel were handling the film through a new company, Eureka, and were not parties to the suit.

## *Wide Talent Array Arranged for Ampa*

Final meeting of the Ampa at the M. P. Club today will assemble an array of well known figures in the sports and entertainment world. Expected are:

Barney Ross, new welterweight champion, squaring off with Benny Leonard and refereed by Jack Dempsey; Tony Canzoneri, Johnny Weissmuller, Leo Sexton, Olympic shotput champion; Alex Morrison, golf expert and Belle Baker. The following sports writers and announcers: Bill Corum, Graham McNamee, Sam Schnitzer, Joe Williams and Sam Taub. Others expected include Jim Londos and "Strangler" Lewis, wrestlers; Walter and Lester Spence, world's fastest swimming speed demons; Angelo Trulio, New York State handball champion; the "Great Maurice," French comedian; Chez Chase, pantomimist; Romolo Ribera, Spanish violinist; Three Neapolitans and Silvio Ricci, Metropolitan Opera tenor.

Bruce Gallup will be guest chairman. The business session slated for June 7 has been postponed until June 14 because of the *Film Daily* golf tournament. This will be a closed meeting and will terminate Ampa activities until September.

# *Greek Brandy Licks Code*

(*Continued from page* 1)

**after the buying season last year and he had been unable to get sufficient product. He told the board that he wanted to be sure this would not occur on 1934-35 programs.**

**While the board went into a huddle, Manta and Rose invited Czigany and Robinson into their office adjoining the code headquarters and broke the head off a bottle of Greek brandy. A couple of toasts and the quartet walked back into the code offices to learn that the board directed Messrs. Rose and Manta to see that Robinson was given a chance to buy sufficient product for the new season. Which was perfectly agreeable to Rose and Manta. So everybody shook hands and compliments were passed on the quality of the Greek brandy.**

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"DR. MONICA"
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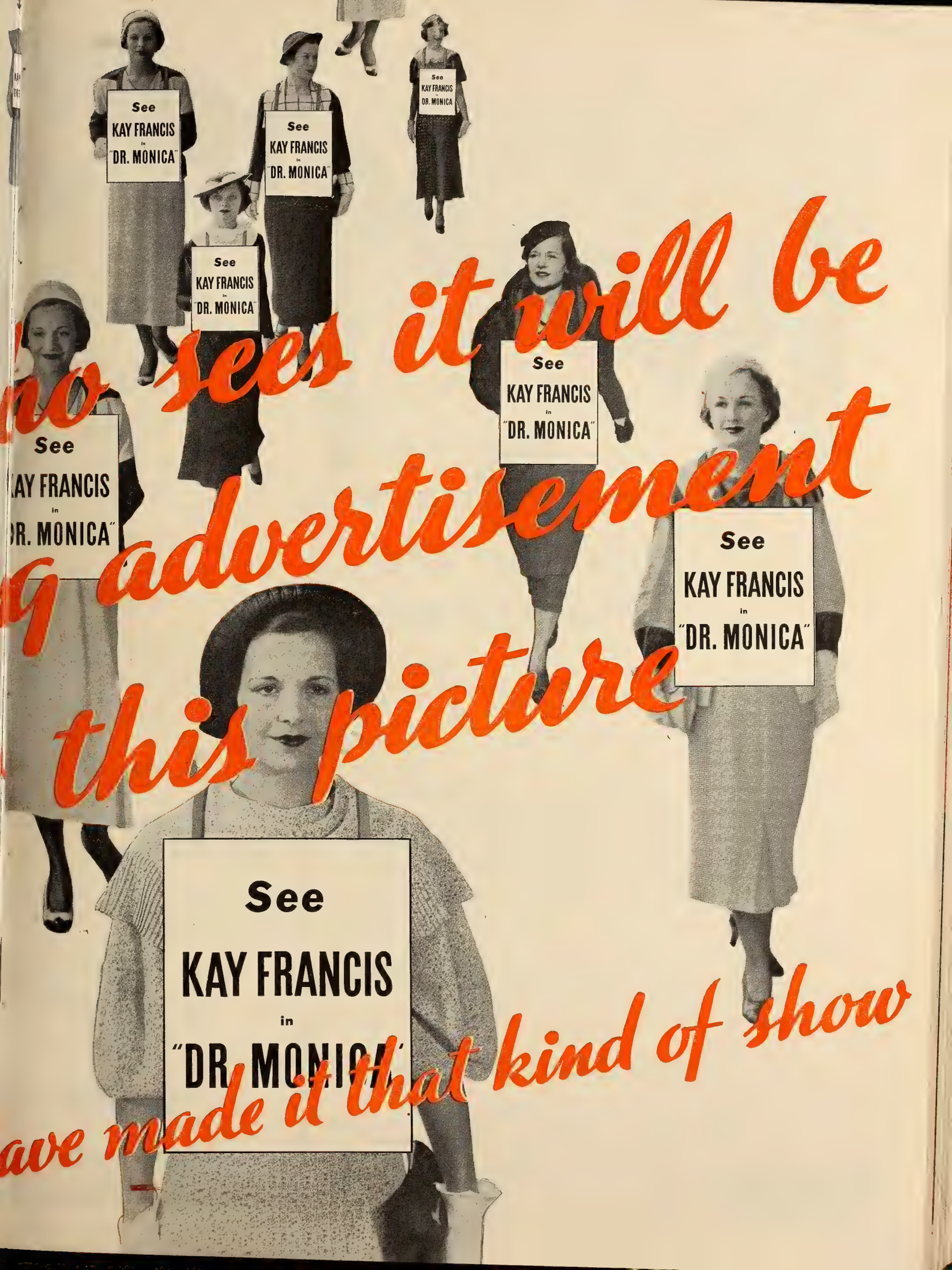
Warner Bros.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this picture
ave made it that kind of show

# Monogram

SHO

## This Year It's MONOGRAM

Monogram made promises last year and in every instance it has lived up to these promises 100%.

•

This year Monogram has increased its budget by a substantial sum and in the case of the big specials—"Keeper of the Bees" and "Girl of the Limberlost"—it is doubling and trebling the regular appropriation.

•

All pictures will have big star names, big-time production and real showmanship values.

•

Class A product for Class A houses.

•

Sign up for the Showmanship Group now—and March on with Monogram.

20 Exp

MILLION DOL

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ANNOUNCES THE

# WMANSHIP GROUP

# FOR 1934-1935

## ation Attractions—Each Pre-sold to the Public

**ABY . . .**
Santley's smart comedy hit

**SS . . .**
e story of the style world

**GER** (formerly "Dames and Dynamite")
ge Bertholon, with Robert Armstrong

**TED . . .**
rst's successful novel

**OOLMASTER . . .**
erican classic by Edw. Eggleston

**. . .**
e mystery novel by Harry S. Keeler

**MS . . .**
uthor of "Sweetheart of Sigma Chi"

er and newspaper serial success

**RECKLESS ROMEOS . . .**
By N. Brewster Morse, with Robert Armstrong

**MURDER IN THE STRATOSPHERE . . .**
A new thriller by Tristram Tupper

**GREAT GOD GOLD . . .**
Front Page News Comes to the Screen

**TOMORROW'S YOUTH . . .**
John Lauder's story of the next generation

**MYSTERIOUS MR. WONG . . .**
By Harry S. Keeler, with Lionel Atwill

**SUCCESSFUL FAILURE . . .**
By Michael Kane, Satevepost writer

**MYSTERY MAN . . .**
Satevepost story by Albert Payson Terhune

**CHEERS OF THE CROWD . . .**
Drama of sport world by Tristram Tupper

## specials made at a huge increase in production costs

n Porter's Book Smash
**OF THE BEES**
0,000 copies sold

**FARM** The Broadway stage hit by J. C. Brownell

Gene Stratton Porter's Wonder Novel
**GIRL OF THE LIMBERLOST**
over 1,750,000 copies sold

**THE HEALER** The Best-Seller by Robert Herrick

**AM EXCHANGES TO SERVE YOU!**

YOU KNOW

IT'S THE GAYEST FILM OF THIS SEASON! TELL YOUR PUBLIC!

# A DETECTIVE'S WIFE LEADS A MERRY LIFE!

The gayest couple you've ever met are Mr. and Mrs. Nick Charles, stepping nonchalantly out of Dashiell Hammett's delightful mystery novel. It's good news that every racy, thrilling, tingling episode of "The Thin Man" has been filmed in the merriest Metro-Goldwyn-Mayer manner!

*Three men liked Julia...she had appeal! Why was that clenched fist forced open? Nick and his pretty wife were on vacation when the Thin Man disappears... Nick is the boy to find him!*

This book is a joy on the screen!

ALEXANDER WOOLLCOTT says: "It's the best detective story yet written in America!"

WILLIAM **POWELL** MYRNA **LOY**

IN

## *The* THIN MAN"

with **MAUREEN O'SULLIVAN**

NAT PENDLETON · MINNA GOMBELL

Directed by W. S. VAN DYKE • Produced by HUNT STROMBERG

*A Metro-Goldwyn-Mayer-Cosmopolitan Production*

**NEWSPAPER ADS ON THIS PAGE ARE REPRODUCED FROM "THIN MAN" PRESS BOOK**

LEO MARCHES ON!

THE BEST NEWS of the film year is the arrival on the screen of "The Thin Man"... Dashiell Hammett's greatest mystery novel comes to life...breathless with excitement, packed with laughs and tense moments. No wonder Alexander Woollcott said: "*The best detective story yet written in America.*" And what a marvelous movie they've made of it!

# WHY DID THE LADIES READ THIS STORY?

When you meet that happy-go-lucky couple Mr. and Mrs. Nick Charles on the screen you'll know why thousands of women picked Dashiell Hammett's "The Thin Man" as their favorite romantic fiction of the year! Thank M-G-M for capturing every bit of its exciting merriment for the grandest film entertainment of this season!

**PLEASE!** After you have seen "The Thin Man" kindly do not divulge the solution to your friends... the baffling mystery will add to their enjoyment.

William **POWELL** Myrna **LOY**

IN

## *The* THIN MAN

with **MAUREEN O'SULLIVAN**

NAT PENDLETON · MINNA GOMBELL

Directed by W. S. VAN DYKE • Produced by HUNT STROMBERG

*A Metro-Goldwyn-Mayer-Cosmopolitan Production*

*ALEXANDER WOOLLCOTT, SINCLAIR LEWIS and others chose "The Thin Man" as their favorite mystery novel. We predict you'll describe it as your favorite movie of this season!*

# Fox Lists 43 Of 58 Total For 1934-35

(*Continued from page* 1)

will be a co-starring effort for the new year. Will Rogers is down for three starring pictures and as head of the cast of the above picture. Spencer Tracy is to star in two and essay the leads in two additionally. Harold Lloyd stars in "The Cat's Paw," and George O'Brien in six action pictures, the first to be "The Dude Ranger."

While not bracketed as stars, Lew Ayres is down for two, Warner Baxter for three, John Boles for two, James Dunn for five, Alice Faye for two, Lilian Harvey for four and Shirley Temple for two. What other performers will appear in is outlined elsewhere in Motion Picture Daily this morning.

There will be another "Fox Follies" and a second "George White's Scandals," these obviously representing a brace of the 11 musicals the company will make.

### After Star Material

Indicating that Fox is out after starring personalities is the statement that during the new season "we hope to develop others of equal box-office magnitude." The reference is to the current vogue over Shirley Temple. S. R. Kent, company president, told the conventioneers yesterday he regarded the five-year-old child as "the greatest screen find of the year with Alice Faye a close second." He said further:

"We have recognized that one of the grave problems in present day production is the scarcity of box-office personalities. To solve this problem, the production department during the last year has literally scoured the world for talent. From the legitimate stage, from Europe and from the ranks of the most promising players, we have recruited a large and growing company of talented artists."

Virginia and Max Loomis, New York night club performers, will figure prominently in forthcoming musicals, as will Nick Foran and Boles. Mitchell and Durant, comedy team, have been placed under long-term contract.

### Plans War Film

Merely mentioned with no further detail is "The First World War" on which Laurence Stallings has been working for several months in New York. This is understood to be a factual, celluloid record of authentic shots tracing the Great War from source to actuality. It probably will be given a two-a-day run on Broadway, as will be "The World Moves On."

The major portion of the lineup as announced yesterday follows:

"The World Moves On," with cast including Madeleine Carroll, Franchot Tone, Reginald Denny, Siegfried Rumann, Louise Dresser, Raul Roulien, Lumsden Hare and Dudley Digges. Directed by John Ford.

"Judge Priest," adaptation from the Irvin S. Cobb stories, starring Will Rogers, with Rochelle Hudson, Victor Jory, Anita Louise, Tom Brown, Frank Melton, Aunt Jemima, Roger Imhof, Stepin Fetchit, Charley Grapewin, Berton Churchill, David Landau and others. Directed by John Ford.

"The Cat's Paw," adaptation from novel by Clarence Budington Kelland, starring Harold Lloyd, with Una Merkel, George Barbier, Alan Dinehart, Grant Mitchell,

(*Continued on page* 12)

# *What They're Down For*

*Fox stars, featured players, supporting casts and their assignments as far as announced yesterday in the company's* 1934-35 *lineup*:

Lew Ayres—Lead with Janet Gaynor in "Servants' Entrance." Lead with "Pat" Paterson in "Lottery Lover."
Rosemary Ames—"What Am I Bid?," "Wanted."
Nils Asther—"Wanted."
George Barbier—"The Cat's Paw."
Mona Barrie—"365 Nights in Hollywood.
Warner Baxter—"Cisco Kid" story, "Hell in the Heavens," "One More Spring."
John Boles—"Redheads on Parade," "Lovetime."
Charles Boyer—"Caravan."
John Bradford—"What Am I Bid?"
Tom Brown—"Judge Priest."
Madeleine Carroll—"The World Moves On."
Dave Chasen—"Fun on the Air."
Berton Churchill—"Judge Priest."
Cora Sue Collins—"Caravan."
Walter Connolly—"Servants' Entrance."
Tito Coral—"365 Nights in Hollywood."
Reginald Denny—"The World Moves On."
Dudley Digges—"The World Moves On."
Alan Dinehart—"The Cat's Paw."
Louise Dresser—"Servants' Entrance," "The World Moves On."
James Dunn—"The First Baby," "365 Nights in Hollywood," "What Am I Bid?," "Fun on the Air," "Angel Face."
Stuart Erwin—"Hell in the Heavens."
Alice Faye—"Angel Face," "Fun on the Air."
Louise Fazenda—"Caravan."
Stepin Fetchit—"Nymph Errant," "One More Spring," "Marie Galante," "Fun on the Air," "Judge Priest."
Norman Foster—"The Dice Woman."
Ketti Gallian—"Marie Galante," "Hell in the Heavens."
Janet Gaynor—Starred in "Servants' Entrance." A lead in "One More Spring."
Charles Grapewin—"Judge Priest."
Harry Green—"365 Nights in Hollywood."
Russell Hardie—"Wanted."
Lumsden Hare—"The World Moves On."
Lilian Harvey—"365 Nights in Hollywood," "Lovetime," "Serenade," "Music in the Air."
Phillips Holmes—"Caravan."
Rochelle Hudson—"Judge Priest."
G. P. Huntley, Jr.—"Servants' Entrance."
Warren Hymer—"The Cat's Paw."
Roger Imhof—"Judge Priest."
Aunt Jemima—"Judge Priest."
Victor Jory—"Judge Priest," "The Dice Woman," "365 Nights in Hollywood."
Pert Kelton—"Wanted."
David Landau—"Judge Priest."
Harold Lloyd—Starred in "The Cat's Paw.
Anita Louise—"Judge Priest."

### *Fox Expectancies*

**Fox expects much during the coming season from Peggy Fears, John Bradford and Walter Johnson.**

**"Fox Debutantes" which, the company says, are being groomed for stardom include Claire Trevor, Rosemary Ames, "Pat" Paterson and Drue Leyton.**

Edmund Lowe—"Dames Is Dynamite," untitled Dammon Runyon story.
J. Farrell MacDonald—"The Cat's Paw."
Victor McLaglen—"Dames Is Dynamite" untitled Damon Runyon story.
Frank Melton—"Judge Priest."
Una Merkel—"The Cat's Paw."
Grant Mitchell—"The Cat's Paw."
Herbert Mundin—"What Am I Bid?," Hell in the Heavens," "Nymph Errant."
George O'Brien—Starred in six action pictures, first "The Dude Ranger." Sol Lesser will produce.
Warner Oland—"Charlie Chan in London," "Charlie Chan in Paris."
Eugene Pallette—"Caravan."
Jean Parker—"Caravan."
"Pat" Paterson—"What Am I Bid?," "Nymph Errant," "Lottery Lover."
Ruth Peterson—"365 Nights in Hollywood."
Nat Pendleton—"The Cat's Paw."
Will Rogers—Starred in "Judge Priest," "What Am I Bid?," "The County Chairman." Heads cast in "One More Spring."
Raoul Roulien—"The World Moves On."
Siegfried Rumann—"Servants' Entrance," "The World Moves On."
C. Aubrey Smith—"Caravan."
Ned Sparks—"Servants' Entrance."
Shirley Temple—"Meal Ticket," "Angel Face."
Franchot Tone—"The World Moves On."
Spencer Tracy—Star in "Heldorado" and "Work of Art." A lead in "Meal Ticket," "Marie Galante."
Claire Trevor—"The First Baby," "The Dice Woman," "24 Hours a Day," "What Am I Bid?"
Helen Twelvetrees — "Meal Ticket," "Wife for Sale."
Henry B. Walthall—"Wanted."
Hugh Williams—"Hell in the Heavens," "Nymph Errant."
Loretta Young—"Caravan."

## *What Directors Drew*

Dorothy Arzner—"Captive Bride."
John Blystone—"Hell in the Heavens."
David Butler—"Meal Ticket."
James Cruze—"The County Chairman."
Irving Cummings—"Wife for Sale," "Heldorado," "24 Hours a Day."
John Ford—"The World Moves On," "Judge Priest."
George Hadden—"Charlie Chan in London," "Charlie Chan in Paris."
Henry King—"One More Spring," "Marie Galante."
Louis King—"Wanted."
Frank Lloyd—"Servants' Entrance."
Hamilton MacFadden—"The State vs. Elinor Norton."
Paul Martin—"Serenade."
Hanns Schwartz—"Lottery Lover."
Edward Sutherland—"Fun on the Air."
Sam Taylor—"The Cat's Paw."
James Tinling—"The First Baby," "365 Nights in Hollywood."
Frank Tuttle—"Redheads on Parade."
Richard Wallace—"Angel Face."
Raoul Walsh—"Dames Is Dynamite."

## *Educational to Start 2*

Two Educational comedies are being readied at the Eastern Service Studio in Astoria. They are "Love and Babies," starring Ernest Truex, which gets under way June 11, and a Tom Howard short, which goes into production June 18. Al Christie, who will direct both, is now on his way to New York from the coast.

## *March Adopts Baby Boy*

Hollywood, May 30. — Fredric March and his wife, the former Florence Eldridge, have adopted a baby two weeks old. They already have an adopted son.

## *J. M. Schenck to London*

Joseph M. Schenck, head of United Artists; Etienne Pallos, London Films general sales manager, and Earle Silverstone, London Films American representative, are scheduled to sail for England, June 9, on the *Olympic*. Schenck will complete United Artists distribution arrangements with London Films and British & Dominions while abroad.

## *Adolph Matzke Buried*

Adolph Matzke, an associate of Brandt Brothers, local circuit operators, who passed away on Monday, was buried Tuesday.

# Film Leaders Oppose Rome Copyright Act

(*Continued from page* 1)

further before any action is taken. Hundreds of millions of dollars invested in the film and radio businesses, he said, would be affected by the bills.

Industry views were presented by Edwin P. Kilroe, attorney for Fox, and Fulton Brylawski, Washington representative of the M.P.P.D.A., and by A. Julian Brylawski, vice-president of the M.P.T.O.A.

The United States would have to join the Rome convention without reservation whereas practically all the other important countries have made reservations, it was pointed out. While the Rome convention covers oral reproduction, there is some doubt as to the protection given talking pictures in this country.

### Would Bar Story Changes

A more serious objection is the right granted authors under the convention to oppose changes in their work, it being pointed out that the right to make changes is of the utmost importance to films, where films are produced as entertainment for the masses. Any limitations would be harmful, it was stated.

The case of "Wonder Bar" was cited as exemplifying the difficulties in which American producers might find themselves, it being explained that after Warners had bought the film rights from a foreign publication house, they paid an additional sum to the authors for the right to distribute it here as made. When it was ready for foreign distribution the authors made a demand for an additional $100,000 under the rights granted by the Rome convention, threatening to enjoin distribution in Europe, it was stated.

Adherence to the convention, it was pointed out, would place material now in the public domain under copyright protection, leading to confusion and involving the industry in litigation.

Thorough revision of American copyright laws should be undertaken before the United States joins any convention, it was declared, and it was pointed out that another convention is to be held at Brussells next year, when the way may be paved for American adherence with the necessary reservations.

Submitting resolutions adopted last month at the Los Angeles convention of the M.P.T.O.A., A. Julian Brylawski declared that adherence would open the door to foreign music societies, subjecting films, radio and other industries now licensed by the A. S. C. A. P. to additional demands. Some of these foreign societies are prepared to enforce their rights as soon as the way is opened, he said.

## *Appeal on Bond Up*

Action brought by William Scholtz against A. C. Blumenthal to recover a $50,000 real estate bond will be argued before the Apellate Division next week. Sam Spring, who won a verdict in the lower court, will again defend the appeal which Nathan Burkan, as attorney for Blumenthal, was granted.

## Short Subjects

### "Ross-McLarnin Fight"
*(Garden Pictures, Inc.)*

Although the photography is excellent, cameras shooting the Barney Ross-Jimmy McLarnin welterweight championship bout were evidently ground too slowly, for when the action appears on the screen it is speeded up to an unnatural gait, and does not seem to be in synchronization with the roar of the crowd or the thud of the blows. This hurts the celluloid record.

The entire 15 rounds of the fight are shown, including the introduction by Joe Humphries, the instructions by Referee Eddie Forbes and the proclamation of the winner by Humphries. The two knockdowns in the ninth round are clearly seen. Running time, 39 mins.

### "New Deal Rhythm"
*(Paramount)*

As a "musical novelty illustrating the Spirit of today," and with Charles (Buddy) Rogers as the star, this short is fairly entertaining. Rogers is shown as presiding officer of the Senate listening to the demands of the members to the accompaniment of music. Winds up with a chorus routine. Running time, 10 mins.

### "Goofy Movies"
*(M-G-M)*

HOLLYWOOD, May 30. — "Goofy Movies" will steal laughs from a sphinx. This, number four of the series, is a nonsensical conglomeration of ridiculous sequences, including a "mellerdrama" titled "Passions of Horse-Pistol Pete," a fight between a pair of monkeys and a phony news reel. Altogether, laugh-provoking and entertaining. Running time, 9 mins.

# Looking 'Em Over

### "The Key"
*(Warners)*

Based on a play produced in London, the everlasting love triangle with William Powell, Colin Clive and Edna Best as principals makes for pleasing entertainment. It is Powell who loves and loses like the good sport he is, especially where women are concerned.

As a revolution breaks out in Ireland and the Sinn Fein become sanguine, Powell is sent to the scene of trouble and there meets his old friend Clive. He also meets again Miss Best, his former sweetheart, whom he left behind three years ago, married to Clive. Because his duties take him out at night, Clive is forced to neglect his wife and one evening Powell manages to reawaken in Miss Best his former love, to the extent they become indiscreet.

Clive returns home early one night after capturing Donald Crisp, the revolutionary leader, to learn what has been going on between his wife and friend. He leaves the house in a huff and is captured by the Sinn Fein. Powell makes a bargain with the revolutionists that they release Clive if Crisp is released and he forges a discharge order for Crisp to save his friend.

Powell gets three years in prison for the act, but is reconciled in bringing together again his friends whom he almost separated. Powell has some clever lines and the acting in general is fair. Running time, 71 minutes.

**Local and state censorship may vary running time in different sections of the country. Running time, as published herewith, is clocked on the basis of the product as caught by *Motion Picture Daily* reviewers, east and west.**

## Short Subjects

### "War's End"
*(Stewart B. Moss)*

This featurette is a compilation of scenes taken in the closing days of the Great War. It traces the drive by the American troops against the Hindenburg Line that brought an end to the struggle. The material was compiled by the late Col. Thomas J. Dickson, senior chaplain of the First Division, and was photographed by U. S. Signal Corps cameramen. The picture is not concerned with capturing the physical horror of the war so much as with depicting the maneuvers of the A. E. F. that made victory possible for the Allied forces when failure seemed imminent.

"War's End" is an interesting document, but there is too much of an official air about it to intrigue the attention of the average film audience. Running time, 40 mins.

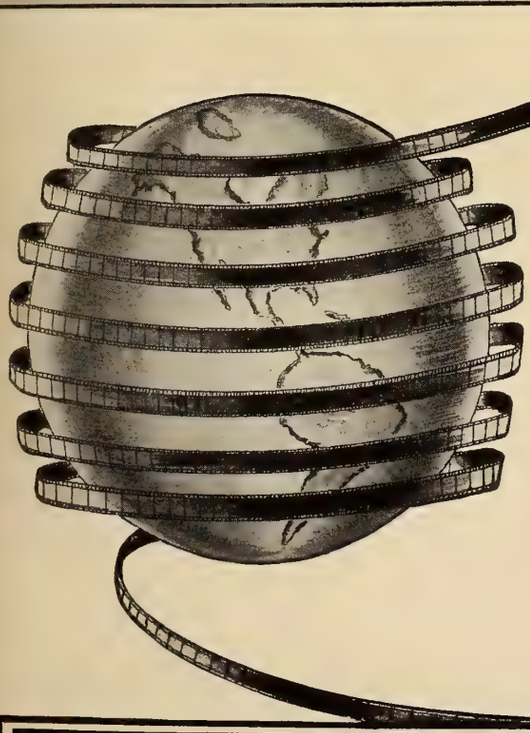
### Merriwell Case Deferred

The hearing in U. S. District Court to show cause why Gilbert Patten (Burt L. Standish), author of the Frank Merriwell stories, should not obtain a permanent injunction to restrain Superior Talking Pictures from making a series of films based on his tales was postponed Tuesday to tomorrow.

### New Ohio Chain

CLEVELAND, May 30.—Adolph Bursigh has resigned as manager of the Loew's Granada, to head a theatre circuit now in formation.

"AN INSTITUTION AS GREAT AS THE INDUSTRY IT SERVES"



Seven times around the world

THE yearly capacity of Consolidated Park could encircle the globe at the equator more than seven times. This vast power is the producer's assurance that no matter how large his order, it can't possibly overtax Consolidated's facilities.

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

# Fox Lists 43 Of 58 Total For 1934-35

(*Continued from page* 10)

Nat Pendleton, Warren Hymer, J. Farrell Macdonald. Directed by Sam Taylor.

"Music in the Air," the Kern-Hammerstein musical play, with Lilian Harvey. Musical adaptation by Franz Waxmann. Howard Young did screen play. All-star cast.

"Work of Art," an adaptation from the best seller by Sinclair Lewis, Nobel Prize winner. Spencer Tracy will star. Screen play will be handled by Paul Green, Pulitzer Prize playwright.

"Nymph Errant," adaptation from novel by James Laver. The cast includes "Pat" Paterson, Hugh Williams, Herbert Mundin and Stepin Fetchit.

"One More Spring," from novel by Robert Nathan. Screen play is by Edwin Burke. Cast includes Will Rogers, Janet Gaynor, Warner Baxter and Stepin Fetchit. Henry King will direct.

"Angel Face," with Shirley Temple, James Dunn and Alice Faye. Lewis Foster wrote the story. Richard Wallace will direct.

"The First World War," edited by Laurence Stallings, who also authored the book.

### Rinehart Novel on List

"The State vs. Elinor Norton," adaptation of Mary Roberts Rinehart novel. Directed by Hamilton MacFadden.

"Marie Galante," with cast including Spencer Tracy, Ketti Gallian, Siegfried Rumann and Stepin Fetchit. Director, Henry King.

"Wife for Sale," adaptation from the novel by Kathleen Norris. Cast includes Helen Twelvetrees. Directed by Irving Cummings.

"Fox Follies," musical with an all star cast.

"Servants' Entrance," adaptation from novel by Sigrid Boo. Screen play by Samson Raphaelson. Cast stars Janet Gaynor, with Lew Ayres, Ned Sparks, Walter Connolly, G. P. Huntley, Jr., Siegfried Rumann and Louise Dresser. Directed by Frank Lloyd.

"Life Begins at Forty," adaptation of book by Walter B. Pitkin.

"Casanova, the Great Lover," to be produced with all star cast.

"George White's Scandals," a musical revue.

"The County Chairman," adaptation from play by George Ade and starring Will Rogers. Director, James Cruze.

"Caravan," first of the Erik Charell-directed musicals with Charles Boyer, Loretta Young, Jean Parker, Phillips Holmes, Louise Fazenda, Eugene Pallette, Cora Sue Collins and C. Aubrey Smith.

Two Charlie Chan features starring Warner Oland; "Charlie Chan in London" and "Charlie Chan in Paris." Directed by George Hadden.

### Joe Cook Musical Planned

"Fun on the Air," a Joe Cook musical, with Alice Faye, James Dunn, Dave Chasen and Stepin Fetchit. Directed by Edward Sutherland.

"Hell in the Heavens," an adaptation of the play by Hermann Rossman originally entitled "The Ace," with cast including Warner Baxter, Hugh Williams, Ketti Gallian, Herbert Mundin and Stuart Erwin. Director, John Blystone.

"What Am I Bid?" story of an auctioneer, starring Will Rogers, with "Pat Paterson, Claire Trevor, James Dunn, Rosemary Ames, Herbert Mundin and John Bradford.

"Young Ladies in White," from novel by Rian James and Jesse L. Lasky, Jr., which reveals "the inside story of the nursing career."

"Dante's Inferno," modernized version of the classic poem by Dante. Cast to be announced.

"Redheads on Parade," musical with John Boles. Directed by Frank Tuttle.

An original by Damon Runyon written for Edmund Lowe and Victor McLaglen.

"Serenade," musical with Lilian Harvey. Story by Richard Carroll. Directed by Paul Martin

"Wanted," with Rosemary Ames, Pert Kelton, Henry B. Walthall, Nils Asther and Russell Hardie. To be directed by Louis King.

"Heldorado," starring Spencer Tracy. Original by Frank Mitchell Dazey with adaptation by Ernest Pascal and Jesse L. Lasky, Jr. Irving Cummings will direct.

"24 Hours a Day," original by Dudley Nichols. Cast will include Claire Trevor with Irving Cummings directing.

"The Captive Bride," based on the play "Proud Princess" by Edward Sheldon and Dorothy Donnelly, to be directed by Dorothy Arzner.

"Lovetime," musical romance with Lilian Harvey and John Boles.

"365 Nights in Hollywood," musical based on novel by Jimmy Starr. Cast includes Lilian Harvey, James Dunn, Victor Jory, Ruth Peterson, Tito Coral, Mona Barrie and Harry Green. William Conselman will do screen adaptation and James Tinling will direct.

"The First Baby," written by Lamar Trotti and Dudley Nichols. Cast includes James Dunn and Claire Trevor. Director, James Tinling.

"Lottery Lover," written by Sig Hersig and Maurice Hanline. Cast will include Lew Ayres and "Pat" Paterson. Director, Hanns Schwartz.

"A Woman Lies," based on play by Ladislaus Fedor. All star cast.

"Dames Is Dynamite," with Edmund Lowe and Victor McLaglen. Raoul Walsh will direct.

"Cisco Kid" story: Warner Baxter in a return to "one of his most popular characterizations."

"Impersonation of a Lady," anonymous story which appeared in *Ladies Home Journal*. Cast to beannounced.

"Meal Ticket," from original by Gene Towne and Graham Baker. Cast to include Spencer Tracy, Shirley Temple and Helen Twelvetrees. David Butler will direct.

"The Dice Woman" by Wilson and Anzonetta Collison. Included in cast are Claire Trevor, Norman Foster and Victor Jory.

Six George O'Brien features, to be produced by Sol Lesser and John Zanft, the first being "The Dude Ranger," from the Zane Grey story.

The convention is being handled by John D. Clark, general manager of distribution, and continues today and tomorrow.

# *Convention Conversation*

I. J. Schmertz, Cleveland manager, is the oldest employe in terms of years with the company to attend the convention. Has been with Fox for 27 years.

•

J. A. Scott, former St. Louis salesman, and Herman Beiersdorf, former Washington salesman, are attending their first confab as branch managers. Both were promoted during the past five months.

•

Ira Cohen made his bow at the first session with a red carnation. Always the well-dressed man.

•

Herman Wobber's right hand was swollen as the result of almost endless handshaking with boys he met during the last drive.

•

Wally Cree, San Francisco salesman, and Eddie Bergman, Cleveland salesman, are vying with each other for the Beau Brummell honors.

•

Dave Davidson of Cleveland looks like a three-year-old when it comes to walking, but he's twice a grand-daddy.

•

John Dillon of Los Angeles brought word that John Nolan, Australian special representative, is rapidly recovering at the Cedars of Lebanon Hospital in Hollywood.

•

Harry Ballance, the flying district manager from Dixie, made the trip to New York from Atlanta in his own plane—and he piloted it, too. Atlanta Manager Paul Wilson and others flew up with him.

The boys got in Tuesday, but Park Avenue held no attraction for them, for Tuesday night found them exploring Broadway. Most of the Foxites had previously been in New York, so the Brooklyn Bridge remained unsold.

•

John D. Clark was right on hand to welcome the boys to New York Tuesday night.

•

Eddie English of Montreal is attending his first convention as a Fox manager.

•

Bill Clark, assistant sales manager for Educational, had a busy time Tuesday and yesterday renewing acquaintances with old friends, for Bill formerly managed Minneapolis and Detroit branches for Fox.

•

Harold Lloyd, whose first production, "The Cat's Paw" for Fox distribution, will be shown during the convention, arrived in New York Tuesday night. Quite a delegation of Lloydites at the confab, Frank Harris and Les Whelan, among them.

•

One of the most alert hosts at the convention is Harvey Day, representing Terry-Toons. Incidentally, the Fox sales forces broke records for distribution of this popular cartoon this season.

•

District Manager Ward E. Scott was expecting word any minute yeste day that his oldest boy had won the Missouri scholastic tennis championship.

## *Chesterfield Talks New 1st Div. Deal*

(*Continued from page* 1)

nothing has occurred to indicate the deal may go through. George Batchelder, president of Chesterfield, stated nothing definite may be decided on the First Division deal for months. He plans to remain in New York until the end of June, his current program having just been completed. Maury Cohen arrives from Hollywood by air today.

## *New Camera Rules Set*

HOLLYWOOD, May 30. — Uniform sound and camera motor starting procedure is provided for in a confidential report of the research council of the Academy which has been sent to the sound department heads of all studios. The report is a result of the work of the sub-committee on economies, consisting of E. H. Hansen, chairman; Lawrence Aicholtz, Gerald Best, Wesley C. Miller and Gordon S. Mitchell, manager of the research council.

## *To Animate Music Classic*

An animation of Tschaikowsky's "Nutcracker Suite" with music will be the first two-reel color subject to be produced by Harman-Ising for M-G-M release under a contract signed recently. It is said that it will require the services of 50 artists and animators and the making of 20,000 colored drawings. The work will last 14 weeks, and the music will be supplied by a symphony orchestra.

# Para. Foreign Men To Attend Session

J. C. Graham, Paramount managing director in the British Isles, heads a delegation of the company's foreign department executives who are slated to arrive here within the next week or 10 days en route to the company's annual sales meeting at Los Angeles, June 18.

Graham's delegation will sail from Southampton Saturday on the *Aquitania,* which is due here June 8. With him will be Montague Goldman, Paramount general sales manager for the British Isles; and Earl St. John, Paramount theatre director for Great Britain and Ireland. Due on the *Drottingholm* on June 9 is Carl York, Paramount general manager in Sweden. M. J. Mefferi, managing director for Paramount in Spain, is scheduled to arrive on the *Ile de France,* June 12.

John L. Day, general manager for South America, arrived a few days ago and will leave for the coast with the home office delegation, about June 13. J. E. Perkins, Paramount manager, in China, is now in Los Angeles for the meeting and Vicente Faiso, Mexican manager, heads there from Mexico City within the next few days.

## *New Paramount Referee*

John E. Joyce will sit as referee in bankruptcy on Paramount Publix matters after June 5. Referee Oscar W. Ehrhorn, who has been substituting for Referee Henry K. Davis, ill, leaves for a vacation on that date.

## *Laemmle Praised on Whistler Film Idea*

HOLLYWOOD, May 30. — Carl Laemmle has received letters from Arthur Brisbane and many other editors and leaders in civic life congratulating him upon his decision to make a picture around the life of Whistler's portrait of his mother.

Among those who have written are: Mayor Edward J. Kelly of Chicago, former Governor Alfred E. Smith; Judge Joseph Sabath, Doctor Otto L. Schmidt, Leopold Saltiel, Judge John P. McGoorty, Barnet Hodes and Major General Roy D. Keehn of Chicago; H. L. Kobrak, Cleveland and Pittsburgh editor; Louis Wiley, general manager of the *N. Y. Times,* and H. L. Williamson, secretary of the Illinois Press Ass'n.

## *25c Scale Now Rules All K. C. First Runs*

(*Continued from page* 1)

Loew's level established at downtown first runs. Admission to car owners has been reduced virtually to a dime as the Fox house pays their 15-cent parking fee.

Fox Midwest's decision to cut indicates no agreement on the part of Elmer C. Rhoden, operating head, to hike downtown first run prices at his meeting with circuit heads in New York. It is reported Loew's is blocking any increase, but Publix and RKO are said to be willing to raise their scales immediately.

Loew's is reported to be planning to raise the Midland scale from 25 cents to 45 or 50 cents in the fall, adding stage shows.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 127 NEW YORK, FRIDAY, JUNE 1, 1934 TEN CENTS

## Sales Heads Undecided on Film Boards

### *Present Attitude May Cause Elimination*

Distribution executives have adopted a doubting attitude toward the future of Film Boards of Trade which has resulted in holding in abeyance submission of any plan for their continuance and which, unless altered in the near future, may result in complete elimination of the M.P.P.D.A.'s field organization, it was learned yesterday.

Several meetings between the distribution executives and C. C. Pettijohn, M.P.P.D.A. Film Board head, failed to decide the fate of the Film Boards. Not a single strong supporter

(*Continued on page* 4)

## Zukor in Saturday To Meet Trustees

Adolph Zukor, Paramount head, is due to arrive from Hollywood tomorrow for conferences with Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, trustees in bankruptcy for the company, relative to studio affairs and production plans.

After a week or two here Zukor will again return to the studios, probably to remain for the balance of the summer.

Louis Marcus, mayor of Salt Lake City, and Paramount theatre operating partner there, is also scheduled to arrive here over the week-end.

## *Fight Use of Screen To Spread Hitlerism*

That the New York Film and Photo League and the Anti-Nazi Federation of Greater New York have joined forces to fight the spread of

(*Continued on page* 16)

### *Sold Separately*

**"The World Moves On," which occupies first place and, therefore, place of honor in the Fox product book for 1934-35, will be sold separately and not as part of any regular contracts for Fox service.**

**The picture, which has the studio and home office excited, was shown privately to the conventioneers last night.**

## *Erpi-Warner Agreement Near*

**Oft-reported and definitely known to be under way, inside reports in circulation yesterday credited Erpi and Warners, long engaged in litigation over sound royalties, in agreement. Rumors indicated the agreement might have the necessarily final signatures affixed to it by the end of the day.**

**John E. Otterson, president of Erpi, had no comment to make. Abel Carey Thomas, head of the Warner legal department, referred queries to Harry M. Warner. The latter could not be reached.**

## Fox Goes All American; No Foreign Film

The 58 features which comprise the Fox program for 1934-35 will be made on American soil, undoubtedly all Hollywood soil, through a decision to eliminate from the schedule any product made in overseas studios.

The sales force views this statement of policy easily as one of the highlights of the convention so far.

Currently, Fox is releasing a quartet of Gaumont British features. These are: "I Was a Spy," "Heart Song," "The Constant Nymph," "Good Companions." According to opinions

(*Continued on page* 13)

## Fox Will Have 112 Shorts, 104 Reels

Fox, in addition to its 58 features, next season will release 112 shorts and 104 issues of Fox Movietone News. Educational will supply 100 of the 112 shorts. Fifty-two, or the entire lineup of two-reel comedies, are included, as well as 44 one-reelers.

The two-reelers break down as follows:

12 "Star Personality Comedies,"

(*Continued on page* 16)

## Nine Appeals To Be Decided Today by 'C.A.'

Campi will hand down decisions today on nine appeals heard yesterday. Five were heard without litigants appearing in person for additional testimony. The Fox West Coast appeal from the Los Angeles board decision granting the Garfield, Alhambra, Cal., 20 pictures, and three others comprised the rest. With the nine appeals cleared from the calendar, 11 remain for next Friday's meeting, when J. Robert Rubin will preside.

Appeals heard by the body without witnesses were: Wisconsin Amuse-

(*Continued on page* 4)

## Liberty Sets Eight For 1934-35 Season

Liberty Pictures Corp. will have eight features on its 1934-35 program, six of which have already been completed. Production on the remaining two is expected to get under way shortly.

Those already completed are: "No Ransom," "Two Heads on a Pillow," "Cheaters," "When Strangers Meet," "Take the Stand" and "Once to Every Bachelor."

## *How Sailors Get in Free And Where Is a Question*

"What Shall We Do with the Landlocked Sailor?" may become the revised form of an old sea chantey among theatre managers for the next 15 days. Some are going to admit sailors free for 10 days and some are not.

And all the sailors think all the managers are going to glad hand them right down front if they're wearing their uniforms. That's what Grover Whalen told them over the radio Tuesday night.

According to the present plan, Loew's, RKO and Skouras circuits will distribute 500 free tickets per day for 10 days and Warners will pass out 1,000 tickets for the entire 10 days. That totals up to 16,000 tickets for about 40,000 men. Col. Leopold Phillipa, of the entertainment

(*Continued on page* 4)

## Film Stocks Included in New Act Curb

### *Registration and Rules On Proxies Provided*

WASHINGTON, May 31.—Manipulation of film and other stocks is to be prevented under the exchange control bill now in its final stages in Congress.

Regulations for the registration of securities for exchange dealing are set up under the measure, and restrictions are to be imposed upon methods used in securing proxies.

All directors and officers and persons holding more than 10 per cent of any class of securities will be required to file reports with the Federal control agency, while persons in control of corporations will be made responsible for their actions. All exchanges dealing in securities would be licensed under the legislation.

The underlying purpose of the legislation is to carry the securities act

(*Continued on page* 13)

## Report Banks Want Cullman for KAO

Lehman Brothers, Wall Street bankers, are understood behind a move to place Howard S. Cullman, now receiver for the Roxy, in KAO as theatre operator. It is reported the plan is being aired in banking circles and, so far, not with KAO officials.

## *Election Contest to Feature IATSE Meet*

I.A.T.S.E. men from all parts of the country start gathering at Louisville tomorrow and Sunday for the annual convention which will get under way Tuesday.

Chief advance interest centers in the attempt of William F. Canavan to regain the presidency. He is actively opposed by William Elliott, present incumbent. Chief argument being used against Elliott by his opponents, it is said, is the fact that he consented to salary cuts during the bank holiday.

### *100 Per Center*

**Says Walter Eberhardt: "The fleet's 100 per cent Western Electric—all Wide Range and no High Fidelity."**

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Silverstone Due Monday

Maury Silverstone, United Artists managing director in England, is due here on the *Olympic* Monday. He will attend the wedding of his brother, Emanuel Silverstone, American representative for London Films, to Mildred Froos, former member of the United Artists purchasing department, while here and may return to London on the *Olympic* June 9 with Joseph M. Schenck and Etienne Pallos, general sales manager of London Films.

## Wilcox on Way Here

LONDON, May 31.—Herbert Wilcox, of British and Dominions, which releases through United Artists in the States, is aboard the *Olympic*, New York bound. He is carrying with him a print of "Nell Gwynn" which he plans to show in New York.

## Flash Review

*Let's Talk It Over*—Plenty of exploitation possibilities . . . in this tangy tale. . .

*This film will be reviewed in full in an early issue of* MOTION PICTURE DAILY.

## La Hiff in a Bad Way

Billy La Hiff, owner of The Tavern and well known along Broadway, was given another blood transfusion yesterday. His condition, long serious, continues without change.

## Revolt Film at Rialto

"The World in Revolt," Mentone's first feature, opens at the Rialto June 8. Emil Lengyel wrote the accompanying narrative with Graham McNamee delivering.

# Insiders' Outlook

FOX drops Gaumont British from its domestic releasing schedule next season, despite a 45 per cent interest in the powerful British company. This season, four are on the company's chart, it is understood, through an agreement reached months ago that four of G. B.'s best would hit the Fox distributing machinery during the 1933-34 season. It won't be complimentary, but it is, nevertheless, true that word of the all-American agenda found the selling crew heaving sighs of relief. The announcement of policy was almost cheered, as a matter of fact. . . .

▼

The quartet—"I Was a Spy," "Heart Songs," "The Constant Nymph" and "Good Companions"—were spotted in the release dopesheet, it appears, in weeks when Fox let loose its regular Hollywood-produced attractions, and so did not have to stand alone. Even at that, Fox delegates to the convention declare they found the Britishers difficult to sell and an exhibitor resistance against them. If we happened to be Gaumont British, the conclusions to be drawn from the development would not be one of shock or chagrin, but rather a determination to learn why. . . .

▼

Sooner or later, it has been the confirmed conviction of this watchtower, British pictures will give Hollywood something to remember them by. Not all of them, mind you, but enough of them, carefully and adroitly made, to challenge a real place in this market. "Henry the VIII" was a success in this market; "Catherine the Great" is not. Important and interesting about the first is the fact that it demonstrated there is no antipathy to a Britisher or any kind of label if the images caught on celluloid make arresting entertainment. Arresting entertainment to the mass of the picture-going public, not to segments or critics. The answer to what happened in the case of "Henry" is merely the conclusion, apparent enough, that it had in it what those willing to part with quarters were willing to buy. "Catherine," certainly a notable production effort, evidently patently did not. . . .

▼

Of the four G. B. releases on the Fox schedule now, we have seen one—"I Was a Spy." Its principal attribute was Madeleine Carroll. Apparently Fox thought so as well, for there followed a deal by which she was borrowed for the lead with Franchot Tone in "The World Moves On," Sid Kent's opening "ace" for '34-'35. While "I Was a Spy" had other things to recommend it, there were faults in story detail which the American public gets enough of from Hollywood without recourse to pictures from other lands. And while it may be, and probably is, dangerous to comment on pictures unseen, the general observation that British pictures often depict stories not suitable for this market played by casts not known sufficiently in America may hold for the other three under discussion here. . . .

▼

To draw any conclusion that British pictures are not acceptable here because they are London-made won't hold true, since it is not true. It is a truth that American exhibitors shy off foreign product, but that is so because so much foreign product has been bad. Where it has been good, there frequently has been a lack of marquee names to make it intriguing enough. The showmen in this country want—indeed, they must have—names that mean something in lights. The star equation never has been as marketable as it is today. That'll go for next year and the year after as well. . . .

▼

House ad: "I didn't think any reporter could be so amazingly accurate." Mrs. Clare Boothe Brokaw, second government representative on Campi, so declared yesterday in commenting upon exclusive publication of her appointment and biography in MOTION PICTURE DAILY. Also did she think it was "nice" to publish her photograph. Not at all, Mrs. Brokaw. It was an agreeable photograph of a beautiful woman and it gave tone, not always there, to the page on the reverse side of this. . . .

KANN

## Many Off on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34½ | 34 | 34 | — ⅜ | 200 |
| Consolidated Film Industries | 3⅞ | 3⅞ | 3⅞ | ..... | 100 |
| Consolidated Film Industries, pfd | 16¼ | 16¼ | 16¼ | — ¼ | 100 |
| Fox Film "A" | 14 | 14 | 14 | — ⅝ | 400 |
| Loew's, Inc. | 31¾ | 31¼ | 31¾ | — ⅛ | 1,400 |
| Loew's, Inc., pfd | 94 | 94 | 94 | +1 | 100 |
| M-G-M, pfd. | 26 | 26 | 26 | ..... | 100 |
| Paramount Publix, cts | 4¾ | 4⅝ | 4⅝ | — ⅛ | 200 |
| Pathe Exchange | 2¾ | 2⅝ | 2¾ | — ⅛ | 100 |
| Pathe Exchange "A" | 21¾ | 21 | 21¾ | — ⅝ | 1,000 |
| RKO | 2⅞ | 2⅞ | 2⅞ | ..... | 400 |
| Warner Bros. | 5⅞ | 5¾ | 5¾ | — ⅛ | 1,700 |

## Trans-Lux Up ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10½ | 10⅜ | 10⅜ | — ⅛ | 300 |
| Trans-Lux | 1¾ | 1¾ | 1¾ | + ¼ | 100 |

## Warner Bonds Slump One Point

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equuipment 6s '40 | 9 | 8⅜ | 9 | + ¾ | 11 |
| General Theatre Equipment 6s '40, ctf | 8⅜ | 8¼ | 8¼ | — ½ | 9 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 99¾ | 99¾ | 99¾ | ..... | 2 |
| Paramount Broadway 5½s '51 | 45½ | 45⅛ | 45⅛ | — ⅜ | 4 |
| Paramount Publix 5½s '50 | 50¾ | 50¼ | 50¼ | —1¾ | 4 |
| Warner Bros. 6s '39, wd | 59 | 58½ | 58½ | —1 | 6 |

## Warners Will Start 10 in Next 3 Weeks

HOLLYWOOD, May 31.—Ten major productions are slated to go into work at Warners within the next three weeks including:

"A Lost Lady," starring Barbara Stanwyck; "Flirtation Walk," starring Ruby Keeler and Dick Powell, with Frank Borzage directing; "Border Town," starring Paul Muni; "Farewell to Shanghai," starring Dolores Del Rio; "Big Hearted Herbert," starring Aline MacMahon and Guy Kibbee; "Oil For the Lamps of China," from the novel by Alice Tisdale Hobart: "A Lady Surrenders," starring Jean Muir; "Sweet Adeline," the Jerome Kern-Oscar Hammerstein musical, and "Mister Pickwick," adapted from Charles Dickens' "Pickwick Papers."

## Paynter on Visit to All Canada Offices

MONTREAL, May 31.—Following the Warner two-day convention here, Harry Paynter, Toronto, Canadian division manager, left for St. John, New Brunswick, to start a tour of Canadian branches where he will hold a series of conferences prior to announcement of the new product.

Norman H. Moray, Vitaphone sales manager, and A. W. Smith, eastern and Canadian sales head, have returned from the Canadian meetings.

## Duals, Censorship Australian Problem

Double bills and censorship are the two main problems confronting the Australian exhibitor, according to Ralph R. Doyle, managing director of Radio in Australia. Australia is subjected to a rigid censorship, he continued, and one of the main purposes of his trip to this country is to discuss this problem with home office officials.

Doyle, who arrived here yesterday from the coast after inspecting the studios, will remain in town until June 17, at which time he will leave for Chicago to attend the company convention June 18-19. He returns to Australia immediately after the convention.

# JUST WAIT TILL THEY TELL *you* THE GOOD NEWS!

*They're writing your box office future now, these FOX Salesmen in Convention Assembled! Soon they'll tell YOU the best news of this or any other year! It's this:

**FOX STARTS ITS NEW SEASON WITH THE BIGGEST LINE-UP OF MONEY STARS AND MONEY HITS IN ITS HISTORY!**

The FOX salesman will be a welcome visitor!

FOX FILM CONVENTION • WALDORF-ASTORIA HOTEL, NEW YORK CITY • MAY 30-31, JUNE 1, 1934

# Nine Appeals To Be Decided Today by 'C.A.'

(Continued from page 1)

ment Corp. of Milwaukee against George Hannon, Green Bay, Wis., on premature advertising; La Crosse Theatres Co. and Kayess Theatres Co., La Crosse, Wis., against L. J. Burkitt, Classic theatre, Sparta, Wis., on reduced admissions; H. M. Popkin, Los Angeles, against Abe Levy, same city, with reference to a minimum admission price; John T. Rennie against M. Feldstein and P. Dietrich for allegedly negotiating a theatre already under lease to complainant; the Roxy New York, against the Mayfair, regarding reduced admissions.

Heard yesterday for additional testimony were:

The Gwynn, Baltimore, against the Forrest, same city, on overbuying and plans for building a third theatre by Frank H. Durkee. J. Louis Rome put in a plea for the Gwynn. The Washington board has already ruled that the Gwynn be given a sufficient amount of pictures to operate, but because of lack of specification as to number and companies, the decision, won by Rome, is appealed by him.

Consolidated against Loew's, which has clearance on the RKO split of Paramount product, objected to by Consolidated, since this circuit declares its Luxor is in the same category as Loew's Grand.

L. C. Sipe of the Criterion, Anderson, S. C., against H. F. Kincey, the Strand, same city. The Charlotte board granted Sipe permission to charge 10 cents for adults on Saturdays on a second run policy, but he claims distributors are insisting on the 15-cent minimum provided for in contracts. Sipe and Kincey and Robert Wilby appeared in person on this case.

## Leonia House Gets Grant of Rehearing

The New York clearance and zoning board yesterday granted a rehearing on the Leonia, Leonia, N. J., protection complaint against the Fox and Oriental, Hackensack; Plaza, Englewood; Queen Anne, Bogota, Embassy, North Bergen; Capitol, Union City; Park Lane, Palisades; Paramount, RKO, Columbia, Universal, Fox, M-G-M and United Artists.

Julius Charnow, operator of the Leonia, did not try his case last week because two affiliated distributors were present to whom he objected, claiming "it was manifestly not possible for an independent to get justice" with them around. He asks for elimination of four to six weeks' protection over his house. The board meets Monday to hear the case.

## Cleared of Overbuying

NEW ORLEANS, May 31.—The grievance board here has absolved the Palace Theatre, an Elias and Scharff house in New Iberia, La., of a charge of overbuying brought by the Evangeline, operated by Philip Sliman. The complainant contended it was short of product while the Palace had increased its changes to use up the films it had in order not to release them.

# How Sailors Get in Free And Where Is a Question

(Continued from page 1)

committee of the Mayor's naval committee says some of the tickets will be given out by New York and Brooklyn Y. M. C. A.'s and others will be handed out by commanders of ships.

All the sailors who don't get tickets from their commanders will have to do is to find the Y. M. C. A.'s and then find the theatres where the tickets are good. The Music Hall, Capitol and four Skouras houses, the Academy, Audubon, Nemo and Riverside won't honor the tickets.

What other Broadway houses will do hasn't been decided. The Rivoli, Rialto and Mayfair may hand out free tickets if they are assured it doesn't violate the code, or if they get a special dispensation from Campi. The Paramount has applied to its receivers for permission to admit sailors, but up to yesterday the receivers hadn't acted.

Boris Morros explains the situation this way: "We have receivers, and when a house has receivers it is much more difficult to do something like this than it is for a house that has no receivers."

About 25,000 sailors won't get tickets, because there won't be enough to go around. Those who do get them will have to find out where they are good.

Some houses may put up lobby signs: "Sailors welcome with Tickets." Some may advertise: "Sailors Not Welcome." Some may clear up the matter: "Your Uniform Your Ticket."

And then again they may not. Sailors on the larger ships see most of the pictures anyway, but for 15 days about 40,000 youngsters in blue will be trying to figure out who told Grover what.

## S. & C. Undefended, But Win Code Case

First instance of an exhibitor not defending his case and coming out the victor took place yesterday when the New York grievance board handed down a dismissal in the complaint of Harman Yaffa, operator of the Gem and Majestic, against Springer and Cocalis, operators of the Lane and Empress.

In dismissing the complaint, which charged Springer and Cocalis and major exchanges as being "collusive and depriving the Gem and Majestic of product," the board held that S. & C. had not overbought with 173 pictures when 208 were necessary under the policies of the Lane and Empress. As to the selection, it was felt that the Gem and Majestic were given a split on several of the major companies' product.

Yaffa's second grievance also was dismissed. This one was against Vitagraph which he claimed took two pictures from a lower bracket classification and switched them to a higher listing without replacing the lower bracket films.

Skouras' notification of appeal from the decision favoring the Capitol, Port Chester, which was granted 22 films of the Embassy's allotment was delayed a week because the elucidation of the local board was not ready.

Loew's won three cases involving premature advertising. The Majestic was found guilty of advertising ahead of Loew's 175th St. and Rio; the Times was found guilty of advertising ahead of Loew's New York; the Tivoli was also ordered to stop advertising ahead of Loew's New York. Loew's Freeman won its reduced admission complaint against the Royal in the Bronx.

## Hudson Case Dismissed

ALBANY, May 31.—The grievance board here has voted to dismiss the complaint of S. Hochstim, operator of the Star, Hudson, N. Y., against the Hen-Wil-Hen Corp., operating the Playhouse, Park and Rialto in the same town. Overbuyilng and too many changes of program were alleged.

## Philadelphia Board Ends Buying Charge

PHILADELPHIA, May 31.—The complaint of the Great Northern against the Strand, charging overbuying, has been dismissed by the local grievance board. The board found the defendant was using only 104 pictures yearly, leaving more than 156 to fill the needs of the Great Northern.

The board also dismissed the complaint brought by the Drive In Theatre, Camden, N. J., against RKO, demanding that the latter fulfill a contract. The board held there existed no contract since the home office had not signed the agreement. Bookings of RKO films were held to be spot, not contract bookings.

## Overlapping Ended In St. Louis Area

ST. LOUIS, May 31.—Code Authority has notified the clearance and zoning and grievance boards that the problem of overlapping jurisdictions shall be settled by decisions that the defendant will be in the territory from which he secures his film.

This settles problems arising where exhibitors get their film from both Kansas City and St. Louis or Chicago and St. Louis.

Louis Landau's request that he be re-zoned in South St. Louis has been denied by the clearance and zoning board.

Beginning Monday the clearance and zoning board will meet Monday mornings and the grievance board will meet in the afternoon.

## Fights Buffalo Edict

BUFFALO, May 31.—Code board members, Universal, Vitagraph, RKO, M-G-M and First Division will appear tomorrow in the Supreme Court to show cause why a cease and desist order obtained by Edwin Wick of the Majestic should not be made effective.

On May 21 the grievance board handed down a decision against the Majestic involving reduced admissions. With the exhibitor disregarding the decision, his film was ordered stopped. Wick seeks a court order lifting the film stoppage.

# Sales Heads Undecided on Film Boards

(Continued from page 1)

for a policy of continuing the boards was found among the sales managers, who, however, did not actively oppose their continuation. The attitude of sales managers interrogated yesterday on the boards' future was decidedly one of "show me." If the boards' champions are able to convince the sales executives that Film Boards are indispensable, they will probably approve their continuation, it was indicated. If not, the field organization appears to be headed for the discard.

Also in evidence is a spirit of "rugged individualism" which bodes no good for the boards. A number of sales executives revealed the belief that their companies, acting alone, were as well, if not better, situated in the field than they would be if tethered with other companies by any tie or for any situation which would conceivably be handled by a field organization.

Pettijohn is known to favor the retention of a skeletonized film board organization, probably 10 or 12 boards for as many of the larger keys, to handle numerous details affecting the exchanges which arise daily. Lack of spontaneous support for the plan led to the appointment 10 days ago of a committee consisting of Neil Agnew, Paramount; Gradwell Sears, Warners; Abe Montague, Columbia, and Al Lichtman, United Artists, charged with making a decision on the future of the boards and instructed to report back to a later meeting with recommendations.

So far as could be learned yesterday the committee has arrived at no decision. Another meeting of sales heads may be called next week on Pettijohn's return from a vacation of a few days.

## Cleveland Theatres Get 30 Days to Pay

CLEVELAND, May 31.—Recognizing the protest of the Cleveland Exhibitors' Ass'n. that code assessments for theatres located in the suburbs should be based on the suburban instead of the Greater Cleveland population, the local grievance board by unanimous vote has granted all houses within the confines of this city an extension of 30 days in which to meet payments, to be calculated from May 29.

## Assent Protests Pile Up

Although many requests have been received by Campi for reopening of the code assent date, the subject was put over yesterday until next week. The listings from various boards are incomplete and the final checkup is expected to show about 1,000 requests.

## Portland Case Deferred

PORTLAND, May 31.—An overbuying complaint, Henderson vs. Adamson, Albany, Ore., has been put over to next week. A complaint of United Artists against Al Adams, Silverton, charging breach of contract, has been referred to Campi.

THE DRIVE FOR 1935
STARTS TODAY with
WARNER BROS.'
PROLOGUE TO
THE 1934-'35
SEASON . . . .

Warner Bros., leaders of the talking picture revolution, acknowledged pioneers of production cycles, now launch an equally new and unprecedented departure from the traditional routine of Distribution! • • • • We will have no Summer Product for 1934. Instead, starting today we are inaugurating a 15-MONTH season of 1935-quality pictures. To accomplish this, the months of June, July and August were deliberately charted months ago, not as the end of this season

but as the prelude to the next! The pictures to be released in this period have been purposely saved to provide a dynamic prologue which will build steadily up to the sensational product we have planned for the following year • • • • Only shows as superlative as those presented on the following pages will enable you to lay the necessary groundwork of steady patronage with which to capitalize fully on the tremendous attractions we will shorty announce for 1934-35 . . . . So

**LAUNCH THE DRIVE FOR 1935 TODAY** *with*

WHISPERED BY WOMAN TO WOMAN

# KAY FRANCIS
in
# "DR. MONICA"

JEAN MUIR

WARREN WILLIAM

VERREE TEASDALE

Directed by William Keighley

THE SPORT OF KINGS

# DOLORES DEL RIO

in

# "MADAME DU BARRY"

with

REGINALD OWEN • VERREE TEASDALE

VICTOR JORY • OSGOOD PERKINS

And the ALBERTINA RASCH DANCERS

Directed by William Dieterle

THE COMEDY THAT WAS MADE LIKE A SPECIAL

# "HERE COMES THE NAVY"

with

## JAMES CAGNEY
## PAT O'BRIEN

GLORIA STUART • FRANK McHUGH

AND THE FLEET IN ACTION

ected by Llyod Bacon

WARNER BROS. WILL SAY IT WITH GIRLS

# "DAMES"

Starring

RUBY KEELER · DICK POWELL

JOAN BLONDELL · ZASU PITTS

GUY KIBBEE · HUGH HERBERT

Directed by Ray Enright

Dance numbers created and directed by Busby Berkeley

TOGETHER!

KAY FRANCIS LESLIE HOWARD

in

# "BRITISH AGENT"

From the best-selling book by R. H. Bruce Lockhart

Directed by Michael Curtiz

— Also Coming Soon —

EDWARD G. ROBINSON in "THE MAN WITH TWO FACES"

JOE E. BROWN in "THE CIRCUS CLOWN"

BARTHELMESS in "MIDNIGHT ALIBI" by DAMON RUNYON

WILLIAM POWELL — EDNA BEST — COLIN CLIVE in "THE KEY"

PAT O'BRIEN — GLENDA FARRELL in "THE PERSONALITY KID"

JAMES CAGNEY and JOAN BLONDELL in "HE WAS HER MAN"

"RETURN OF THE TERROR" adapted from a story by EDGAR WALLACE

CHARLIE RUGGLES in "FRIENDS OF MR. SWEENEY"

DICK POWELL and RUBY KEELER in "FLIRTATION WALK"

ALINE MacMAHON in "SIDE STREETS" with PAUL KELLY

LAUNCH THE DRIVE FOR 1935 TODAY

WITH WARNER BROS.' FINEST 1934 SHOWS

Vitagraph, Inc., Distributors

# Fox Goes All American; No Foreign Film

(Continued from page 1)

expressed by various Fox delegates, they have been difficult to sell.

While the 43 vehicles announced include "Judge Priest," "The County Chairman" and "What Am I Bid" as starring vehicles for Will Rogers and top spot in the all-star cast planned for "One More Spring," the product book specifies Rogers will be starred in four. That leaves one to be announced.

Janet Gaynor was announced for stardom in "Servants' Entrance" as well as a lead in "One More Spring." The product brochure sets her down for one additional, untitled starring picture.

There are two new teams in the offing in the line-up. Edmund Lowe and Victor McLaglen will be combined in "Dames Is Dynamite" and an untitled Damon Runyon story. "Service Stripes" originally was the latter selection. James Dunn and Claire Trevor, likewise, will be teamed in two. One is "The First Baby."

### Stronger Casts for Rockett

Al Rockett, associate produced, is understood to have been promised a greater range in cast alignments, thereby wiping out an inter-studio difference concerning product assigned to him in the past. Rockett is reported to have declared his pictures would have been stronger box-office if casts had been stronger. He will now get the casts.

Edmund C. Grainger, eastern sales manager, was one of those executives who spoke yesterday at the second session. He dealt with liquidation of current accounts before the advent of the new season. Charles E. McCarthy, director of advertising and publicity, outlined plans his department had for new product.

Results of the 13-week "Kent Drive" brought the Charlotte exchange into first place; San Francisco, second; New Orleans, third, and Boston, fourth. Charlotte employes, from manager to porter, get four weeks' extra salary; San Francisco, three; New Orleans, two, and Boston, one.

### Phila. First on Shorts

The returns were based on cash delivery over assigned quotas. In the short subject division, Philadelphia was first; New Orleans, second; Washington, third, and Charlotte, fourth. Prizes in this division are cash and are to be divided among manager, salesmen and bookers in each exchange.

The contest will prevail next season again with Harold Lloyd contributing $5,000 on his own to "sweeten the pot."

Yesterday afternoon the assembled men previewed "The Cat's Paw" at the Fox Theatre in the home office building. Last night there was shown "The World Moves On" at the Waldorf.

This morning there are scheduled private meetings between John D. Clark, sales head, and district managers, and the latter with their man-

(Continued on page 16)

# Convention Conversation

HERMAN WOBBER, moved by company business into frequent trips east, continues to hold to his fondness for the home town, San Francisco. When he was with Paramount, there was a time when a top-notch home office post could have been his without the asking. It would have meant headquartering in New York. Wobber declined.

•

EDDIE GRAINGER, Eastern sales manager, appeared yesterday with a tie, loaded with red. Said he wanted to be sure the boys in the back chairs of the Sert Room would see him, even if they couldn't hear.

•

HAROLD LLOYD, regular as ever, mixed around with the boys at the home office yesterday afternoon when "The Cat's Paw," his picture, was screened.

•

CLAYTON SHEEHAN, foreign sales manager, detained abroad on business, was around the convention anyway with WOBBER acting as proxy.

•

LOUIS NIZER's analysis of code highlights yesterday elicited nothing but praise from the conventioneers.

•

ALICE FAYE, HAROLD LLOYD, JIMMY DUNN and STEPIN FETCHIT were among Fox luminaries presented to the gang by JOHN D. CLARK at the first session Wednesday. JULIAN JOHNSON, head of the studio story department, was another. LOUIS HYMAN, now representing SOL LESSER in New York, was still another.

GABE YORKE, head of the studio publicity department, amused some of the bunch with the story about SHIRLEY TEMPLE. When SHIRLEY was invited to attend one of the parties given recently during the coast exhibitor convention, she replied: "My father was wondering if those muggs were going to invite him?"

•

BILL GEHRING, recently Cincinnati manager, long a Fox veteran and now sales manager in Chicago, is keeping the laughs rolling. He tells stories a la Gehring, which means they must be heard for a full appreciation.

•

YORKE was happy to get back to New York although only for a handful of days, but it's been no rest. He pulls out again Sunday for the studio and will be glad to leave the rush, but not New York.

•

BILL KUPPER, western sales manager, has been sitting in the rear of the convention room. That's how he noticed how many are the bald pates in the sales ranks.

•

GEORGE LANDIS, Indianapolis manager, is attending the convention on crutches. Hurt his leg six weeks ago and now getting over it.

•

FOX grandfathers: ECKHARDT of Chicago, MOSS of Philadelphia and O'LOGHLIN, Canadian chief.

•

HARVEY DAY dozed during the screening of "Handy Andy." Said KENT to GRAINGER: "Well, why not? He doesn't work for Fox anyway?"

## *Samuelson Busy on Four Allied Meets*

Sidney Samuelson, president of Allied and the New Jersey unit, is concentrating on four future meetings of both organizations. Various policies now pending will be discussed.

The New Jersey unit meets at the Hotel Lincoln Monday, and on June 13-14 the national directors will again confer in New York. On June 18 Samuelson's own organization convenes. After this meeting, eastern Allied leaders will hold another session with Walter B. Littlefield as chairman. The date is not set, but the meeting will be held outside of New York and New Jersey.

Allied's board of directors has passed a resolution condemning the making of trailers by major producers and distributors. At the same time, exhibitors are asked to refrain from purchasing trailers made by major companies. The organization says it will "combat the spread of the practice by every available means including resort to litigation."

## *Elmer Rhoden Leaves*

Elmer Rhoden, Fox Midwest head, who has been here on business, is on his way back to Kansas City headquarters.

## *Pincus Back Yesterday*

Joe Pincus, talent scout for Fox in the East, returned from the coast yesterday. He went out by boat, came back by rail.

## *Film Carriers Call Session in Chicago*

CHICAGO, May 31.—The Ass'n of National Film Carriers, Inc., will hold a convention at the Palmer House here June 4-5 to discuss organizational problems and further expansion. Officers are:

James P. Clark, Horlacher Delivery Service, Philadelphia, president and treasurer; H. O. Robinson, Film Truck Service, Detroit and Chicago, vice-president; Clinton Weyer, widely known in the film insurance business, secretary.

The board of managers consists of E. E. Jamieson, Exhibitors' Film Delivery and Service Co., Kansas City; T. W. Gilboy, Gilboy Co., San Francisco; L. M. Miller, Electric Delivery System, New Orleans; M. H. Brandon, Inter-Carolina Delivery Service, Charlotte, N. C.; Charles E. McCarthy, Film Transfer Co., Minneapolis; F. E. Smith, Smith Film Service, Inc., Syracuse; R. C. Jones, Chicago, and H. Decker, Film Exchange Transfer Co., Boston.

## *No Deal with Wanger*

Coast reports Walter Wanger, who plans independent production, is dickering for a Fox release, were denied yesterday by S. R. Kent. "I have neither seen nor heard from Wanger," he remarked.

## *"Now I'll Tell" Held*

"Now I'll Tell" has been held over at the Roxy for a second week.

# Film Stocks Included in New Act Curb

(Continued from page 1)

adopted last year a step further. The securities act made necessary the approval of the Federal Trade Commission prior to the issuance of securities, while the exchange control act is intended to eliminate the abuses of manipulation, the two being aimed at preventing a recurrence of the situation existing prior to 1929, when large volumes of securities were issued without adequate backing and stocks were wildly manipulated.

# Monogram Set for Cincy Convention

CINCINNATI, May 31.—The Monogram sales convention opens at the Netherland Plaza here Saturday morning, with W. Ray Johnston presiding. Other executives who will be here include Trem Carr, Edward Golden and J. P. Friedoff.

Franchise holders from Cleveland, Pittsburgh, Kansas City, Omaha, Minneapolis, Chicago, Milwaukee, Indianapolis, Charlotte, Atlanta, Tampa, New Orleans, Dallas, Oklahoma City, Little Rock, Detroit and St. Louis will attend.

Those attending will include: Jack S. Jossey, Nat Lefton, William Onie, Robert F. Withers, C. M. Parkhurst, Gilbert Nathanson, Irving Mandel, Harry Lorch, J. G. Frackman, L. W. Marriot, Arthur C. Bromberg, H. H. Everett, Carl Floyd, L. Seichsnaydre, Claude Ezell, William Underwood, Sol Davis, B. F. Busby, Sam Seplowin, Nat Steinberg, Marney Rosenthal, Jack Berkowitz, Howard Brink and Nat Sonikman.

## *Signs Joan Bennett*

HOLLYWOOD, May 31.—Universal has signed Joan Bennett, via cable to London where the actress is vacationing, to play the lead in "A Million Dollar Ransom." Miss Bennett has also accepted an offer from Victor and Edward Halperin to play the lead in "Juggernaut."

## *Moore Starts for Coast*

Victor Moore left yesterday on the 20th Century for the coast to start work for Universal in "Romance in the Rain" with Roger Pryor, Heather Angel, June Knight and Henry Armetta.

## *Off to Nice Start*

"Little Man, What Now?" opened at the Music Hall yesterday and got away to a substantial start, according to both RKO and Universal.

## *Berres Is Casey Alternate*

HOLLYWOOD, May 31.—Al Berres has been appointed temporary alternate for Pat Casey on the studio labor committee while the latter is in New York.

## *Son Born to O'Briens*

HOLLYWOOD, May 31.—A son was born here today to George O'Brien and Marguerite Churchill.

GUY LOMBARDO AND HIS BAND
GEORGE BURNS & GRACIE ALLEN
"MANY HAPP
Adolph Zukor Presents
"MANY HAPPY RETURNS"
with Guy Lombardo and his
Royal Canadians · George
Burns and Gracie Allen
Veloz and Yolanda
George Barbier · Joan Marsh
Raymond Milland
Directed by Norman McLeod
if it's a PARAMOUNT PICTURE

THE SWEETEST MUSIC THIS SIDE OF HEAVEN!

# Y RETURNS"

## MANY HAPPY BOX-OFFICE RETURNS!

"A near riot, 'Many Happy Returns' should spell just that at the box-office."
—*Hollywood Reporter*

"This picture will undoubtedly garner plenty of shekels at the box-office."
—*Hollywood Variety*

"Sixty-six minutes of high-speed laugh entertainment." —*Motion Picture Daily*

it's the best show in town!

Paramount Pictures

## Fox All American; No Foreign Film

(Continued from page 13)

agers. In the afternoon speakers will be W. C. Michel, executive vice-president; Spyros Skouras, head of the theatre division, and S. R. Kent.

On Wednesday, Earle W. Hammons and Jack Skirball, Educational executives, told the convention their end of the shorts program will be launched earlier this year, July 1 being given as the starting date. W. J. Kupper, western sales manager, and William Clark, accessory sales manager, also spoke on the abbreviated releases.

Louis Nizer, secretary of the local Film Board, delivered an analysis of the code which was accorded a fine reception by many present who know there was a code,, but had been wondering what it was all about.

Slated to close officially tonight, many of the sales force will remain over part of tomorrow before departing for their respective cities.

### Silent on Carroll And Cowan Pictures

Neither the Fox announcement nor its product book makes any reference to two Earl Carroll musicals and a pair from Artists Prod., Inc., with production of which the company's name has been tied.

It is understood Paramount is negotiating with Carroll to follow his "Murder at the Vanities" with several more.

Artists Prod., Inc., is headed by Lester Cowan, former secretary of the Academy of M. P. Arts and Sciences, who declared in Hollywood on May 18 his first two would go through Fox. He said he was planning "The Sun Also Rises" as the opener.

Fox, however, has 15 more titles to announce before its 58 are fully rounded out.

### How Fox List Breaks Down by Producers

The Fox schedule, by producers, follows as far as designated:

Winfield Sheehan, in addition to general charge of production, will make eight.

Sol M. Wurtzel is down for 17. John Stone is associate producer with him on the group.

Robert T. Kane, four.

Al Rockett, four.

Jesse L. Lasky, seven.

Erich Pommer, two.

E. W. Butcher, four.

The latter's elevation to an associate producership was indicated in MOTION PICTURE DAILY April 30.

## Movietone News to Try Out New Setup

Under the new Fox Movietone News setup which becomes effective with the Labor Day issue the reel will seek to combine features of broadcasting, the modern departmentalized newspaper and newsreels as they have been known in the past—in other words, a selective combination of voice, picture and type and the development of "names."

Laurence Stallings, as editor, and Lowell Thomas, as commentator, are part of this policy of building up names. Truman H. Talley, heretofore vice-president and general manager, will be called producer hereafter. Ed Harvey will continue as makeup editor.

Voices will be suited to the various departments—sports, comedy, fashions, spot news, etc. Several of these have been connected with the reel for some time. Others may be added.

The present policy of bi-weekly issues will be continued, but each issue will be approximately 1,000 feet, a full reel, with a minimum of 15 news shots. The method of presentation will be changed radically, with screen credits given those in charge of departmental subjects and with the commentators and cameramen getting credits in much the same way that special writers now receive bylines in newspapers.

In the trade this is regarded as the answer by Fox to the challenge that will be set up by Hearst when the new Metrotone reel gets under way Sept. 1.

## Fox Will Have 112 Shorts, 104 Reels

(Continued from page 1)

featuring names and including six starring Ernest Truex.

12 "Musical Comedies," described as "extravaganzas in which many novelty features will be introduced."

6 "Frolics of Youth" featuring youngsters. This is the series in which Shirley Temple made her debut.

8 Coronet Comedies with film, stage and radio casts.

8 "Marriage Wows" dealing with incidents in the life of a young married couple.

6 "Young Romances" with boys and girls at "the laughing and loving age."

The one-reelers break down as follows:

104 issues of Fox Movietone News with Laurence Stallings, newly appointed, as editor.

26 Terry Toon cartoons produced by Paul Terry, Frank Moses and Philip A. Scheib.

6 "Along the Road to Romance Upon the Magic Carpet."

6 "Adventures of a Newsreel Cameraman."

8 "Treasure Chests," the first to be "Pagliacci."

10 "Song Hit Stories," with well known singers in "unique dramatizations of famous songs."

Educational, therefore, will not only supply the 52 two-reelers in six series, but 44 one-reelers in three series.

In addition, it is planned to reissue four two-reel Bing Crosby comedies produced by Mack Sennett. These are: "I Surrender, Dear," "One More Chance," "Billboard Girl" and "Dream House."

It is understood there is some question about the Magic Carpets and that John D. Clark, general manager of distribution, may decide against their inclusion in the program.

### *Plans More Editing*

Harold Lloyd will remain in New York for a few days following close of the Fox convention today and then return to Hollywood for additional editing and "tightening" on "The Cat's Paw," his new comedy, which Fox will release.

## *Fight Use of Screen To Spread Hitlerism*

(Continued from page 1)

Hitler propaganda through the medium of the screen was revealed yesterday in a statement issued by David Pratt, executive secretary of the former, and N. Durig, secretary of the latter group. The announcement declared the two groups would oppose "by all possible means" any use of the screen to advance the Nazi cause in this country.

The statement mentioned "S. A. Mann Brand" by name. It asserted Bavarian Films, sponsor of the film, now on exhibition at the Yorkville Theatre, was kept from giving the production a Broadway showing through "the public protest mobilized by these groups."

Last night the Film and Photo League invited local film reviewers to a meeting at its headquarters at which denunciation was made of "S. A. Mann Brand."

## *Zirn Wins Right to Appeal Para. Case*

ALBANY, May 31.—The Court of Appeals today granted Samuel Zirn, New York attorney, the right to appeal the Levy action against Paramount Publix which seeks the right to hold Paramount Publix directors responsible for the pledging of Paramount negatives to 12 banks participating in the company's 1932 refinancing program of $12,600,000.

If the appeal is not heard by the first week in July it will go over to next October. Lower states courts denied Zirn's action on the ground that trustees in bankruptcy for Paramount Publix were the only ones who could properly bring such an action.

## *Heavy Para. Claims Opposed in Briefs*

Attorneys for Paramount Publix trustees in bankruptcy filed briefs yesterday with U. S. District Court Judge Robert P. Patterson in opposition to claims against the company for $1,000,000 each, filed by De Forest and General Talking Pictures Corp., and a claim of indeterminate amount filed by American Tri-Ergon Corp.

The claimants were given until Monday to file replies to the briefs and Paramount was given until July 5 to make answer to the claimant's briefs, following which a decision will be rendered by the court.

### *Schulberg Shifts Plan*

HOLLYWOOD, May 31.—Because Lanny Ross is not due here until the first of July, B. P. Schulberg has been forced to shove back the starting date of "His Master's Voice" until the singer arrives. In the meantime he is whipping into shape another production as a substitute.

### *Besserer Burial Service*

HOLLYWOOD, May 31.—Funeral services will be held here tomorrow at St. Teresa's Catholic Church for Eugenie Besserer, who died Tuesday night after a protracted illness. Miss Besserer has been here since 1910 appearing in pictures. She is survived by her husband and a daughter, Mrs. R. F. Ulrich.

## *Purely Personal*

NATE SPINGOLD, ABE MONTAGUE and ABE SCHNEIDER decided to eat at Lindy's yesterday. JACK COHN was tied up at Campi substituting for R. H. COCHRANE and couldn't join the trio.

FRANK BORZAGE is due from the coast with a camera unit to take scenes at West Point for "Flirtation Walk." He will be joined next week by DICK POWELL, PAT O'BRIEN and other members of the cast. RUBY KEELER will follow later.

CHARLES MACARTHUR and BEN HECHT, now co-producers in the East, were guests of honor yesterday at a tea given them by CATHERINE MCNELIS, president of Tower Magazines, Inc.

ED FINNEY of Monogram and JOE BERNAT of General Outdoor Advertising were much interested in the N.Y.A.C. amateur bouts the other evening.

MORRIS LEGENDRE, Division Administrator SOL A. ROSENBLATT's assistant, is in from Washington for a few days. ROSENBLATT returned last night at the Campi hearings.

JAMES B. FITZGERALD, code secretary in Washington, returned yesterday after attending the appeal case of J. Louis Rome against Frank Durkee in Baltimore.

SID SILVER, stage comedian, leaves Sunday for the coast for a role in the Reliance production starring Jack Benny for release through U. A.

KEN ANESER of the Warner home office advertising and publicity department, will be married to Lucille Roder on Sunday.

EDWARD G. ROBINSON and MRS. ROBINSON are in town two weeks ahead of their planned schedule. It's a vacation.

ETHEL MERMAN departs for the coast Sunday to assume a role in EDDIE CANTOR'S "The Treasure Hunt."

HAL HORNE still speaks about a fishing trip—the one he was on last year.

EDDIE DOWLING yachted a group of industry executives out to sea for the review of the fleet yesterday.

ESTHER MUIR, fresh from abroad, is at the Warwick on her way to the coast.

MAURY COHEN, head of Invincible Pictures, is due here tomorrow from the coast.

TESS MICHAELS of U. A. spent the holiday in Connecticut.

C. C. PETTIJOHN winds up a holiday in the country on Monday.

## *Deposits Are Set in St. Louis Auctions*

ST. LOUIS, May 31.—Cash deposits of $50,000 or $100,000 worth of the company's bonds will be required from bidders on the Ambassador and Grand Central and $25,000 or $50,000 in company bonds will be required on the Missouri. The foreclosure sale is to be held June 7 by Special Master Nelson Cunliff.

Bondholders hope to get the houses to put into effect the plans worked out for F. & M. operation by Allen L. Snyder and Harry Koplar.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 128 NEW YORK, SATURDAY, JUNE 2, 1934 TEN CENTS

# NO PRICE FIXING, IS CAMPI RULING

## Clean Films Only, Kent's Declaration

### *Asserts Fox Will Meet 'Increasing Demand'*

Declaring the demand for clean films was an "ever increasing" one, Sidney R. Kent, Fox president, told the final session of his convention yesterday he pledged himself to such a policy "completely and wholeheartedly." He promised no objectional films would be released by Fox.

"A very vital problem which the whole motion picture industry is facing today is the question of clean wholesome motion pictures," he said. "I have never yet believed that men made great motion pictures altogether

(*Continued on page* 4)

## Stock Shift Ends Case in St. Louis

St. Louis, June 1.—Through the surrender of 875 shares of Class A and 501 shares of Class B stock of St. Louis Amusement Co. for cancellation an agreement has been reached finally disposing of the receivership litigation. Judge Henry Hamilton has approved stipulations by counsel.

St. Louis Amusement Co., controlled by Warners through Skouras

(*Continued on page* 4)

## Gillmore Renamed Equity President

Without an opposition ticket disclosed at the annual meeting of Actors' Equity Ass'n. yesterday, indications are that Frank Gillmore was reelected president for another three-year term and all other candidates on the nominating committee's regular

(*Continued on page* 3)

## *Statewide Trustee Sues for $119,000*

Milwaukee, June 1.—Suit in behalf of Statewide Theatres has been started in Federal Court by the trustee in bankruptcy to recover $119,000 in cash and property from the M. L. A. Investment Co. The trustee charges the company secured this cash and property to the detriment of Statewide creditors when it took over the Tower and Oriental Theatres before Statewide was declared bankrupt in 1933.

### *Maybe It's Swiss*

**Bernard Sholtz, New York representative of RCA Photophone, took Walter Eberhardt's funny crack yesterday seriously. Quoting Sholtz:**

**"If the navy is 100 per cent Wide Range and not High Fidelity, it must be the Swiss navy. The United States fleet is equipped with RCA Photophone."**

## U. A. to Start Chicago Sales Session Today

Chicago, June 1.—United Artists' executives were somewhere west of Buffalo late tonight, en route to this city, where the company's annual convention opens at the Drake Saturday. Many of the 50 men who will attend from all over the United States and Canada arrived during the day.

Saturday's program gets under way with an address by Al Lichtman, vice-president and general manager in charge of domestic distribution, in which he will review current season's product. Following there will be an open forum on the trend in admission prices and double features. Hal Horne, director of advertising and publicity,

(*Continued on page* 4)

## *Keith's to Be U. A. Philadelphia Spot*

Philadelphia, June 1.—Keith's instead of the Aldine will be the United Artists outlet for at least half of next season, under the U. A. agreement with Stanley-Warner.

Keith's, operated for the last two seasons as an independent under Principal Theatres (Sablosky and McGurk) has been taken over by Stanley-Warner until Dec. 31 of this year. The Aldine, now playing U. A. films, will close Saturday, June 9, with "Sorrell and Son." Keith's will open about mid-August with "The Affairs of Cellini" as the first of the new season's product.

## *Denver Methodists Approve Film Drive*

Denver, June 1.—Methodist Episcopal ministers have passed resolutions approving the Catholic drive against objectionable films and have requested the City Ministerial Alliance to make periodical surveys of

(*Continued on page* 4)

## Buffalo Court Move on Code Order Delayed

Buffalo, June 1.—An order of the local grievance board directing five exchanges not to deliver films to Edwin Wick, proprietor of the Majestic, is being held in abeyance for a week pending a Supreme Court hearing to determine the power of Campi boards to enforce their rulings.

Wick obtained a show cause order from Supreme Court Justice Alonzo J. Hinkley Thursday, returnable today, restraining RKO, Vitagraph, M-G-M, Universal and First Division, as well as the members of the grievance board, from interfering with his

(*Continued on page* 3)

## Review Board Gets No Notice to Quit

Washington, June 1.—Business as usual appeared to be the slogan today at the National Recovery Review Board. If the board was abolished yesterday, neither Chairman Clarence Darrow nor his staff appeared aware of the fact.

While it is true hearings have been suspended on the more than 100 codes

(*Continued on page* 3)

## *Perelman's Contract Suit Set for June 7*

Philadelphia, June 1.—Date for the hearing in U. S. District Court here in the case of Harry Perelman against Warners and other major distributors has been set for June 7.

Perelman has challenged the right of producers to ban duals in contracts and has asked for nullficaton of his contract with Warners and eight affiliates carrying clauses prohibiting him from double featuring.

## *Two Michigan Cases Won by Plaintiffs*

Detroit, June 1.—Two cases have just been decided by the grievance board.

Stanley Marz, State Theatre, Saginaw, has been adjudged overbought

(*Continued on page* 3)

### *Decides Boards Have No Power—Individual Pacts to Control*

Neither Campi nor the grievance boards throughout the country has the right to fix admission scales or change contracts, it was decided yesterday by Code Authority, which ruled that any board so doing is exceeding its jurisdiction and powers under the code.

As a result, Campi reversed a decision of the Charlotte grievance board, following a hearing on appeal, and refused to act in a Los Angeles case that had been passed up to it. In both instances, Campi held, prices of admission are a matter of negotiation between exhibitor and distributor.

In the appeal of H. F. Kincey, operating the Strand, Anderson, S. C.,

(*Continued on page* 3)

## Award Against FWC Modified by Campi

Code Authority yesterday virtually upheld the Los Angeles grievance board in the appeal of Fox West Coast against the decision granting the Garfield, Alhambra, Cal., operated by Simon M. Lazarus, 20 pictures from the F.W.C. bookings.

After hearing Charles A. Buckley, attorney for F.W.C., and Edward Alperson, booker and buyer for the circuit, at the last session, Campi reinvestigated the claims and yesterday

(*Continued on page* 3)

## New Orleans Hopes For Premiums' End

New Orleans, June 1.—Complete abolition of premiums and maintenance of uniform scales for first, second, third and subsequent runs are expected to result from a meeting of the clearance and zoning board on Mon-

(*Continued on page* 3)

## *British Theatre in Toronto Is Closed*

Toronto, June 1.—Opened four months ago with the blessing and patronage of representative officials of the government and patriotic organizations as a home of first run British features exclusively, the Carlton has been closed. It has been intimated that the house will reopen in the fall under new auspices. There has been no announcement of other closings.

# MOTION PICTURE DAILY

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MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## J. J. Simons Found Dead

CHARLEVOIX, MICH., June 1.—John J. Simons, Erpi sound engineer, has been found dead in an unoccupied cottage on the west shore of Lake Michigan. The body was discovered beneath mattresses and with a hole in the head by four women. His hands were bound. Simons made his district headquarters at Grand Rapids.

## Cody Services Today

HOLLYWOOD, June 1.—Funeral services will be held Saturday for Lew Cody, who died from a heart attack yesterday. Cody had been in pictures since 1915, and on the New York stage before that. He was born in Waterville, Me., in 1887.

## KAO Expects No Change

KAO circles anticipate no change in personnel, despite reports that Howard S. Cullman, at present receiver for the Roxy, had been approached by Lehman Brothers, banking firm, to join the circuit as theatre operator.

## Poole in Hollywood

HOLLYWOOD, June 1.—Arthur B. Poole, vice-president of Pathe Exchange, Inc., is here from New York. The trip is reported concerned with production financing.

## Brady Gets Promotion

Leo Brady yesterday was appointed assistant to Martin Quigley, president of *Quigley Publications*. He has been in the employ of the company for some time.

# New York Critics Moved By "Little Man, What Now?"

"Little Man, What Now?" Universal's big effort between now and the opening of the new season, garnered plenty of adjectives at the hands of New York critics.

While some comment maintains the picture is not entirely in keeping with the spirit of the Hans Fallada novel, a consensus of opinion asserts the picture is "extremely worth while."

Excerpts from published reviews:

*American*—It is excellently done and provides unusually poignant impressive entertainment. . . . It really is quite a tiny tale, you see, but its strength lies in its utter, unequivocal simplicity.

*Brooklyn Eagle*— . . . photoplay which deserves to be called one of the notable screen achievements of the season. . . .

*Evening Journal*—It's a sombre narrative; enlivened occasionally by Borzage's deft directorial touches.

*Daily Mirror*—Universal has made Hans Fallada's splendid novel a film of matchless beauty and integrity. Frank Borzage, who excels in telling delicate and simple love stories, directed. Margaret Sullavan and Douglass Montgomery, both young actors of exceptional charm and skill, play the leading roles.

*Daily News*—The atmosphere is different from the average picture, the backgrounds are well done and the acting of the cast is excellent, but the pessimism and tears of the hero, as Douglass Montgomery presents the young husband, do not endear him greatly to the audience. Margaret Sullavan is fine as the loving, tender, loyal Lammchen of the story. . . .

*Herald-Tribune*—The outline of the litary work, with the exception of a Hollywood's purely fortuitously added happy ending, has been preserved arrestingly, the dialogue is sparse and convincing and the acting is splendidly assured and restrained. . . . Douglass Montgomery gives the finest performance of his career as the "little man.". . . No less brilliant is Margaret Sullavan's re-creation of Lammchen.

*Post*—They must have made an intelligent and sympathetic adaptation of Hans Fallada's novel, "Little Man, What Now?" for after seeing the picture, we want to read the book. . . . The picture is rich in a variety of incidents and character studies.

*Sun*—They have made of "Little Man, What Now?" a fine and moving study of two young people facing a cold uninterested world. Frank Borzage, with its understanding of the importance of simple things, directed this film with tenderness and compassion.

*Times*—By his genuinely fine pictorial transcription of Hans Fallada's novel "Little Man, What Now?". . . Frank Borzage, who has been none too fortunate in the selection of his recent stories, strikes his old stride as a director. . . . The numerous characters are drawn expertly, both through acting and make-up, and the narrative adheres quite closely to the author's work.

*World-Telegram*—Much of the bitterness and futility of Hans Fallada's "Little Man, What Now?" has been lost in the novel's transference to the talking pictures. Even so, the screen version . . . is a well acted, sincere and deeply touching little film that provides good entertainment.

## Jessel Is Elected Head of the Friars

George Jessel was elected abbot of the Friars' Club, succeeding George M. Cohan, at the organization's annual meeting yesterday.

Others elected are: Rudy Vallee, dean; Jack Benny, prior; Ben Piermont, corresponding secretary; Pat Rooney, recording secretary, and William Degen Weinberger, treasurer. The following were elected governors: Dan Michalove, Fred Block, George Nat Burns, Harry Delf, Donald J. Flamm, Sam H. Harris, Lou Holtz, A. A. Jaller, Abe Lastfogel, Charles A. Miller, George Price, Marvin H. Schenck and R. S. Streufand.

The meeting was the first to be held in the club's new headquarters atop the Hollywood Theatre.

## Settle Suit on "M"

Suit filed by Foremco, composed of Walter Reade, Joe Plunkett, Myron Robinson, and Lawrence Green, against Paramount for damages charging failure to distribute "M," German film, after the latter company had acquired the picture has been settled out of court. A second action, charging plagiarism in that Cecil B. De Mille used the story of "M" for the basis of "This Day and Age," is expected to be dropped.

## Ask Censor Cut Release

Another effort is being made by the National Council on Freedom from Censorship of the American Civil Liberties Union to secure release of the film cuts made by New York censors. A new memorandum was submitted yesterday to Chancellor James Byrne of the University of the State of New York, to members of the board of regents, and to Commissioner of Education Frank P. Graves.

## Eastman Drops 2⅝ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 33½ | 33 | 33¼ | — ¾ | 300 |
| Consolidated Film Industries, pfd | 16⅛ | 15¼ | 15½ | — ¾ | 400 |
| Eastman Kodak | 95¾ | 93½ | 93½ | —2⅝ | 100 |
| Fox Film "A" | 13½ | 13½ | 13½ | — ½ | 100 |
| Loew's, Inc. | 31⅞ | 30¾ | 31 | — ¾ | 1,800 |
| Loew's, Inc., pfd | 94 | 94 | 94 | ..... | 100 |
| M-G-M, pfd. | 26¼ | 26¼ | 26¼ | + ¼ | 100 |
| Paramount Publix, cts | 4⅝ | 4⅜ | 4⅜ | — ¼ | 1,200 |
| Pathe Exchange | 2¾ | 2⅝ | 2⅝ | — ⅛ | 500 |
| Pathe Exchange "A" | 21½ | 20½ | 20½ | —1¼ | 400 |
| RKO | 3 | 2⅞ | 2⅞ | ..... | 100 |
| Warner Bros. | 5⅞ | 5⅝ | 5⅝ | — ⅛ | 200 |

## Curb Issues Off Slightly

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | — 1/16 | 300 |
| Technicolor | 10⅝ | 10⅜ | 10⅜ | ..... | 400 |
| Trans Lux | 1¾ | 1⅝ | 1⅝ | — ⅛ | 200 |

## Trading Light In Bond Market

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 8½ | 8½ | — ½ | 15 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8½ | 8½ | + ¼ | 6 |
| Loew's 6s '41, ww deb rights | 99¾ | 98⅞ | 99¾ | ..... | 12 |
| Paramount Publix 5½s '50 | 50 | 50 | 50 | — ¼ | 5 |
| Warner Bros. 6s '39, wd | 58½ | 58¼ | 58¼ | — ¼ | 1 |

# Purely Personal

AL FERRARO, salesman for Warners in the New Jersey territory, has resigned to devote all his time to his summer hotel, Sunshine Villa, at Hunter, Greene Co., N. Y. He has been developing the place for a number of years.

NATHAN BURKAN, LOUIS B. MAYER, HARRY WARNER, EDDIE CANTOR, GEORGE JESSEL, LOUIS NIZER and ABE LASTFOGEL have joined the amusement division of the United Jewish Appeal for German Jewish refugees.

MORRIS HELPRIN flew to Chicago the other day to look after the local publicity situation for the U. A. convention at the Drake Hotel.

ARTHUR HORNE, New Haven U. A. manager, left with the home office crowd for the Chicago convention yesterday.

M. B. COMERFORD leaves for the coast Friday to attend the annual Paramount sales convention.

LOUIS COHEN of F. & M. is in Denver and doesn't know when he'll be in these parts again.

JAMES P. CLARKE of Philadelphia left for the Quaker City after a short stay here.

ED KUYKENDALL looked over the visiting fleet from Riverside Drive yesterday.

JOHNNY WEISSMULLER and LUPE VELEZ left for the coast yesterday by plane.

HERB CRUIKSHANK starts that European trip on the *Champlain* today.

ARTHUR LEE is due back from a brief Canadian vacation on Monday.

PAUL LAZARUS is vacationing while U. A. is conventioning.

MEL HEYMANN today celebrates his second wedding anniversary.

MONROE GREENTHAL will be back from Europe the end of the month.

ROBERT MONTGOMERY has gone back to Hollywood and the M-G-M studios.

## Delay Baseball Start

Start of the M. P. Baseball League has been set back one week due to cool weather. Games will be played, Mondays, Wednesdays and Fridays at the George Washington High School field. The six clubs will be: Columbia, Erpi, NBC, RKO, Rockefeller Center and Warners. The next league meeting will be Tuesday night.

## "Civilized" to Rivoli

"Are We Civilized?" has been booked for the Rivoli, following "Born to Be Bad." The film was produced by Edwin Carewe. U. A. is not distributing the picture, Al Lichtman stated yesterday.

## S. G. Newman in June 8

Solly G. Newman, general representative for Radio in England, arrives in New York on June 8 aboard the *Aquitania*.

## Carrillo to Capitol

Leo Carrillo will appear in person at the Capitol starting Friday. "Men in White" will be the screen attraction.

# No Fixing of Prices, Ruling Of Authority

(Continued from page 1)

from the Charlotte board's decision, which gave L. C. Sipe of the Criterion, same city, the right to reduce his Saturday admissions to 10 cents despite the 15-cent provision in his contracts, Campi ordered a reversal. The Criterion plays second run while the Strand is a first run house at 15 cents. The Los Angeles case involved the Crystal, operated by H. M. Popkin, against Abe Levy of the Muse. Popkin charged Levy's five-cent admission was an unfair trade practice and in violation of the code. The Los Angeles board, instead of ruling on the matter, referred it to Campi, which dismissed Popkin's grievance on the ground that no parties other than the exhibitor and distributors involved can get together on the minimum price for the particular theatre.

If there is no provision in the optional standard contract as to the minimum price to be charged by a theatre, the exhibitor can ask for penny admissions and Campi cannot do anything about it. The attitude is that if the distributors are satisfied, so are the board members.

## Review Board Gets No Notice to Quit

(Continued from page 1)

still pending before the board, members declared they were without information their services had been dispensed with and indicated they would continue to operate until President Roosevelt formally ordered them home.

The second report of the board, declared recently by Darrow to be even tougher than the first, is nearing completion.

## *Two Michigan Cases Won by Plaintiffs*

(Continued from page 1)

and has been ordered to release 12 pictures from his RKO contract to the Gem. Complainant has been ordered to play or pay for the releases within 90 days.

The Campau, Hamtrammck, has been adjudged guilty of premature advertising and has been ordered to stop. The complaint was filed by Louis Schlussel, Farnum, Hamtrammck.

## *Postpone Patten Hearing*

A hearing scheduled for yesterday before Judge Robert Patterson, of the U. S. District Court, at which Superior Pictures, Inc., were to show cause why a permanent injunction should not be granted Gilbert Patten, author of the Frank Merriwell stories, to prevent them from advertising or producing a series of pictures starring Frank Merriwell, was postponed until June 5 at the request of the defendants. Superior Pictures, Inc., however, consented to a restraining order, effective until the date of the next hearing, preventing them from carrying out their proposed advertising and production plans.

# Award Against FWC Modified by Campi

(Continued from page 1)

decided to give the complaining exhibitor 13 pictures instead of the 20, listing from five major companies the product available for the independent.

Because of the lapse of time since the filing of the case and handing down of the appeal decision, the board felt that Lazarus did not need the entire 20 pictures originally awarded him and so reduced the number by seven. The pictures and distributors are:

"Heat Lightning," "Merry Frinks," "He Was Her Man" and "Midnight Alibi" from Warners; "Private Scandal," "Great Flirtation," "Old Fashion Way" and "Ladies First" from Paramount; "Springtime for Henry" and "Wild Gold" from Fox; "Hollywood Party" and "Rear Car" from M-G-M; "Born to Be Bad" from 20th Century. Bookings start June 6.

Campi unanimously affirmed the decision of the New York grievance board which found the Mayfair guilty of cut-rate ticket distribution. The complaint was filed by the Roxy.

### Baltimore Case Dismissed

The appeal involving the Gwynn, Baltimore, operated by J. Louis Rome and the Forrest, same city, operated by Frank H. Durkee, was dismissed. On this complaint, the Washington board refused to act and referred the matter of Durkee's building a new theatre to the main executive body. On a second case, Rome was given an affirmation by Campi and will be given all product not to be used by the Forrest.

Code Authority did not act on the appeal of John T. Rennie & Son who charged Feldstein and Deitrich with negotiating a lease of a theatre while it was being operated by the complainants.

Immediate halt to premature advertising was ordered to George Hannon, Green Bay, Wisconsin, Campi upholding the Wisconsin Amusement Enterprises in the matter. Further, the decision states that unless the order is immediately carried out all distributors will stop serving Hannon film.

Two cases were deferred for additional information. One was the Consolidated appeal from the New York board's decision which stated Loew's Grand was a deluxe house and not in the same category as the Luxor, which Consolidated claims it is. The second was the appeal involving the Rivoli, LaCrosse, Wis., and State, Tomah, Wis., against L. J. Burkitt, Classic, Sparta, Wis., on reduced admissions.

## *Campi Receipts $57,051*

Total of paid exhibitor assessments received by Campi to May 29 was $57,051, representing 5,519 theatres throughout the country. The theatre total is 1,000 more than half of the code assents.

## *Code Vacancies Unfilled*

No replacements of code personnel which has resigned were made by Campi at its last session, due to a heavy calendar.

## *Flash Review*

*Operator* 13—Marion Davies is seen to advantage. . . .

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

# Gillmore Renamed Equity President

(Continued from page 1)

ticket were victorious. Election ballots cast yesterday, however, will not be counted until today.

Others on the regular ticket are Osgood Perkins, Florence Reed, Arthur Byron and Peggy Wood, vice-presidents; Leo Curley, recording secretary; Paul Dullzell, treasurer; George Arliss, Eddie Cantor, Katharine Cornell, A. G. Andrews, Augustin Duncan, George Heller, Victor Kilian, Philip Loeb, Louise V. Prussing and Albert Van Dekker, councillors. Councillors are elected for a term of five years.

Amendments to Equity by-laws which provide for the calling of at least three special meetings annually in addition to the annual meeting and giving members who are not delinquent for more than a year the right to attend meetings were passed. Two other amendments, one of which would give members delinquent for less than a year the right to vote as well as attend meetings and the other providing for the election by the membership of the nominating committee of nine, were balloted on yesterday, but the ballots will not be counted until today. At present, Equity membership elects six members of the nominating committee and three are appointed by the councillors.

Equity's annual report was pessimistic about results to date under the legitimate code, which has been reopened, and about prospects for the completed pact.

## New Orleans Hopes For Premiums' End

(Continued from page 1)

day. This hope was raised today at the first meeting of the board. Questionnaires sent to all houses in this area have revealed double bills, premiums and five-cent admissions are being resorted to by independents, it is said.

The suggestion that premiums be ended and prices protected was broached at today's meeting of the board by W. H. Alexander, impartial member, during a clash between independents and Ed Myrick, representing the United Theatres circuit. Myrick said the circuit would discontinue premiums if the independents would do likewise. The latter balked on the ground of difference in protection. Myrick added that the circuit did not relish doubles and maintained a standard admission never under 10 cents.

Myrick asserted that about 500 films are released yearly in this city and that his 18 houses absorbed only half, so that independents are in a position to get first runs without difficulty in regard to clearance and zoning if they are willing to pay the price.

## *Cullman Hits Globe*

Howard S. Cullman has filed a grievance against the Globe with the New York board, charging violation of the code by distribution of advertising passes at hotel stands.

## *Memphis Board to Meet*

MEMPHIS, June 1.—Next meeting of the clearance and zoning board has been set for June 11. The grievance board will also meet that day.

# Buffalo Court Move on Code Order Delayed

(Continued from page 1)

film service. Acting in behalf of the grievance board and thre distributors, Attorney Herbert T. Silverberg today entered into a stipulation with Leo J. Rosen, Wick's attorney, whereby the show cause order will be returnable June 8. Justice Hinkley approved the stipulation, which automatically postpones action a week, with the provision that Wick get service as usual in the interim.

The grievance board on May 28 ordered the distributors not to deliver any more film to Wick until he should comply with the board's order of May 15 to stop the practice of giving away groceries in his theatres. Wick had been operating a "country store" system of giving premiums to holders of lucky number tickets.

Complaint against Wick was filed by Louis Isenberg, proprietor of the New Ariel. The grievance board decided after a hearing that Wick was guilty of violating a code prohibition against premiums. When he continued the practice, the order to stop film delivery was issued. Wick then started suit to prevent carrying out that order.

Division Administrator Sol A. Rosenblatt is interested in the Buffalo case questioning authority of the local grievance boards and is understood to be preparing either to attend the Supreme Court hearing in person or delegate an NRA legal man to be on the scene next week.

## *Two Clearance Cases Decided in Capital*

WASHINGTON, June 1.—Two cases were decided by the local clearance board today. One was that of C. H. Lightheiser, the New Preston, Baltimore, who protested clearance afforded the Ritz, the same city, operated by Lou and George Gartner. The complainant asked that he be allowed product immediately after the Ritz run, with the present 14-day clearance eliminated. The board held the clearance fair.

The other was a protest brought by Samuel Tabor, the Lyceum, Dundalk, Md., against clearance afforded the Strand there, also operated by the Gartners. The board ruled that neither house was entitled to any clearance over the other.

The protest of J. William Cleveland of the Takoma, Takoma Park, D. C., against clearance allowed the Warner Colony and York was adjourned. He asked that he be given product on the same terms as the Warner Tivoli, 21 days after the first run.

Harry Silver, the Overlee, Baltimore, asked that the Gartners' Vilma in the same city play pictures within a certain period to speed up availability of film to him. The case was continued.

The clearance board meets again June 5, while the grievance gathers June 4.

# Clean Films Only, Kent's Declaration

(Continued from page 1)

for money. I think that when a picture reaches above the average there is something that went into that picture in addition to the pay check a man got for doing it. However, on our side of this question of clean films there are, unfortunately, people who will make anything out of which money can be made, and I do not mean by our side, people we necessarily control.

"There are elements in motion pictures which are no longer wanted, which add nothing to the value of a picture's entertainment. These elements do not have to be in pictures any longer. Pictures are better without them. We need no pictures which have dirt dragged into them and contain this element ostensibly for no other reason than the dirt itself. The prestige of this company and of every other producing company in this great American industry will be advanced without such elements.

"I want to tell you that you can deliver to your customers next year pictures that you will not have to apologize for."

### Discusses Other Plans

Kent went on to speak of other aims and new tendencies which his company believes in and expects to develop in the coming production year. He spoke of "certain ideals which rise even above profit itself in the shaping of picture policy with respect to films of an order aimed at molding public concern and human interest."

"There are times when we know and see working before our very eyes powers of inspiration which guide us toward a better and more revealing type of picture. These are times when we know that our work is a part of and parcel of creative constructive effort in this country," he added.

His address officially terminated the three-day convention. Other speakers in the short afternoon session were W. C. Michel, executive vice-president, who praised Kent's leadership; Sydney Towell, treasurer, who reviewed the company's financial position, and Spyros Skouras, head of the theatre department, who told the conventioneers the theatre division would stand foursquare behind the product.

In the morning, John D. Clark, general manager of distribution, conferred with district managers while the latter, in turn, conferred with branch managers in their territories. Many of the delegates remain over until this morning and start leaving for their respective cities in the afternoon.

## *No Educ'l. Changes Due*

No change in the Educational production setup for the coming year is to be made, according to E. W. Hammons, president. E. H. Allen will continue in charge of the Los Angeles plant and Al Christie will have charge of the eastern production units at the Eastern Service Studio.

Frank Moser and Paul Terry will continue to produce cartoons in New York.

## *Ready for U. A. Convention*

***Chicago, June 1.—United Artists' executives who will attend the company's annual convention starting at the Drake here Saturday:***

***Left to right: Hal Horne, director of advertising and publicity; Earl Kramer, home office representative; Paul Burger, home office sales assistant; Joseph Moskowitz, vice-president; Al Lichtman, vice-president and general manager in charge of distribution; Harry D. Buckley, vice-president; C. Ericksen, representing Douglas Fairbanks' interest in London Films; Harry Gold, home office sales assistant; Moe Streimer, New York branch manager, and Charles Stern, home office representative.***

# $500,000 Suit Over ProductNamesFWC

Los Angeles, June 1.—Earl Sinks and Howard J. Sheehan filed suit in Superior Court yesterday against Fox West Coast for $500,000, charging breach of trust in handling product for the Iris, Hollywood and Egyptian theatres.

The plaintiffs assert they had an agreement with the defendant covering the allocation of first run pictures in the Hollywood area under the terms of which the latter was to buy all product because of ability to get more favorable terms. They charge adoption of duals at the Egyptian without their being consulted brought about a dearth of first-class product at the Iris and Hollywood, with such loss of patronage that the houses went into the red, whereas they had been showing a profit of $43,000 annually.

It is charged the defendant's purpose was to destroy the reputation and good will of the Iris and Hollywood. Charles Skouras, who is mentioned as among those interested in purchasing the Fox West Coast houses, is accused of having a hand in the matter. They claim he deliberately appropriated the best product for the Egyptian.

## *J. J. Gain on Vacation*

Hollywood, June 1.—J. J. Gain, manager of the Fox studio, has gone to Honolulu for a vacation. John Zinn is holding down the job in his absence.

## *Mayfair Holds "Sorrell"*

"Sorrell and Son" has been held over at the Mayfair.

# Stock Shift Ends Case in St. Louis

(Continued from page 1)

Brothers Enterprises, Inc., was taken out of receivership last August, and Jack Shea and his sister, Katie Shea; Harry Koplar and others were ordered to pay all court costs and the receivership expenses.

Under the compromise agreement the defendants withdraw their appeal; $22,724 turned over to the company by the receivers is released from the jurisdiction of the court; Guy A. Thompson and Lambert E. Walther, attorneys for the receivers, get $5,000 and $2,500, respectively, in additional fees. Jack Shea surrendered 30 shares of Class A stock; Katie Shea, 55 shares Class A; Irwin Meyer, trustee for Koplar, 500 shares of Cdass A and 448 of Class B; I. Sutton, 100 shares of Class A; Mrs. E. Probstein, 160 shares of Class A; Harry Koplar, 30 shares of Class A and 53 shares *of* Class B.

## *Denver Methodists Approve Film Drive*

(Continued from page 1)

films to be shown here so that reports on them can be given in churches.

Opinion in the trade is divided on the effects of the Catholic movement so far. "Viva Villa," one of the condemned features, had a big week at the Denver and was moved to the Paramount.

On the other hand, "As the Earth Turns," advertised by Harry Huffman as censor-proof and desirable entertainment for the signers of any pledge, fared badly.

# U. A. to Start Chicago Sales Session Today

(Continued from page 1)

appears next on the program with a talk titled "Exploitation and Better Showmanship." A talk by Harry L. Gold, assistant to Lichtman, on "Sales on Pictures of the Current Season," will complete the first day's session.

Program for Sunday will consist of the following:

Lichtman will announce the schedule for 1934-35. There will follow a discussion on the exploitation of those pictures. Joseph M. Schenck, president of the company, who is flying in from the Coast, will discuss the new lineup. The session will wind up with a discussion on exhibitor needs as interpreted by the company's branch managers.

### Those From Home Office

Among the home office executives who will attend the sessions are: Lichtman, Joseph Moskowitz, vice-president; Harry L. Gold, sales assistant; Charles Stern, home office representative; Paul Burger, home office sales assistant; Jack Goldhar, home office representative; Earl Kramer, Manny Silverstone, Etienne Pallos and C. Ericksen of London Films.

The following branch managers are also present: C. Eiseman, Atlanta; John J. Dervin, Boston; Jack Kaplan, Buffalo; Fred A. Rohrs, Charlotte; William Mack, Cincinnati; A. M. Goodman, Cleveland; Arthur Horn, New Haven; G. P. Frank, New Orleans; Moe Streimer, New York; H. G. Bodkin, Philadelphia; Bert M. Stearn, Pittsburgh; Charles Kranz, Washington; Sam Horowitz, Chicago; Al Hoffman, Denver; M. Dudelson, Detroit; Joseph Cantor, Indianapolis; William E. Truog, Kansas City; H. E. Lotz, Milwaukee; Max Stahl, Minneapolis; D. V. McLucas, Omaha; Harry Scott, St. Louis; Doak Roberts, Dallas; Ewen MacLean, Los Angeles; Irving Schlank, Salt Lake; D. J. McNerney, San Francisco; Guy F. Navarre, Seattle.

The Canadian delegates are: H. M. Masters, district manager, Toronto; A. Feinstein, Calgary; A. J. Jeffery, Montreal; Gerald M. Hoyt, St. John; S. Glazer, Toronto; David Griesdorf, Vancouver, and Philip Sherman of Winnipeg.

## *Select Sten's Title*

Hollywood, June 1.—"We Live Again" will be the title of Anna Sten's second picture for Samuel Goldwyn-United Artists. The story is based on "Resurrection" and will co-star Fredric March.

## *Off to Join Goldwyn*

Janice Jarrett, poster and magazine cover model, left for Hollywood yesterday for a role in the new Cantor musical, "The Treasure Hunt."

## *McDonnell to Columbia*

Hollywood, June 1.—Howard A. McDonnell, former general manager of the General Service Studios, has succeeded N. M. Stephenson as comptroller for Columbia Studios. Stephenson resigned.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

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# Campi Precedents Needed To Guide Local Decisions

## Pictures Must Include Adult Appeal-Hays

### *Cannot All Be Made for Children, He Says*

CRAWFORDSVILLE, IND., June 3.—Youth must be served, but all pictures cannot be made for children, declared Will H. Hays here last night in an address before the alumni of Wabash College.

After reviewing the history of entertainment and the efforts of the M.P.P.D.A. to enlist religious, educational and club groups in the job of developing public taste and improving the quality of films through constructive criticism, Hays said pointedly:

"This is neither the time nor the place, perhaps, to discuss some of the insidious elements who are using the pretext of the screen to attack the freedom of speech, of expression and of individual initiative, upon the basis of which our country has been built."

This is regarded by many as Hays' guarded answer to the campaigns against block booking being conducted by Allied and the M.P. Research Council and also to the recent drive against questionable films by the Catholic church and other religious bodies.

He spoke sharply about "paid lecturers" and went on to discuss criticism:

"It is expressed on the other hand," he said, "by those who make a living by paid lectures denouncing the motion pictures; by job-seekers who would fasten themselves on Federal or state payrolls through proposals for

(*Continued on page 7*)

## Loew's Not to Run Poli Before Fall

Loew's has not taken over operation of the Poli circuit, it was stated officially at the company's headquarters Saturday. No definite plans for assuming operation have yet been made, it was said, and the fact that Harry Shaw, a former Loew manager

(*Continued on page 8*)

## *Columbia to Keep on With Outside Films*

Columbia will continue to release outside productions next season, the first already has been set under the plan. It will be "Gratitude," to be produced by Bryan Foy Productions, which this season made a number of features for the company.

### *The Only One There*

**Hollywood, June 3.—Robert Montgomery has returned to Hollywood, concluding a 10-week vacation on his ranch in Massachusetts.**

**The actor is top spotted in "Hideout," which goes into production in a week with W. S. Van Dyke directing.**

## Warners Hold To 60, Plus 130 Shorts

ATLANTIC CITY, June 3.—Warners will stand by their total of other years and market 60 features in the 1934-35 season, the second of two eastern sales regionals will be told here Monday. In the short division and flying the Vitaphone banner, there will be 130 releases. Two will be in three reels each, 50 will be in two reels each and 78 will be one-reelers.

"Anthony Adverse," best seller by Hervey Allen, will be the flagship of the Warner fleet. Contrary to Hollywood report, the picture will be released as one attraction where two episodes have been talked about from time to time. There is some conversation that three directors, however, will work on it, the names mentioned

(*Continued on page 7*)

## 22 a Minimum From U.A.; 20 Features Set

CHICAGO, June 3.—United Artists will release a minimum of 22 features next season. Definitely set is the program of shorts to be supplied exclusively by Walt Disney to the tune of 18, divided equally between Mickey Mouse and Silly Symphonies in Technicolor. Al Lichtman passed on the word to the assembled home office executives and branch managers today at the opening of the U. A. two-day convention.

Furnishing feature product will be 20th Century, Samuel Goldwyn, Reliance, London Films, Viking Prod. Twenty pictures were listed by Lichtman, as follows:

"The Affairs of Cellini," starring Fredric March and Constance Bennett with Frank Morgan and Fay Wray in the support. Based on "The Firebrand," Broadway stage play by Edwin Justus Mayer, this will be the opener on the U. A. program for the new season. 20th Century produced.

"Bulldog Drummond Strikes Back,"

(*Continued on page 4*)

## *M-G-M Tentatively Sets Two Meetings*

M-G-M has tentatively set two conventions, the first to be held in Cleveland and the second in Chicago. The Cleveland meet is tentatively down for June 18-19, and the Windy City session is dated for June 21-22.

## *Price-Fixing Is Settled, But Other Issues Now Hang Fire*

Because of the plethora of involved and intricate pointers on the code, many test cases will have to be decided by Campi on important issues before precedents may be established by which exhibitors and code boards can be governed in the future.

Of the seven appeals decided late last week, the most important were those which involved price-fixing, which the board declared was not within the powers or jurisdiction of local boards and Campi. It was held that exhibitor and distributor must get together on minimum admissions and that no board may designate the low or high tariff.

Looming as important test cases will be appeals from, or recommendations by, code boards on the 10 per cent cancellation clause particularly as it concerns United Artists. The

(*Continued on page 8*)

## Chicago 10¢ Fight Stirs Up Showmen

CHICAGO, June 3.—Exhibitors stood on chairs and hung from the rafters at last weeks' clearance and zoning board meeting to cheer Harry Nepo, Lindy Theatre, in his complaint against major distributors charging

(*Continued on page 8*)

## *Standard Shipments Film Carriers' Aim*

CHICAGO, June 3.—Standardization of film shipments will be the highlight of the second semi-annual convention of the National Film Carriers' Assn., which opens a two-day session at the Palmer House tomorrow.

James P. Clarke, president, will be chairman of the meet which will be attended by 32 members from all parts of the country.

## *New Association Is Discussed in South*

ATLANTA, June 3.—Preliminary work has been started here on the organization of a new independent unaffiliated theatre owners' group.

(*Continued on page 8*)

## *Para. Policy Is Not Final On Duals and Admissions*

Paramount will be guided by the industry policy in its attitude toward duals and minimum admissions, declared Adolph Zukor upon his arrival here Saturday.

If dual bills are sound as a policy, they will continue, he said, but if not they will fall by the wayside. Paramount's sales policies will not be announced before the convention June 18, he continued. His personal opinion, however, is that duals are unsound.

The Paramount president was equally noncommittal on minimum admissions. He did say, however, that when they reach the 10-cent level they are too low. He expressed no opinion on what minimum would be written into Paramount contracts for next season.

Zukor will remain in the east until June 13 when he will leave for the convention in Los Angeles. He will stay at the studio until fall. No decision has been reached, he said, as

(*Continued on page 8*)

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*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Master Art Sets Deals

Master Art Productions, Inc., has closed deals for its "Organlogues," "Melody Makers," Edwin C. Hill series and other product in the following territories: Nat L. Lefton, Monogram, for Ohio, Kentucky, western Pennsylvania and West Virginia; John Servaas, Capitol Film, Indiana; Arthur C. Bromberg Attractions, Florida, Georgia, Alabama, North and South Carolina, Tennessee, Louisville and Mississippi; Nat Steinberg and Barney Rosenthal, Premier Pictures, Eastern Missouri and Southern Illinois; W. L. Norris and Russell C. Borg, Consolidated, Kansas and western Missouri; Charles W. Trampe, Midwest, Wisconsin and upper peninsula of Michigan; Gilbert Nathanson, Monogram, Minnesota, North and South Dakota and part of Wisconsin; P. Weintraub, Security, Iowa and Nebraska; Claude Ezell and William Underwood, Independent Film, Texas, Oklahoma and Arkansas; Nat Levine, Mascot, Washington, Oregon, and northern Idaho.

## Takes Circleville House

CIRCLEVILLE, O., June 3.—Harry Clifton, local operator, has taken a long term lease on the Hippodrome here, and will rechristen it the Liberty. He also owns the Cliftonia.

## Booth's Father Passes

CINCINNATI, June 3.—The father of Edwin M. Booth, local M-G-M manager, who has been in ill health for some time, passed away unexpectedly at Indianapolis. He was 72.

# Insiders' Outlook

*Atlantic City, June 3.*

WHAT do the signs read? They read better days for the business. Undeniably so. The summer will be tough, of course. There are complaints on that score among the higher uppers who call the shots, forgetting as many do that every summer is difficult and some more than others. Beyond the warm weather, however, the days look brighter and the faces, therefore, should be. . . .

▼

Looming large as something about which something must be done is the rising tide of objections raised to much which goes on in Hollywood. The Catholic Church, patient and slow to disturbance, is aroused over material in pictures which has no right there. But it is significant to bear in mind this goes beyond the one denomination and finds echoing cries of sympathy for the attitude where the Presbyterians, the Jews and others are concerned as well. . . .

▼

Therefore, it comes as no accident that statement made to the Fox convention by Sidney R. Kent last Friday. In it, he recognized the demand for clean pictures as an increasing one. He pledged his company would obey the edict and placed himself on record with the statement, interpretable no other way, that Fox would not release a single objectionable film. In Crawfordsville, Ind., Will H. Hays inferentially touched on the same subject, declared the industry recognized its obligation to the youth of the nation, but threw a pointed javelin and sharp into the midst of those who make it a paid business of riddling the celluloid scene with their criticism. . . .

Passing over this development in this discussion on the theory that something will be done about it promptly and effectively and before church elements are completely estranged from films, we come to the balance sheet of the industry and find what? That the financial path of several of the majors is more clearly strewn with roses. M-G-M, which, in point of investment, resisted better than all others the inroads of the depression, is reflecting better times. The Fox organization, having written down and also out encumbrances in its stock setup, for the first time in several years sees a future filled only with the normal gamble in production quality. . . .

▼

Privately expressed only, many of its selling force in convention at the Waldorf last week declared they felt easier than in many months on the strength of the company's situation, as explained to them by ranking executives. They felt better, too, about product possibilities. Unworried any longer about phantoms of receivership or bankruptcy and what they mean to their jobs, these men are now on the way home ready to do the job for which they were hired: selling film at the best possible terms. . . .

▼

Here Monday and Tuesday is the second of four Warner regionals. Having parted company with their bankers, the Warner brothers are operating directly out of income which is substantial. The distributing machinery, backed by Warner theatres, is and has been, rolling up a formidable domestic gross. Here, as elsewhere, the job is far from finished. Important about it so far, however, is the fact that the company reports itself in the black with earnings reminiscent of fonder days no longer considered so completely remote. . . .

▼

In greater or lesser measure, what has been told in this space fits into the picture of other major companies, as well. Paramount is moving toward the day when it will come out of its bankruptcy; RKO is figuring it identically, although the actual step may be further removed in its case. There, its straight picture business is up by a considerable margin. Much has happened over at United Artists since Zanuck and 20th Century came into the fold a year ago. Universal, where times have been difficult, is all smiles again because of "Little Man, What Now?" and on Tuesday goes into its own convention in New York ready to set sail for '34-'35 and places. Columbia is sharply on the upward curve and steadily making progress. . . .

KANN

## Eastman Pfd. Up 2 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 32½ | 31⅝ | 31⅝ | —1⅝ | 700 |
| Consolidated Film Industries, pfd | 15½ | 15⅛ | 15½ | ..... | 200 |
| Eastman Kodak, pfd | 140 | 140 | 140 | +2 | 10 |
| Fox Film "A" | 13½ | 13½ | 13½ | ..... | 200 |
| Loew's, Inc | 31 | 30½ | 31 | ..... | 2,900 |
| Loew's, Inc., pfd | 95 | 95 | 95 | +1 | 100 |
| Paramount Publix, cts | 4⅜ | 4¼ | 4⅜ | ..... | 6,500 |
| Pathe Exchange | 2½ | 2½ | 2½ | + ⅛ | 200 |
| Pathe Exchange "A" | 20¾ | 20¼ | 20¾ | + ½ | 700 |
| RKO | 3 | 2⅛ | 2⅛ | — ⅛ | 2,500 |
| Universal Pictures, pfd | 38 | 38 | 38 | ..... | 20 |
| Warner Bros | 5⅝ | 5½ | 5⅝ | ..... | 2,000 |

## Curb Issues Take a Loss

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10½ | 10¼ | 10¼ | — ⅛ | 900 |
| Trans-Lux | 1½ | 1½ | 1½ | — ⅛ | 200 |

## Warner Bonds Decline Point

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8 | 7¾ | 7¾ | — ¼ | 14 |
| Loew's 6s '41, ww deb rights | 99¾ | 99⅝ | 99¾ | ..... | 22 |
| Warner Bros. 6s '39 wd | 57½ | 56½ | 56½ | —1 | 31 |

## Purely Personal

BURL R. TUTTLE'S original, "The Dawn Rider," has been purchased by PAUL MALVERN, head of Lone Star Productions, as a JOHN WAYNE vehicle.

W. P. MURPHY has been transferred from Chicago to the New York sales force of Erpi. He will handle the metropolitan territory north of 125th St., working under BERT SANFORD, JR.

HERMAN RIPPS, Brooklyn booker at the M-G-M exchange, has been promoted by WILLIAM SCULLY as salesman working out of the Charlotte office.

ALEX GOTTLIEB has rented a mansion up in Connecticut for the summer, with tennis courts, a swimming pool and with six other persons.

ROSE ADELMAN, secretary to NORMAN MORAY, is engaged to marry JACK A. GINSBERG of Brooklyn in the fall.

SID RETCHETNICK is poring over vacation booklets and hasn't decided yet where he'll spend his two weeks.

GILDA VARESI'S and DOLLY BYRNE'S play, "Enter Madame," has been purchased by Paramount.

LOU METZGER hasn't decided when he's going back to the coast. It may be any day now.

## "The Juggernaut" First

HOLLYWOOD, June 3.—Victor and Edward Halperin have lined up "The Juggernaut," one of the first big films produced by Vitagraph, as the first for the newly-formed Halperin Prod. program.

## Fassio to Start June 15

DETROIT, June 3.—B. C. Fassio, president of Shamrock Pictures Corp., says he will start his first feature, "4 o'clock in the Morning," at the old Weldon Studios on June 15.

# *Triple* DISTINCTION

EASTMAN Super-sensitive Panchromatic Negative has a three-fold distinction. Its introduction has led to more significant advances than any other film ...excepting only Eastman's *original* motion picture negative. Under the expert hands of the cameraman it has in the last three years photographed a great majority of the biggest screen hits. And...because of this record of accomplishment...it now enjoys by far the widest preference among all motion picture negative films. Eastman Kodak Co. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-sensitive Panchromatic Negative*

# 22 a Minimum From U.A.; 20 Features Set

(*Continued from page* 1)

starring Ronald Colman. In the cast are Loretta Young, Warner Oland, Charles Butterworth and Una Merkel. 20th Century produced.

"The Last Gentleman," starring George Arliss with Edna May Oliver, Charlotte Henry and Ralph Morgan in the cast. 20th Century produced.

"Cardinal Richelieu," starring Arliss and supported by an all-star cast. Arliss will start work on this upon his return from England and 20th Century will produce.

"The Red Cat," starring Fredric March and Constance Bennett. 20th Century will produce.

"The Mighty Barnum," with Wallace Beery and Fredric March from a story by Gene Fowler. 20th Century will produce.

"Clive of India," a film version of a stage play now in its seventh month in London. Ronald Colman will star. 20th Century will produce.

"It Had to Happen," described as a "pageant of modern America," starring Clark Gable and Constance Bennett.

"Forward March," detail not divulged beyond a promise that the cast will be "one of the largest and best known ever assembled." 20th Century will produce.

"Call of the Wild," the Jack London story with an all-star cast. 20th Century will produce.

### Tolstoi Tale Listed

"We Live Again," based on Tolstoi's "Resurrection" and starring Anna Sten with Fredric March co-starred. Rouben Mamoulian will direct and Samuel Goldwyn produce.

"The Treasure Hunt," starring Eddie Cantor with Ethel Merman, Ann Sothern and Block and Sully in the cast. Samuel Goldwyn will produce.

"Barbary Coast" from the story by Herbert Asbury, starring Anna Sten with Gary Cooper in the support. Samuel Goldwyn will produce.

"The Count of Monte Cristo," the Dumas work with Robert Donat, Elissa Landi, Louis Calhern, O. P. Heggie, Sidney Blackmer and Irene Hervey. Rowland V. Lee is directing. Reliance is producing.

"Transatlantic Showboat," with Jack Benny, Nancy Carroll, Gene Raymond, Sid Silvers and Frank Parker. Ben Stoloff will direct. Reliance will produce. This is described as a "serio-comic murder mystery."

"Catalina," a musical, to be cast shortly. Reliance will produce.

"The Private Life of Don Juan," starring Douglas Fairbanks with the six women who played the wives in "Henry VIII" as support. They are Merle Oberon, Benita Hume, Joan Gardner, Binnie Barnes, Natacha Paley and Athene Seyler. Frederick Lonsdale and Lajos Biro did the script. London Films produced.

"100 Years to Come," based on H. G. Wells' book, "The Shape of Things to Come." Lewis Milestone will direct. London Films will produce.

"The Scarlet Pimpernel," from the novel by Baroness Orczy, with Leslie Howard in the lead. This story deals with "gangsters" in the days of the French Revolution. London Films will produce.

"Our Daily Bread," produced by Viking Prod. King Vidor wrote, directed and produced it. Karen Morley and Tom Keene are starred.

### Pickford, Chaplin Films Likely

Lichtman told the conventioneers today that Mary Pickford and Charlie Chaplin "in all probability" would make a picture each, thus bringing the total to 24. He said Chaplin had ordered sets built for a comedy untitled while Miss Pickford is perfecting her story.

"The Red Cat," down as a 20th Century production, will inaugurate a producing alliance between A. H. Woods, New York stage producer, and the company on a plan of "creating a laboratory where future screen productions would first be perfected as stage plays." Fredric March and Constance Bennett will star in the talker version.

"As has been our custom in the past," said Lichtman, "United Artists will stress a sales policy of 'look before you buy' which we believe has been very successful. In this manner each exhibitor is the final judge of the product he is about to purchase. This meeting is not a convention in the usual sense of the word. We have discussed definite stories already cast with definite stars. Every picture announced is finished, in production or in preparation for production. We have openly discussed exploitation and other practical suggestions for the proper manner of putting over each individual picture, all to the advantage of the exhibitor."

Lichtman will remain here for a few days following the close of the convention Monday and later fly back to New York.

## Heard Around the Drake

CHICAGO, June 3.—Joseph M. Schenck flew from Hollywood to be present at the U. A. confab. After telling about the new program, he went into individual huddles with various branch managers at the Drake.

•

Chicago offers Joe Moskowitz another opportunity to renew many old acquaintances with showmen in this city. Joe last visited this town a coupla months ago.

•

One of the most comfortable men at the sessions is Paul Burger, who is attending in white flannels and a sweat shirt. He is prepared for one of Chicago's heat waves.

•

Harry Gold has a middle name—initials would be better, and it's L. But no one at the convention is able to guess what that L stands for.

•

Moe Streimer pulled down the title of "grand young man from New York." Probably because he is one of the real oldtimers with the organization.

•

Al Lichtman, with the opening session behind him tonight, was taking on second wind for the second day of the convention Monday.

•

Sam Horowitz of Chicago again came in for a round of congratulations. Many of the boys hadn't forgotten that he was married a few months ago.

•

Jack Kaplan of Buffalo is under the impression he'd be the best dressed conventioneer, but Hal Horne beat him by a shade. A study in grey.

### Mickey in Color

**Chicago, June 3.—Mickey Mouse will be shown in his true colors in the nine shorts Walt Disney plans for him next season. Silly Symphonies will be held to an identical number for '34-'35, also in Technicolor, as against 13 in each group now being released.**

John J. Dervin of Boston and Harry Bodkin of Philadelphia, the two bachelors of the party, were offered many propositions. But inasmuch as there was no percentage, both couldn't see the idea.

•

Among the new branch managers attending their first U. A. confab are William Mack of Cincinnati and Harry Scott of St. Louis.

•

Doak Roberts of Dallas still offering to bet Harry Gould that he couldn't use his elbow in doing that trick, but Harry was wise and let the bet go by.

•

D. J. McNerney of San Francisco and Arthur Horn of New Haven have something in common. It seems D. J. came from Derby, Conn., and was wondering if the place was still on the map. Arthur gave him the lowdown.

•

"Shorty" Bert Stearn of Pittsburgh still maintains that his secretary did not send in that fan letter the time he appeared on the radio plugging "Rothschild."

## How U. A. List Breaks Down by Producers

CHICAGO, June 3.—Promising a minimum of 22 features for 1934-35, United Artists is set on 20 which will be made by the following producers:

20th Century, 10.
Samuel Goldwyn, three.
Reliance, three.
London Films, three.
Viking Prod., one.

## Stars, Featured Players And Casts in U. A. List

CHICAGO, June 3.—*Starring roles, featured players and cast assignments in the United Artists lineup, broken down from the company's own announcement:*

GEORGE ARLISS—"The Last Gentleman," "Cardinal Richelieu."
BINNIE BARNES—"The Private Life of Don Juan."
WALLACE BEERY—"The Mighty Barnum."
CONSTANCE BENNETT—"The Affairs of Cellini," "The Red Cat," "It Had to Happen."
JACK BENNY—"Transatlantic Showboat."
SIDNEY BLACKMER—"The Count of Monte Cristo."
BLOCK AND SULLY—"The Treasure Hunt."
CHARLES BUTTERWORTH—"Bulldog Drummond Strikes Back."
LOUIS CALHERN—"The Count of Monte Cristo."
EDDIE CANTOR—"The Treasure Hunt."
NANCY CARROLL—"Transatlantic Showboat."
RONALD COLMAN—"Bulldog Drummond Strikes Back," "Clive of India."
ROBERT DONAT—"The Count of Monte Cristo."
DOUGLAS FAIRBANKS—"The Private Life of Don Juan."
CLARK GABLE—"It Had to Happen."
JOAN GARDNER—"The Private Life of Don Juan."
O. P. HEGGIE—"The Count of Monte Cristo."
CHARLOTTE HENRY—"The Last Gentleman."
IRENE HERVEY—"The Count of Monte Cristo."
LESLIE HOWARD—"The Scarlet Pimpernel."
BENITA HUME—"The Private Life of Don Juan."
TOM KEENE—"Our Daily Bread."
ELISSA LANDI—"The Count of Monte Cristo."
FREDRIC MARCH—"The Red Cat," "The Affairs of Cellini," "The Mighty Barnum," "We Live Again."
UNA MERKEL—"Bulldog Drummond Strikes Back."
ETHEL MERMAN—"The Treasure Hunt."
KAREN MORLEY—"Our Daily Bread."
FRANK MORGAN—"The Affairs of Cellini."
RALPH MORGAN—"The Last Gentleman."
MERLE OBERON—"The Private Life of Don Juan."
WARNER OLAND—"Bulldog Drummond Strikes Back."
EDNA MAY OLIVER—"The Last Gentleman."
NATACHA PALEY—"The Private Life of Don Juan."
FRANK PARKER—"Transatlantic Showboat."
GENE RAYMOND—"Transatlantic Showboat."
SID SILVERS—"Transatlantic Showboat."
ATHENE SEYLER—"The Private Life of Don Juan."
ANN SOTHERN—"The Treasure Hunt."
ANNA STEN—"We Live Again," "Barbary Coast."
FAY WRAY—"The Affairs of Cellini."
LORETTA YOUNG—"Bulldog Drummond Strikes Back."

# "Heart" with Show Detroit Hit, $22,900

DETROIT, June 3. — "Change of Heart," helped by a stage show that included Fine and Howard, Ted Healey's stooges, and the holiday, ran up to $22,900 at the Fox. This tops par by $7,900.

"Sadie McKee" grabbed second honors with a $21,800 take at the Michigan, over normal by $1,800.

Elsewhere business failed to stand up.

Total for the week was $53,800, against $56,400 last week and an average of $55,000.

Estimated takings for the week ending May 31:

**"VIVA VILLA" (M-G-M)**
**(Second Run)**
FISHER—(2,975), 15c-50c, 7 days. **Gross:** $4,400. (Average, $10,000.)

**"CHANGE OF HEART" (Fox)**
FOX—(5,100), 15c-50c, 7 days. Stage: Howard, Fine and Howard billed as "Ted Healey's Mad Stooges." **Gross:** $22,900. (Average, 15,000.)

**"SADIE McKEE" (M-G-M)**
MICHIGAN—(4,100), 15c-50c, 7 days. Stage show. **Gross:** $21,800. (Average, $20,000.)

**"CATHERINE, THE GREAT" (U. A.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $4,700. (Average, $10,000.)

## Marsh, Wilcox, Howard Due in Here Tomorrow

Hubert T. Marsh, chairman and managing director of British & Dominions, and Herbert Wilcox, producer and director of "Nell Gwynn," latest B. & D. feature, will arrive in New York tomorrow on the *Olympic*. With them is Sydney Howard, English stage and screen comedian, who is en route to Hollywood where he will be starred in a United Artists feature.

Marsh and Wilcox are coming to the States to arrange the world premiere of "Nell Gwynn" in which Cedric Harwicke and Anna Neagle are co-starred. They are also expected to visit Hollywood, subsequent to opening of "Nell Gwynn" in New York.

B. & D. have been releasing in the United States through United Artists which currently is handling "Sorrell and Son." The company's line-up, announced in Chicago yesterday, makes no mention of future product from B. & D.

Maury Silverstone, managing director for U. A. in England, is also a passenger on the same boat.

## *Ethel Merman Leaves*

Ethel Merman left for Hollywood yesterday to fill a lead in "The Treasure Hunt," forthcoming Eddie Cantor musical.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Let's Talk It Over"*

*(B. F. Zeidman-Universal)*

HOLLYWOOD, June 3.—Plenty of exploitation possibilities are provided for the wide-awake exhibitor in this tangy tale which has Chester Morris in the role of a cocky gob, the victim of a bet made by Mae Clarke with Goode Montgomery. The heroine wagers her fiance she can make a gentleman of Morris despite his uncouth manners and aplomb.

When Miss Clarke made the bet she never dreamed she could make the sailor boy love her and that she would finally consent to marry him. At the expiration of Morris' term in the navy, Miss Clarke gets him a job in Frank Craven's brokerage office. Craven is her uncle. Morris shows promise and convinces Craven the boy means business.

Morris gradually associates with Miss Clark's set and is making rapid headway in the role of a student gentleman until Irene Ware tips him off to the bet Miss Clarke made. Morris, angered, drinks himself into a frenzy, goes to the outlying cabin where the heroine is announcing her engagement to Montgomery and denounces the entire group.

He leaves the cabin and, while driving home crashes into a tree, seriously injuring himself. The crash is heard by Miss Clarke, who comes to his aid. Realizing her mistake, she changes her mind about Montgomery and decides to atone for the harm she did Morris by seeing him through in his hour of need.

Andy Devine supplies a few comedy moments as does Henry Armetta. Kurt Neuman directed with an eye to mass appeal. Running time, 68 minutes.

## *"Operator 13"*

*(M-G-M)*

HOLLYWOOD, June 3.—Marion Davies, surrounded with opulence and production values, is seen to advantage as Operator 13, a spy, in Robert W. Chambers' romance of the Civil War.

Miss Davies, as a soldier entertainer, is pressed into service as an operator by recommendation of an actress friend, Katherine Alexander. Behind the Confederate line, Miss Davies, as a mulatto laundress, aids Miss Alexander, hostess of a Confederate cotillion, and meets Gary Cooper, a Southern spy. Miss Alexander is trapped and Miss Davies, forced to testify against her, escapes with her.

Sent across the line again, this time as a white girl, she again meets Cooper. Her information relayed across the lines is responsible for the killing of a young Confederate captain, Henry Wadsworth, on the eve of his wedding to Jean Parker. Cooper suspects Miss Davies, discovers her mission and pursues her, but romance, 'midst the battle scenes, triumphs for both.

The competent supporting cast also includes Willard Robertson, who gives an outstanding performance; Ted Healy, Douglas Dumbrille, Sidney Toler and Walter Long.

Showmanship angles of spies, Civil War battle scenes, music numbers and the Cooper-Davies romance, together with the publicity usually accompanying Miss Davies' pictures, should see "Operator 13" give a satisfactory account of itself. Running time, 85 minutes.

## *"High School Girl"*

*(Bryan Foy Prod.)*

HOLLYWOOD, June 3.—"High School Girl" is one of the best modern youth films yet screened, having the youth's pitfalls theme yet packing plenty of emotional appeal without becoming morbid. Short on cast names, the picture is balanced with sustained interest and a meaty plot concerning an innocent girl and a worldly youth. Becoming an expectant mother, her nerves crack during a biological session in which her professor introduces the system of explaining the moral and immoral to his pupils.

The mother, active in club life and moral uplift of the community, has the teacher thrown out of school on the basis of putting wrong thoughts into the heads of the pupils. The girl leaves town to have her baby without telling the boy or her parents, but the birth becomes premature and her parents are called in when she takes a turn for the worse. The climax is at the hospital bedside when the professor shows the parents the resultant harm of not explaining life's problems to children. The boy finally confesses his love, offering marriage, and the teacher is reinstated. Cecilia Parker, Carlyle Moore, Helen MacKellar and Crane Wilbur give convincing performances. Wilbur also penned the original story and directed, using good taste in handling delicate situations of this type.

Questionable about "High School Girl" is whether or not the story basis becomes proper subject matter for popular entertainment.

## *"The Great Flirtation"*

*(Charles R. Rogers-Paramount)*

HOLLYWOOD, June 3.—A clash between two temperamental, Hungarian stage people—a good actor, played by Adolphe Menjou, and a bad actress, played by Elissa Landi—forms the pattern for this interesting, if not new, emotional drama theme.

Menjou, leading thespian in love with Miss Landi, a stage failure, urges her to marry him. She accepts, provided that he take her to America. Here, in a small role, he helps to secure a fat part for her, with the understanding that their marriage remain unrevealed.

The stage producer, the director, and the author fall madly in love with Miss Landi, with the writer, played by David Manners, succeeding in winning her favor and Menjou left mad over the situation. He leaves her and Miss Landi rises to the heights, while Menjou sinks. He attends her new show and, backstage, berating her bad acting, realizes that her happiness is with Manners and leaves to accept a cheap part in a production being staged in North Dakota.

Effective scenes are provided by the stormy acting between Menjou and Miss Landi, who speak in broken English throughout. Menjou's portrait is deft, finished and leavened with humor.

Lynn Overman, Raymond Walburn and Adrian Rosley support nicely. Ralph Murphy directed from Humphrey Pearson's fine screen play of Gregory Ratoff's original story.

As program entertainment it should satisfy. Running time, 69 minutes.

**Local and state censorship may vary running time in different sections of the country. Running time, as published herewith, is clocked on the basis of the product as caught by *Motion Picture Daily* reviewers, east and west.**

## *Lynch's Daughter Weds*

PHILADELPHIA, June 3.—Bob Lynch, manager of the local M-G-M exchange, has announced the marriage of his daughter, Madeline, to Nicholas Perrigrine Lloyd, Jr., of Washington, D. C. Lloyd is employed in the Washington M-G-M exchange.

## *Levine Sets Denver Deal*

Nat Levine has closed contracts with Lon T. Fidler of Distinctive Screen Attractions, Inc., Denver, for distribution of Mascot product in that territory. "The Lost Jungle" is the first.

## *Wisconsin MPTO Frolics*

MILWAUKEE, June 3.—The M.P.T.O. of Wisconsin and Upper Michigan, Inc., staged its annual film frolic at the Hotel Schroeder here yesterday with entertainment by Irene Bordoni, appearing at the Fox Wisconsin, Riverside theatre acts and radio stars. Funds will go toward the association.

## *John A. Speaker Dead*

MILWAUKEE, June 3.—John A. Speaker, 77 years old, a veteran Wisconsin exhibitor and operator of the Vaudette, Dreamland, Majestic and Pearl at DePere, died yesterday.


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QUIGLEY BOOKSHOP

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# "Marker" and Show $21,785 Draw on Coast

Los Angeles, June 3.—"Little Miss Marker" on the screen and Helen Morgan and Jay Flippen with his revue on the stage, proved the strongest attraction here last week. The take at the Paramount was $21,785, over normal by $3,785.

"House of Rothschild" fell off to $14,212 in its eighth week at Grauman's Chinese. This was still slightly over average.

"Viva Villa," on for six days and "Queen Christina," on for one, took $14,984 at Loew's State.

Total first run business was $79,081. Average without Pantages is $94,450.

Estimated takings for the week ending May 30:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 8th week, 7 days. Sid Grauman prologue. **Gross:** $14,212. (Average, $14,000.)

**"THE FORTUNE TELLER" (Warners)**
FILMARTE—(800), 40c-50c- 2nd week, 7 days. **Gross:** $400. (Average, $2,650.)

**"VIVA VILLA" (M-G-M)**
**8th week, 6 days**
**"QUEEN CHRISTINA" (M-G-M)**
**1 day**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $14,984. (Average, $14,000.)

**"LITTLE MISS MARKER" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Helen Morgan in person and John C. Flippen and his "Radio City" revue. **Gross:** $21,785. (Average, $18,000.)

**"20TH CENTURY" (Col.)**
RKO—(2,700), 25c-40c, 7 days. **Gross:** $6,700. (Average, $8,000.)

**"MURDER AT THE VANITIES" (Para.)**
UNITED ARTISTS—(2,100), 25c-40c, 2nd week, 7 days. **Gross:** $5,000. (Average, $12,800.)

**"MERRY WIVES OF RENO" (Warners)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-55c, 7 days. **Gross:** $9,000. (Average, $14,000.)

**"MERRY WIVES OF RENO" (Warners)**
**4 days**
**"HAROLD TEEN" (Warners) 3 days**
WARNER BROS. (DOWNTOWN)—(3,400), 25c-55c, 7 days. **Gross:** $5,000. (Average, $12,000.)

**"NOW I'LL TELL" (Fox)**
**"TAKE THE STAND" (Liberty)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $2,000.

# "McKee" $16,000 Providence Draw

Providence, June 3.—This town went for "Sadie McKee" in a big way. The Loew's State gross, $16,000, topped par by $4,000.

Next best draw was "Now I'll Tell," with Roscoe Ates heading a stage bill, with a take of $7,100.

Total first run grosses were $37,100. Average is $40,500.

Estimated takings for the week ending May 31:

**"SADIE McKEE" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** 16,000. (Average, $12,000)

**"NOW I'LL TELL" (Fox)**
FAY'S—(1,600), 15c-40c, 7 days. Roscoe Ates topping stage show. **Gross:** $7,100. (Average, $7,000)

**"TWENTY MILLION SWEETHEARTS" (Warners)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,000. (Average. $7,000)

**"30 DAY PRINCESS" (Para.)**
**"IN LOVE WITH LIFE" (Monogram)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $3,500. (Average, $6,500)

**"STRICTLY DYNAMITE" (Radio)**
**"AFFAIRS OF A GENTLEMAN" (Univ.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $3,500. (Average, 7,000)

**"ONE IS GUILTY" (Col.)**
**"SECRET SINNER" (Mayfair)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

# *Variety Club Chatter*

## *Albany*

Albany, June 3.—Fifty barkers played host at the opening of the club rooms in the Harmanus Hall Theatre Building. Music was furnished by Tom Keifer's orchestra and dancing continued until the early hours. Charlie King of "Broadway Melody" fame and his show provided the entertainment. Flowers for the occasion were donated by the Danker Florist. The club rooms include a reception room, grill, parlor, night club and game room. The spacious quarters beautifully furnished were formerly the offices of Chief Barker Buckley.

The following will serve as house committee: Alex Sayles, chairman; Nate Sauber, Tony Ryan, Ralph Pielow, Ray Smith and Charles Johnston.

The new club rooms were visited by the following out-of-towners: Jim Dermody, Universal district manager; George Roberts, Fox district manager; Louis Aster, Columbia, and Joe Cohen, Fox auditor. The first two are barkers in the Albany and Cleveland tents, respectively.

## *Cincinnati*

Cincinnati, June 3.—The supper-dance staged in the elaborate Pavilion Caprice of the Netherland Plaza, in which Tent No. 3 has its headquarters, was a brilliant success from every angle, and a sizable sum is to be turned over to the NVA.

Although a weekly meeting was scheduled week before last, none was held owing to lack of a quorum. The last weekly assembly of the summer season was held last week, when Abe Lipp, "wagon man," submitted a financial report as well as a report on the proceeds of the supper-dance.

Lou Holleb, barker of Tent No. 2, came down from Columbus with the Mrs. to be among those present at the NVA benefit dance.

According to Noah Schecter, chairman of the entertainment committee, several outdoor frolics are in store for local barkers during the summer.

Pete Wood, prominent in Tent No. 2, spends all his leisure time possible at the local club, while here on business connected with the Ohio independent unit, of which he is secretary and business manager.

## *Detroit*

Detroit, June 3.—Barkers Harry Zapp and J. D. Lenahan, kings for a day, had Frank D. Fitzgerald, secretary of state of Michigan as their guest speaker. Edward Kirchner presided in the absence of Jack Flynn.

Bob Morris made a very popular master of ceremonies and the highlight of the gathering was the screening of a Chic Sale two-reel short.

The next meeting will be held June 4. The weekly luncheons will be dispensed with during the summer.

## *Indianapolis*

Indianapolis, June 3.—Formal housewarming of the new clubrooms, will be held June 9 in the Claypool Hotel. A preview "for the trade" will be held the preceding Saturday, Joe Cantor, chief barker, said at the luncheon Monday.

Guy Craig was winner of the first golf tournament of the local tent last Saturday. Craig is a salesman for Columbia. I. M. Halperin, Indiana and Circle, won the booby prize. Floyd Brown of Universal engineered the contest and promises another one soon.

## *Kansas City*

Kansas City, June 3.—Ed. Shanberg, chairman of the reception, dinner dance and floor show, and his committee turned in a swell job on the first big affair staged by Tent No. 8. Attendance exceeded 200. From early evening to early morning there was enough doing for everyone to write "big time" all over the Muehlebach ballroom and the club rooms. The only ones sorry are the stayaways.

Consensus was the party clicked so well that Chief Barker Frank Hensler should propose another big shindig in the not too distant future.

The membership roster is growing by leaps and bounds, as witness this latest list of barkers accepted in the fold: Homer Blackwell, Independent Poster Exchange; Herbert Goldberg, manager Fox Isis; William Reinke, Tower Theatre; Herbert Golladay, manager, Fox Linwood; Harry D. Graham, Universal district manager; Edgar J. Stern, insurance.

"The Five-Day Week" was the subject of a talk by Leland Hazard, counsel for the I. T. O., at a regular luncheon meeting, at which C. A. Schultz and Bob Withers were kings for the day.

The Warner gang, comprising Bill Warner, Fred Greenberg and Gus Diamond, gave the barkers a treat in the form of a composite film titled "Clipped by the Censor's Shears," which proved as advertised. The kings for the day showed remarkable ingenuity in assembling and titling the clips from the censor's cutting room floor. Erpi's donation of a portable projector was appreciated.

Recent visitors included: Ed Auger, RCA assistant general sales manager, of Camden, N. J.; Jack Thoma, Chicago, Columbia exploiteer; Glen Dickinson, Lawrence, Kan.; Virgil Harbison, Tarkio, Mo.; Stanley Mayer, Des Moines exchangeman; Jack Truitt, erstwhile exhibitor.

Monday night is card night at the club rooms. Strictly stag.

## *St. Louis*

St. Louis, June 3.—Barker Tommy Williamson is the father of a baby girl. Clementine.

Barker Milton Slosser has left for an extended engagement as organist in Tulsa, Okla.

Al Roth will direct his Ambassadorians on the *S. S. President*, pleasure boat which plys the Mississippi.

Christy Wilbert was general chairman of the Variety Boat Ride which was held June 2. Ben Reingold, Dave Komm, Cullen Espy, Doc Rathert, Homer Harmon and Al Zimbalist were sub-chairmen, in charge of the various "teams."

Associate memberships were voted to Kid Regan, Herbert Monk and Harry Niemeyer at the last meeting of the board of directors.

George Tyson and Alvin Wolff off to Columbus for the national meeting.

Christy Wilbert has just returned from Pittsburgh where his grandfather is seriously ill.

Ben Reingold off for two weeks' hunting and fishing.

Tony Matreci, Henry Budde, Joe Garrison and Lew Ellman seen regularly at the ball games.

Johnny Caporal is the real American marathon golfer of the club. Thinks nothing of knocking out 36 holes a Sunday.

## *Washington*

Washington, June 3.—Meeting of Tent No. 11, scheduled for Monday evening was postponed a week and will be held at the Willard Hotel on June 4.

Too many absences from town were said to have caused the change.

Nelson B. Bell, dramatic editor of the *Washington Post*, has been made an associate member.

# "Villa" Big Twin Cities' Hit, $14,000

Minneapolis, June 3.—In spite of a record heat wage over Memorial Day "Viva Villa" kept the cash customers rushing into the Minnesota here and at St. Paul Paramount, piling up $14,000 at the two houses for the week. Of this total $8,000 was taken here.

"House of Rothschild" fell off to $3,500 in its third week at the Minneapolis Century. "Catherine, the Great" got off to a $3,000 start on what is expected to be a run at the World.

Minneapolis' six theatres, usually getting about $26,000, totalled $27,500, while St. Paul's five that generally take $16,500 got about $17,000.

Estimated takings:

***Minneapolis:***
***Week Ending June 1:***
**"THE HOUSE OF ROTHSCHILD" (U. A.)**
CENTURY—(1,650), 25c-40c, 3rd week, 7 days. **Gross:** $3,500. (Average, $4,000.)

**"A MODERN HERO" (F. N.)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

**"VIVA VILLA" (M-G-M)**
MINNESOTA—(4,000), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,500.)

***Week Ending June 2:***
**"JOURNAL OF A CRIME" (F. N.)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. Sally Rand in person. **Gross:** $6,000. (Average, $5,500.)

**"BOTTOMS UP" (Fox)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500.)

**"CATHERINE, THE GREAT" (U. A.)**
WORLD—(400), 25c-75c, 7 days. **Gross:** $3,000. (Average, $2,000.)

***St. Paul:***
***Week Ending June 2:***
**"VIVA VILLA" (M-G-M)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. ( Average, $5,500.)

**"BOTTOMS UP" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500.)

**"SING AND LIKE IT" (Radio)**
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $3,500. (Average, $4,000.)

**"SMARTY" (Warners)**
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800.

**"BLACK CAT" (Univ.)**
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average week, $1,500.)

**"GIRLS IN UNIFORM" (Krimsky & Cochran)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,000.)

# Warners Hold To 60, Plus 130 Shorts

(*Continued from page 1*)

in this connection being those of Frank Borzage, Mervyn LeRoy and Al Green.

Tying in Chevrolet, the *Saturday Evening Post,* Postal Telegraph and *Photoplay,* Warners declare it is their plan to allow the public to determine the casting on the basis of ballots polled. West Coast advices all along have indicated Leslie Howard is the company's choice for the title role.

Monday morning promptly at 9:30 A.M. will see the convention under way under the aegis of A. W. ("Andy") Smith Jr., eastern and Canadian sales manager, although Gradwell L. Sears, western and southern sales manager, will be among the prominent home office executives present. Harry M. Warner, company president, and Albert L. Warner, vice-president, who supervises sales, are here, as are other ranking executives from headquarters, including Harold Bareford of the legal department and Joseph Bernhard, general manager of Warner Theatres:

Harry M. and Albert L. will deliver addresses at the opening session. They will be followed by Sam E. Morris, vice-president in charge of foreign distribution, and Joseph Hummel, foreign sales manager under Morris, who will deliver an account of his stewardship of Warner developments overseas and delve into plans for the new season.

### Sears to Speak

Sears, who is to conduct the company's two western regionals at the Drake, Chicago, June 11-12 and at the St. Francis, San Francisco, June 18-19, will then talk and be followed by Norman H. Moray, sales manager for Vitaphone and trailers. Sam Sax, production chief of the Vitaphone studio in Brooklyn, likewise is listed for a discussion of plans made for his plant.

Luncheon at 1 o'clock will be followed by addresses from Bernhard and other theatre executives, names not yet determined. The first day's meeting will close with an outline of the feature lineup by S. Charles Einfeld, director of advertising and publicity. He will also air plans made for exploitation of the new program.

At 11:30 P.M. Monday evening, the conventioneers will attend a preview of "Madame Du Barry" at the Stanley theatre, a Warner house, on the Boardwalk. The Tuesday session, which is the final meeting, resumes at 9:30 A.M. that morning.

From the home office there also are present I. Levinson, A. W. Schwalberg, A. Sachson, Stanley Shuford, Harry Rosenquest, C. Kemke, I. F. Dolid, J. Kelly, L. Tietjen and H. M. Doherty. From the field are: Ray S. Smith, Albany; Thomas B. Spry, Boston; H. A. Seed, Buffalo; Nat Furst, New Haven; R. Mochrie, Philadelphia; Robert Smeltzer, eastern district manager with headquarters in Washington; M. White, Cincinnati; M. Mooney, Cleveland; F. E. North, Detroit; A. Shmitken, Indianapolis; Charles Rich, Pittsburgh; Roy H. Haines, district manager of New York, and Harry Decker, Harry Hummell, S. Lefkowitz, G. Solomon and P. Swift, all of the New York exchange.

## *Purchase 'Special Agent'*

HOLLYWOOD, June 3.—Warners have purchased rights to the *Saturday Evening Post* serial, "Special Agent," penned by Martin Mooney. The studio will probably assign George Brent to the leading role.

## *Colin Clive Ticketed*

HOLLYWOOD, June 3.—As a result of his work in "The Key," Warners have signed Colin Clive to a long term contract.

## *Astor Opposite William*

HOLLYWOOD, June 3.—Mary Astor will be Warren William's lead in Warners' "The Case of the Howling Dog."

## *Green Gets "Lost Lady"*

HOLLYWOOD, June 3.—Al Green has been handed the director's job on "The Lost Lady" by Warners. The film top spots Barbara Stanwyck and Ricardo Cortez, the latter going to Radio on loanout for "A Hat, a Coat, A Glove," before going to work on the home lot. Phil Reed and John Eldredge have received important assignments in the opus.

## *Cagney-O'Brien Teamed*

HOLLYWOOD, June 3.—James Cagney and Pat O'Brien will be costarred in a second picture at Warners. It is "Air Devils," an original by John Monk Saunders. Cagney and O'Brien just completed "Here Comes the Navy."

## *Sign Boles and Gould*

HOLLYWOOD, June 3.—Warners have added two more leading men to their contract list in Glen Boles, stage actor, and Paul Gould, radio tenor from Dallas.

## *Brown Back June 10*

HOLLYWOOD, June 3.—Joe E. Brown returns from the Orient June 10 and will immediately prepare for his next Warner picture, tentatively titled "Six Day Bike Race."

## *Start Warner Meeting Today*

**H. M. Warner**
President,
Warner Bros.

**A. L. Warner**
Vice-President,
Handling Sales

**A. W. Smith, Jr.,**
Eastern, Canadian
Sales Manager

**Gradwell Sears**
Western, Southern
Sales Manager

**Joseph Bernhard**
General Manager,
All Theatres

**Carl Leserman**
Assistant to
Gradwell Sears

**Norman Moray**
Vitaphone Sales
Manager

**S. Charles Einfeld**
Advertising Publicity
Director

# Pictures Must Include Adult Appeal-Hays

(*Continued from page 1*)

alleged Federal regulation or political censorship; by trade chiselers who would gain from the confusion created by the destruction of certain standard trade practices. It is expressed by many who have failed to sell their services, their scenarios or their money-making schemes to the industry.

"Perhaps the severest critic of the product is the trade association which I have the honor to head. The record shows that during the past year 564 scripts, books or synopses for feature pictures and 293 for short subjects, were reviewed within the established machinery of self-regulation; that more than 1,000 conferences to ensure production code observance were held during this period; that more than 1,500 written opinions and suggestions were thus transmitted to our studio and that a total of 548 pictures were finally reviewed and passed."

### Wants Criticism, He Says

He then declared that the industry welcomes criticism and quoted from a recent speech of President Roosevelt as follows: "'There are some people, of course, who do not think things through . . . That critic contributes nothing—he is not constructive—who attempts to destroy without even suggesting a way to build up.'

"The industry fully realizes youth must be served. That problem presents a great study and a great duty. Of course, all pictures cannot be made for children. The problem of better pictures cannot be solved by refusing to permit the screen properly to mirror the life of the day or the history of the past, or to provide suitable adult entertainment.

"Nevertheless, in last week's issue of *The Literary Digest,* a leading national publication in no way associated with the picture industry, out of 30 feature pictures of outstandingly high character recommended for the week's entertainment, 19 were specifically designated by that publication as films specially suitable for children.

"But," said Hays, "it is a challenge to the industry—not a cause for complacency. We recognize our problems."

Discussing general conditions before the country, Hays expressed his optimism over the future. He concluded:

"Conditions have altered, but the spiritual foundations of this nation are the same. Man has invented the radio and has learned to fly, but his voice carries over and his eyes look down upon the same fertile country and the same eternal hills.

"We still possess the resources and qualities which have made us great. Our children's children will know the strength and beneficence of this land when you and I are dust.

"To that bright future, I expect motion pictures to make their full contribution.

"And the screen will have ever-increasingly new opportunities for its usefulness.

"It is my notion that for many years to come, the most popular of all after-dinner speeches still will be:

"'Let's go to the movies.'"

# Campi Rulings Are Needed to Guide Boards

(Continued from page 1)

code holds that where exhibitors buy a group of 10 or more pictures on an average of $250 or under they are entitled to cancel one. United Artists claims it sells on individual contracts and exhibitors cannot take advantage of the cancellation clause.

Campi cannot do anything about the matter until it is brought to the attention of the executive body. A complaint must be filed with a board, a decision rendered and then a test will be made by Campi on appeal. This procedure holds for all cases where precedents are to be established.

Another ticklish subject is the Cleveland protection situation where major distributors and exhibitors some time ago entered into a mutual agreement to set up a zoning schedule to continue until Dec. 31, 1934.

With Campi sending out notices to code secretaries for hearings of protests on present schedules, Clevelandites are speculating as to what will become of the agreement which has six months to run. The authority cannot make a decision on this until an appeal from a protest on the present schedule comes before the board.

No exhibitor may file a protest on duals since there is no provision in the code on the issue. This already has been brought to the attention of Campi and secretaries have been advised to take out any reference to duals in grievances.

### Others on the Way

A test case will crop up shortly where an exhibitor who has signed the code refuses to pay the assessment, as scheduled in the first half plan. The Buffalo case to come up the latter part of the week in the N.Y. Supreme Court will set a precedent as to the powers of code boards and distributors in carrying out decisions rendered.

A forerunner in precedent has already come to light on the question of new theatres. This developed last week when Campi decided that, if Frank Durkee wanted to build a third theatre in a certain neighborhood in Baltimore, he had the right to do as he saw fit. J. Louis Rome claimed the advent of the New Englewood theatre would bring on an overseating condition, but the authority held it could not tell Durkee how to run his affairs.

Other grievances having a bearing on the code and for the benefit of the industry at large are expected in some quarters to be settled once and for all by the establishment of precedents to develop from time to time. When Campi hears a number of cases, more in the nature of tests for the establishment of a principle, hearings on appeals will be minimized, it is expected.

## *Weigh More Censorship*

CLEVELAND, June 3.—The legislation committee of the City Council will hold a special meeting Monday to consider a resolution asking the state censor board for more rigid censorship.

# Chicago 10¢ Fight Stirs Up Showmen

(Continued from page 1)

they refuse to sell him product because he charges 10-cent admissions. The Lindy complaint opens the fight for recognition and service of 10-cent houses which is one of the objectives of the recently formed Independent Theatre Owners' Ass'n.

With the code offices jammed with spectators while the thermometer registered over 90, the dime admission situation was thrown into the open and virtually everyone was given a chance at the floor. The board held over any action until this week.

Two grievance decisions hitting two-for-one admissions were returned by the grievance board. One of these was in favor of B. & K's Belmont against the Lincoln. Another upheld the complaint of the Downers Grove Theatre Corp. against the Westmont.

An overbuying complaint by the Lake Theatre Corp. of Michigan City, Ind., against the Tivoli of that city was dismissed.

Of 10 complaints filed with the clearance and zoning board the board has returned decisions in five upholding the respondents. In other cases adjustments of clearance have been made with the vote of the board being unanimous in all cases to date.

## *Frisco Board Stops Supplying of Films*

SAN FRANCISCO, June 3.—Police powers to enforce its rulings were exercised by the local grievance board for the first time yesterday when it ordered exchanges to stop supplying film to the Monarch Theatre Corp., operating the Granada, and the Foothill Boulevard Amusement Co., operating the Capitol. Both houses are in Oakland. The action was taken when the theatres allegedly defied a ruling of the board to end giveaways. The order was signed by Rowena Foley, secretary of the board.

Hearings are now in progress to clarify code regulations affecting exhibitors in three communities, San Francisco, San Jose and Eastbay.

## *Denver Board Starts Anew on Clearances*

DENVER, June 3.—The Denver clearance and zoning board is back just where it was several weeks ago. After struggling for days on a new schedule, having it printed and sent out, they have recalled the setup, and are starting over again. This has been done on instructions received from New York.

The board will now invite suggestions and hear protests from exhibitors over the present arrangement. The city has been without a definite schedule. It has been up to each theatre manager or circuit to get the best clearance he could, and several things, including buying power and argumentative ability, probably entered into the results.

Subsequent runs were heartily in favor of a new schedule. Several claimed it would give them pictures from 20 to 50 days sooner than at present, and in some isolated cases, in less time than that.

# Loew's Not to Run Poli Before Fall

(Continued from page 1)

in Syracuse, has been made assistant general manager to Louis M. Sagal, does not mean that Loew is running the houses.

Loew's is keeping a supervisory eye on the operation of the 18 New England houses and Sagal makes periodic trips to New York for conferences.

Changes in policies now being made are a forerunner to the physical takeover in the fall.

## *Milwaukee Busy on Clearance Schedule*

MILWAUKEE, June 3.—The local clearance and zoning board is busy revising the clearance and zoning schedule for Milwaukee county and the state, with the next meeting scheduled for June 6 at the Hotel Schroeder.

Effective tomorrow, the local grievance board will meet every Monday when complaints warrant. At present, according to Ben Koenig, secretary, the calendar is clear. The local board is awaiting word from Washington concerning an appointment to the grievance board of a successor to L. George Ross, who has resigned as branch manager of the Columbia exchange to go into other work. He is succeeded at Columbia by Oscar J. Ruby.

## *Saperstein Asked to Sit Despite Excuse*

CHICAGO, June 3.—An indirect compliment was paid to Aaron Saperstein when he voluntarily asked to be excused from serving on the clearance board in a case, the details of which he had listened to before the board began functioning. Aaron suggested that because of his previous knowledge of the details a substitute should be appointed in his place, but the board members called him to keep his seat and assured him they were satisfied that his judgment would not be influenced by any previous discussion. The vote in the case was unanimous.

## *New Association Is Discussed in South*

(Continued from page 1)

Prime movers in the first gathering were Ike Katz and M. C. Katz, Montgomery, Ala., and C. D. Swing, Louis Bach, Willis Davis, George Gaston and W. C. Courts, this city. Another meeting has been called for June 10.

The claim is made that the affiliation of the Lucas & Jenkins and the Wilby and Roy Martin interests with national circuits works against the best interests of the little fellow of one, two and three theatres.

## *Rogers Starts on June 9*

HOLLYWOOD, June 3.—After being held up for 10 days by a search for a woman to play opposite Will Rogers, "Judge Priest" has been slated to start June 9 at Fox. Brenda Fowler gets the role. Cast additions include Rochelle Hudson, David Landau, Stepin Fetchit, Grace Goodal and Hy Meyer.

# Para. Policy Not Final on Duals, Scales

(Continued from page 1)

to whether the company will hold regionals following the Los Angeles sessions.

When asked if he had heard there had been some published criticisms of recent Mae West pictures Zukor seemed surprised. He said he did not think there was any measuring rod for good taste, and that pictures made in good taste which were entertaining ought not to offend the public. Others may make pictures for educational purposes, he said, but Paramount makes them for entertainment.

## "Miss Marker" Gets $36,000 2nd Week

"Little Miss Marker," with a stage show, held up to $36,000 in its second week at the Paramount.

"House of Rothschild" breezed along to $14,780 in its 11th week at the Astor. "Murder at the Vanities" failed to make much of a showing in its second week at the Rivoli, the take falling off to $4,300.

Estimated takings:

ASTOR—"House of Rothschild" (U.A.), 11th week, $14,780.
PARAMOUNT—"Little Miss Marker" (Para.) and stage show, 2nd week, $36,000.
RIVOLI—"Murder at the Vanities"—2nd week, 4 days—$4,300.
ROXY—"Now I'll Tell" (Fox) and vaudeville—$26,000.
STRAND—"Upperworld" (Warners) — 6 days—$10,100.

## *Para. Signs Charles Ray*

HOLLYWOOD, June 3.—Charles Ray, former star, has been signed by Paramount for a role in "Ladies Should Listen," with Cary Grant, Frances Drake and Edward Everett Horton.

## *Hagen in Deal with "U"*

LONDON, June 3.—Julius Hagen will produce "Are You a Mason?" at the Twickenham studios in association with Universal.

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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 130 NEW YORK, TUESDAY, JUNE 5, 1934 TEN CENTS

# Warners Set 46, Hold Back On 14 Films

## *Limit Data on Starring Pictures to 13*

By RED KANN

ATLANTIC CITY, June 4.—Officially confirming advance information in MOTION PICTURE DAILY that the company would release 60 features next season, Warner sales delegates attending the second of four regionals at the Ambassador tomorrow will get plans for 46 of the proposed 60, while 14 were left in the balance for future airing.

Contrary to previous seasons, Warners also made known comparatively little information beyond a list of story and play material which, in the main,

(*Continued on page* 6)

## *Three Win Advances From Warner Ranks*

ATLANTIC CITY, June 4.—Three promotions in the Warner eastern sales ranks were made here today by Andy W. Smith, Jr., eastern and Canadian sales manager.

Those advanced are: Fred North, formerly Detroit branch manager, now central district manager with headquarters at Detroit; Charles Rich, formerly salesman at Baltimore, now Pittsburgh branch manager, and Harry Decker, formerly in charge of the Brooklyn territory, now branch manager for both New York and Brooklyn.

## *U. S. Court Won't Act In Para. Trusteeship*

WASHINGTON, June 4.—The U. S. Supreme Court today refused to take any action in the Paramount trusteeship, rejecting a petition of Norman E. Bensinger, a creditor, for review of an adverse decision in his suit to remove Charles D. Hilles, Eugene W.

(*Continued on page* 7)

### *Terms About Set*

**Formal announcement on the terms of settlement of the Erpi-Warner sound royalties suit is expected momentarily. It has been learned that the final details are now being worked out, confirming *Motion Picture Daily's* story of June 1.**

# *Warner Heads Pledge Aid In Any Move to End Duals*

### *Explains Casting*

**Atlantic City, June 4.—Warners' new season lineup, which the eastern regional meeting here will be given Tuesday morning, dodges a full array of star assignments and confines them to a handful as part of the company's plan to avoid any difficulties over substitutions.**

**"We are announcing a few merely to indicate what we plan," said one high company executive. "After all, our customers have been using our service for years. They either have faith in us or they shouldn't do business with us. They know what we have given them in the past as a guide to what they will get in the future. We don't propose setting aside specific vehicles for specific stars merely for the purpose of making a flash. We could if we wanted to, but feel we don't have to do that."**

ATLANTIC CITY, June 4.—Again declaring their opposition to double featuring, Harry M. Warner and Joseph W. Bernhard, president and theatre head of Warners, respectively, told the company's eastern regional sales meeting here today that Warner theatres stand ready to make the first move for elimination of the policy if the slightest encouragement is indicated by other circuits.

At the same time Bernhard made it clear that Warners is set to augment its exhibition interests wherever

(*Continued on page* 7)

# Monogram to Aim Product At Families

CINCINNATI, June 4.—Pictures designed primarily for family trade will be the aim of Monogram during the 1934-35 season, declared W. Ray Johnston, president of Monogram, at the closing of the second regional convention of Monogram yesterday. He said he hoped every story would win the endorsement of parent-teacher organizations as well as women's clubs and religious groups.

"I believe," Johnston said, "that

(*Continued on page* 7)

## "U" Delays Sales Meet to Tomorrow

Universal's three-day sales convention originally set to get under way today at the Essex House has been postponed one day so that Carl Laemmle, now on his way east and scheduled to arrive Friday, can attend the final sessions.

James R. Grainger, general sales

(*Continued on page* 7)

# U. A. Firm in Stand Against Cancellations

CHICAGO, June 4. — Reiterating United Artists' contention that its pictures are not subject to the code's 10 per cent cancellation clause because they are sold singly and on individual contracts, Al Lichtman, vice-president in charge of distribution, stated at the closing session of the company's two-day sales convention here yesterday that "it was part of our understanding when we signed the code and also our agreement with the division administrator that we were not subject to the clause."

The Kansas City code board's secretary was notified by the United Artists' branch manager there recently that the company did not consider itself subject to the clause when asked by the secretary for release dates for cancellation notices.

## Division, District Jobs Ended by U. A.

CHICAGO, June 4.—Division and district managers have been abandoned by United Artists. As a result, Harry Gold, formerly eastern division head,

(*Continued on page* 8)

## *Protest Set on U. A. Cancellation Stand*

KANSAS CITY, June 4.—Fred Meyn, owner of the Pershing, Kansas City, Kan., has signified his intention of

(*Continued on page* 8)

# First Week of Fair Blow to Loop Houses

## *Natives All Go to See New Attractions*

CHICAGO, June 4.—First week of the World's Fair proved strong competition for both Loop and neighborhood houses because even the scorching heat couldn't keep the natives from wanting to be first to see the big show. School children, having Thursday off, were admitted free, and 150,000 of them wore themselves so weary seeing the sights that juvenile business at theatres that day was nil.

Exhibitors generally aren't much excited about the fair one way or the other. Most of them figure it will ultimately get them some extra business, but this they know from last year's experience will not make itself

(*Continued on page* 8)

## Campi May Reopen Assents on Friday

Reopening of the code assent date will probably be set Friday when Campi meets, it was held yesterday by an independent spokesman. The number of requests filtering into Code Authority for reopening of the date have not yet been tallied, but it is

(*Continued on page* 8)

## *Martin Due Here on Nevada-Iowa Dispute*

With Lester Martin, Nevada, Ia., exhibitor leader, due tomorrow, the disturbance between the two Nevada-Iowa exhibitor units over the code and their threat to withdraw assents is expected to be settled in New York.

Charles L. O'Reilly, independent code member, recently was delegated to visit the western cities in an effort to pacify the insurgents, but the T. O. C. C. head has been having trouble with his teeth and could not get away.

### *Loew's File 17*

**The New York grievance board hangs up a record today with 20 cases piled up for disposition. Of the total, 17 were filed by Loew's against independents for admission reductions and premature advertising.**

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## MPTO of Maryland Against Film Deal

BALTIMORE, June 4.—The M.P.T.O. of Maryland, local Allied States organization, has gone on record opposing any production activity by national Allied, it was learned here today.

Replying to a recent bid from Sidney Samuelson, Allied president, for support of the organization's proposed production plan, Frank Hornig, head of the local unit, stated that the M.P.T.O. of Maryland was equally opposed to producers engaging in exhibition and exhibitors engaging in production.

Herman Blum, national Allied treasurer, is a member of the local unit.

## British Season Started

LONDON, June 4.—"New Gallery" starts an all-British season tomorrow at the Evergreen. Gaumont British intends to run other producers' films, but will keep the house as a British show window.

## Roxy Books Collegians

The Roxy has booked the Columbia University Band for the week beginning June 8.

## Cavanaugh to Majestic

Raymond Cavanaugh has taken over the publicity and advertising post with Majestic Pictures.

## National Screen Meeting

The quarterly meeting of the board of directors of National Screen Service was held yesterday.

## Carriers Talk Ways To Improve Delivery

CHICAGO, June 4.—Ways and means of improving and standardizing film delivery service were discussed today by the National Film Carriers, Inc., at the opening of a two-day meeting at the Palmer House here.

Clinton Weyer, secretary, asserting the chief problem of the organization is improvement in its service, declared much progress had been made in this direction since its formation in December of last year. Forty members, Weyer, said, own and operate 500 trucks and handle 80 per cent of film deliveries.

Others in attendance were James P. Clark, president, Philadelphia; John Vickers, Charlotte; L. C. Gross, Cleveland; L. M. Miller, New Orleans; Charles McCarthy, Minneapolis; Harold Robinson and R. C. Jones, Chicago; E. Jamison, Kansas City; George Callahan, Pittsburgh; Thomas Gilboy, San Francisco; F. E. Smith and G. M. Blackman, Syracuse; Rose Nardone, H. E. McKenney and C. F. Isles, Columbus.

## Sliding Scale Plan Beaten in England

LONDON, June 4.—The Kinematograph Renters' Society, British distributors' organization, today rejected the proposal of the Cinema Exhibitors' Ass'n. for a joint discussion of the advisability of inaugurating a sliding scale of rentals, permitting decreases in proportion to number of pictures bought.

The distributors' organization, in rejecting the proposal, stated that uniform procedure of the kind proposed was impossible and the setting of contract terms was the prerogative of the individual distributor.

## E. B. Hatrick to Europe

E. B. Hatrick, Hearst representative, is en route to Europe, where he will remain about six weeks lining up camera correspondents for the new Hearst Metrotone newsreel in strategic Continental locations. Hatrick sailed from here last week-end.

## Gillette to Van Beuren

Bert Gillette, formerly with Walt Disney, is head cartoonist for Van Beuren Corp.

## First Division Sets Deal with Principal

A deal by which First Division will handle distribution of Principal Pictures' "Chandu" feature and serial in 58 per cent of the key situations was closed yesterday by Louis Hyman, sales manager for Principal, who is here from the coast.

The deal involves the feature, "Chandu the Great," and eight subsequent episodes of the serial, "The Chandu Mystery." Release of the feature has been set for Sept. 1 and it will be followed by release of the serial in episodes a week apart. Other distribution deals for the balance of the territory are being set locally, Hyman stated. He plans to return to the coast tomorrow.

## May Cast Arliss as Nelson, Wellington

By BRUCE ALLAN

LONDON, June 4.—Gaumont British may star George Arliss in the roles of either Lord Nelson or the Duke of Wellington, depending on the final story selected for the biographical study similar to his Disraeli role. The script will be prepared by a famous dramatist.

## Shamrock Sets Six For 1934-35 Season

Shamrock Pictures Corp. is scheduled to make six features and 52 shorts for the 1934-35 season. The six features are "4 O'Clock in the Morning," "Partner Wanted," "The Spirit of Perkins," "At the End of the Rope," "The Midget Races" and "The Hour Is Nine."

## M-G-M May Send Its English Films Here

LONDON, June 4.—M-G-M is planning to produce films here good enough for American distribution, according to Sam Eckman, in charge here for the company.

## Allied Will Meet Soon

Allied of New Jersey plans to hold its annual convention shortly. At the regular meeting yesterday a committee was appointed to work out the dates and location.

## Pathe "A" Up 1½ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 32¾ | 31¼ | 32¾ | +1⅛ | 1,300 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | — ⅛ | 100 |
| Consolidated Film Industries, pfd | 15⅝ | 15½ | 15½ | ..... | 100 |
| Eastman Kodak | 94 | 93 | 94 | +1½ | 100 |
| Fox Film "A" | 14¼ | 14 | 14 | + ½ | 200 |
| Loew's, Inc. | 31¾ | 31½ | 31¾ | + ¾ | 500 |
| Paramount Publix | 4⅝ | 4⅜ | 4½ | + ⅛ | 1,800 |
| Pathe Exchange | 2⅞ | 2⅝ | 2⅞ | + ⅜ | 1,200 |
| Pathe Exchange "A" | 22½ | 21⅜ | 22¼ | +1½ | 2,100 |
| Warner Bros. | 5⅞ | 5¾ | 5⅞ | + ¼ | 600 |

## Technicolor Up ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | ..... | 400 |
| Technicolor | 10½ | 10⅛ | 10½ | + ¼ | 200 |
| Trans Lux | 1⅝ | 1½ | 1½ | ..... | 100 |

## Warner Bonds Gain 2

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8 | 7¾ | 8 | + ¼ | 11 |
| General Theatre Equipment 6s '40, ctf | 7 | 7 | 7 | —1½ | 2 |
| Loew's 6s '41, ww deb rights | 100 | 100 | 100 | + ¼ | 1 |
| Paramount Publix 5½s '50 | 48¾ | 48¾ | 48¾ | ..... | 1 |
| Pathe 7s '37, ww | 98 | 97⅝ | 98 | + ⅜ | 8 |
| Warner Bros. 6s '39, wd | 58½ | 57 | 58½ | +2 | 38 |

# Purely Personal

CAMERON MACPHERSON, producer of "Dawn to Dawn," who has been here for the past week, returns to the coast tomorrow with his family. He will make a decision there during the summer on a forthcoming production.

LLOYD NOLAN has been signed to a long termer by Paramount. He leaves for California tomorrow on a visit to his home before starting picture work in July.

ED KUYKENDALL is making a hurried trip to his Columbus, Miss., home and is expected back here Thursday for the next meeting of Campi.

LEO CARRILLO leaves Hollywood by plane today for New York. He is scheduled to make a personal appearance at the Capitol starting Friday.

VINA DELMAR's "Bright Girl" and FRANZ WERFEL's "40 Days of Musa Dagh" have been purchased by M-G-M.

JOE PENNER leaves for the coast early next month for his first feature role in Paramount's "College Rhythm."

WILLIAM and MRS. WILKERSON arrive in town today from the coast for a 10-day vacation.

## Providence Houses To Cut Some Scenes

PROVIDENCE, June 4.—Disclaiming any responsibility for alleged immorality on the screen theatre managers have given assurance that they will take steps to eliminate objectionable scenes.

The move is apropos of the joining of the Union of Holy Name Societies in this diocese with the nation wide Catholic movement for clean films.

## Drop Major; Pick Falcon

Falcon Pictures Corp. has been chosen by David M. Thomas as the permanent name of his new company, which was tentatively announced as Major Productions, Inc. Casting is now under way for "Convention Girl," to be started at Atlantic City June 25 by Luther Reed and completed at the studio at Irvington-on-the-Hudson.

## Portland Is Hard Hit

PORTLAND, June 4.—The 24th day of the waterfront strike here has cut into box-office receipts. It is figured they are down about 50 per cent everywhere except at the Music Box, where Olsen and Johnson helped boost the opening day gross on Saturday to $1,800.

## Cooper Coming East

HOLLYWOOD, June 4.—Merian Cooper started east tonight on his way to Italy for backgrounds for "The Last Days of Pompeii," which he will make for Radio. His wife, Dorothy Jordan, is with him.

## La Hiff Near Death

So dangerous was the condition of Billy La Hiff, operator of the Tavern, last night that the last rites of the Catholic Church were administered at the Medical Center.

# THEY ARE GIVING THIS LITTLE GIRL A BIG HAND!

"**LITTLE MISS MARKER**" held over by enthusiastic audiences for a third week* at the New York Paramount

Adolph Zukor presents
DAMON RUNYON'S
"LITTLE MISS MARKER"
with
Adolphe Menjou · Dorothy Dell
Charles Bickford · Shirley Temple
Directed by Alexander Hall
a B. P. SCHULBERG Production
A Paramount Picture

* Only two other pictures have been held this long at the NEW YORK PARAMOUNT, and both of these have been Mae West pictures

Paramount Pictures

# READ!

"Universal has made Hans Fallada's splendid novel a film of matchless beauty and integrity. It is touching and inspiring . . . Tenderly and beautifully played by the lovable Margaret Sullavan . . . Borzage has made no finer film in many seasons." *N. Y. Daily Mirror*

"It is excellently done and provides unusually poignant, impressive entertainment . . . an impressive sincerity which lifts the production toward the heights . . . Miss Sullavan's portrayal fulfills every glorious promise." *N. Y. American*

"By his genuinely fine pictorial transcription of 'Little Man, What Now?' Frank Borzage strikes his old stride as a director . . . The numerous characters are drawn expertly . . . Miss Sullavan gives a charming and thoroughly believable personification. Mr. Montgomery is the personification of sincerity." *N. Y. Times*

"The promise of genuine acting ability Margaret Sullavan gave in 'Only Yesterday' is here amply fulfilled . . . A distinguished and frequently moving cinema." *N. Y. Herald-Tribune*

"The novel has been realistically transmitted to the screen . . . Margaret Sullavan is fine." *N. Y. Daily News*

"A fine and moving study of two young people facing a cold, uninterested world . . . Deserves the same success that greeted the novel." *N. Y. Sun*

"'Little Man, What Now?' is a picture no one should miss. It is beautifully directed, beautifully acted and so convincing that it deserves only the highest recommendation. Margaret Sullavan is excellent." *N. Y. Telegraph*

"A well-acted, sincere and deeply touching . . . film that provides good entertainment. Margaret Sullavan is right in every detail." *N.Y. World-Telegram*

*Carl Laemmle*
*has the honor*
*to present—*

# LITTLE MAN, WHAT NOW?

*starring Margaret*

## *Sullavan*

with

## DOUGLASS MONTGOMERY

**Fred Kohler, Alan Hale, Mae Marsh, George Meeker, Muriel Kirkland, De Witt Jennings, Hedda Hopper, Catherine Doucet, Bodil Rosing. From the novel by Hans Fallada. Screenplay by William Anthony McGuire. Directed by Frank Borzage.**

A

## FRANK BORZAGE

**Production for**

# UNIVERSAL

# Warners Set 46, Hold Back On 14 Films

(*Continued from page 1*)

was designated by title and, in some instances, by author. Only 13 starring and co-starring vehicles were designated definitely.

In its official list of women stars, numbering eight, no stories were named for Claudette Colbert, who will do at least one for the company; Bette Davis, Kay Francis and Ruby Keeler. The constellation of officially designated male stars, totalling 11, contained no assignments for Leslie Howard, Dick Powell, Edward G. Robinson, Rudy Vallee, Warren William.

On the starring roster this season but among the missing for next are Ruth Chatterton and Richard Barthelmess.

The lineup of 60 will be divided, as in the past, equally between Warner and First National.

The 46 vehicles, including originals, stage plays, novels and short stories, published and unpublished, which the company today has ready for the new season follow:

"Firebird," merely identified as being based on the "international stage success."

"Men Against Death," the story of Louis Pasteur, French scientist.

"Gold Diggers of 1935," a follow of the 1934 version with an all-star cast.

"Roadhouse," adapted from the two stories by Arthur Somers Roche.

"The Magnificent Ambersons," from the Booth Tarkington novel.

"Sweet Music," described as a sequel to "20 Million Sweethearts."

### "Chain Gang" Sequel Listed

"I'm Back in the Chain Gang," sequel to "I Am a Fugitive from a Chain Gang."

"Ride 'Em, Jockey," racetrack comedy-drama.

"War Lord," with a Chinese soldier as principal figure.

"The Cinch," with Boulder Dam as a background.

"The Six Day Bike Race," starring Joe E. Brown.

"Halfway to Heaven," comedy-romance by Lawrence Hazard, author of "Man's Castle."

"Babbitt," the Sinclair Lewis novel with Aline MacMahon and Guy Kibbee teamed.

"The Little Big Shot," described as a "humorous story of a small-timer with big ambitions."

"Anthony Adverse," best seller by Hervey Allen.

"Sweet Adeline," musical based on the Broadway stage play.

"Border Town," starring Paul Muni.

"Farewell to Shanghai," co-starring Dolores Del Rio and Franchot Tone in a Far Eastern romance.

"Earthworm Tractors," starring Joe E. Brown.

"Air Devils," aviation film co-starring James Cagney and Pat O'Brien.

"Go Into Your Dance," by Bradford Ropes, author of "42nd Street," probably starring Al Jolson.

"I'll Sell Anything," comedy-drama of the auction sale business.

"The Story of a Country Boy," from a novel by Dawn Powell.

"Traveling Saleslady," listed as "a spicy bit of present day Americana."

"A Present from Margate," adapted from the London stage play by Ian Hay and A. E. W. Mason.

"The Skipper of the Ispahan," adventure yarn off the China coast.

"Kansas City Princess," comedy now in production with Joan Blondell, Glenda Farrell, Osgood Perkins, Hugh Herbert and Robert Armstrong.

"Lafayette Escadrille," by John Monk Saunders, who wrote "Dawn Patrol."

"King of the Ritz," dealing with a chef and his press agent.

"Window Panes," the story of a "mugg" and a millionairess.

"Glorious," starring Jean Muir.

"The Perfect Weekend," starring James Cagney.

"A Lady Surrenders," probably with Jean Muir, George Brent and Veree Teasdale in the leads.

"Big Hearted Herbert," from the Broadway stage play with Aline MacMahon and Guy Kibbee.

"Black Hell," coal mine story starring Paul Muni.

"Captain Blood," sea adventure story by Rafael Sabatini.

"A Lost Lady," adapted from Willa Cather's novel with Barbara Stanwyck starring and Ricardo Cortez in the support.

"Applesauce," story of a small town belle and her two suitors.

"The Case of the Howling Dog," from Erle Stanley Gardner's mystery which ran in *Liberty*.

"The Case of the Curious Bride," another mystery by Gardner.

"Concealment," a problem play.

"Just Out of College," story of five graduates after commencement.

"Lost Beauty," modern love story.

"Oil for the Lamps of China," based on best seller by Alice Tisdale Hobart.

"Casino de Paree," musical comedy-drama starring Al Jolson.

"School Days," dubbed "a story of youth."

# What They're Down For

Atlantic City, June 4.—Warner-First National star, co-starring and featured player assignments, as far as the company's product lineup was announced today, follow:

Joe E. Brown—Starring in "The Six-Day Bike Race" and "Earthworm Tractors."

James Cagney—Starring in "The Perfect Weekend" and co-starring with Pat O'Brien in "Air Devils."

Dolores Del Rio and Franchot Tone—Co-starring in "Farewell to Shanghai."

Aline MacMahon and Guy Kibbee—Co. starring in "Babbitt" and "Big Hearted Herbert."

Jean Muir—Starring in "Glorious."

Paul Muni—Starring in "Border Town" and "Black Hell."

Al Jolson—Probably starring in "Go Into Your Dance" and definitely set to star in "Casino de Paree."

Barbara Stanwyck—Starring in "A Lost Lady."

Ricardo Cortez — Supporting Barbara Stanwyck in "A Lost Lady."

Joan Blondell, Glenda Farrell, Osgood Perkins, Hugh Herbert and Robert Armstrong—Featured in "Kansas City Princess."

Jean Muir, George Brent and Veree Teasdale—Featured in "A Lady Surrenders."

## Star Roster

Women—Joan Blondell, Claudette Colbert, Bette Davis, Kay Francis, Ruby Keeler, Jean Muir, Dolores Del Rio, Barbara Stanwyck.

Men—Joe E. Brown, James Cagney, Ricardo Cortez, Leslie Howard, Al Jolson, Paul Muni, Dick Powell, Edward G. Robinson, Franchot Tone, Rudy Vallee, Warren William.

## Featured Players

Women—Mary Astor, Dorothy Dare, Claire Dodd, Ruth Donnelly, Ann Dvorak, Patricia Ellis, Josephine Hutchinson, Margaret Lindsay, Helen Lowell, Aline MacMahon, Mary Russell, Veree Teasdale, Dorothy Tree, Helen Trenholme, Virginia Pine.

Men—Robert Armstrong, Arthur Aylesworth, Robert Barrat, Glen Boles, George Brent, Enrico Caruso, Jr., Hobart Cavanaugh, John Eldredge, Philip Faversham, Paul Gould, Hugh Hebert, Allen Jenkins, Guy Kibbee, Terry LaFranconi, Hal Leroy, Frank McHugh, Pat O'Brien, Henry O'Neill, Phillip Reed, Philip Regan, Lyle Talbot, Harry Tyler, Gordon Westcott, Donald Woods.

## Directors

Lloyd Bacon, Busby Berkeley, Frank Borzage, Arthur G. Collins, Alan Crosland, Michael Curtiz, William Dieterle, Ray Enright, Robert Florey, Alfred E. Green, H. Bruce Humberstone, William Keighley, Mervyn LeRoy, Edward Logan, Stanley Logan, Archie Mayo, Frank McDonald, Daniel Reed.

## "Real Enterprise"

**Atlantic City, June 4.—"My idea of real enterprise!" was the way Harry M. Warner volunteered his reaction to the special distribution of today's *Motion Picture Daily* to Warners' eastern regional sales meeting here.**

**Monday's edition arrived while the conventioneers were at lunch and were distributed in the Japanese Room where the delegates found them at the resumption of the afternoon session.**

## "Du Barry" Hits Upper Bracket

**Atlantic City, Tuesday, June 5.—"Madame Du Barry," shown here last night for the Warner conventioneers, gives that company one of the mass and class pictures of the spring and summer releasing season.**

**Skimming the facts of history with a light touch but delving deeply into the private life of the 15th Louis of France in much the same fashion as "Henry VIII" did for England, the picture plays primarily for, and is successful in corralling the comedy and foibles of the royal boudoir.**

**Outstanding in point of performance is the work of Reginald Owen as the king, while beauty and sex are competently supplied by Dolores Del Rio in the title role.**

**In production values "Madame Du Barry" is rich in 18th Century pageantry and majesty.**

**An extremely creditable picture on all counts.**

**KANN**

## Warner Story Choices Encompass Wide Field

Atlantic City, June 4.—In choosing story background, Warners have covered a wide field. Current interest in musicals is followed up by provision for five of these. Because the Orient has figured so much in recent headlines and literature four subjects have been chosen from that section of the world.

Stage hits are represented by three choices. There are two air stories and one biographical drama based on the life of Louis Pasteur.

Comedies get a strong play. There are nine of them. Two racetrack stories have been included; also two youth stories, five adventure and mystery stories, and one with Boulder Dam as a background. The remaining 12 have a contemporary American background.

The way they break down is:

### Musicals

"Gold Diggers of 1935," "Sweet Music," "Sweet Adeline," "Go Into Your Dance," and "Casino de Paree."

### Oriental Backgrounds

"Oil from the Lamps of China," "War Lord," "Farewell to Shanghai" and "The Skipper of the Ispahan."

### Stage Plays

"A Present from Margate," "Big Hearted Herbert" and "Firebrand."

### Air Stories

"Air Devils" and "Lafayette Escadrille."

### Adventure and Mystery

"Anthony Adverse," "The Case of the Howling Dog," "The Case of the Curious Bride," "Concealment" and "Captain Blood."

### Comedies

"The Six-Day Bike Race," "Halfway to Heaven," "The Little Big Shot," "Earthworm Tractor," "I'll Sell Anything," "King of the Ritz," "Window Panes," "Glorious" (comedy-romance) and "Applesauce."

### Racetrack

"Ride 'Em Jockey" and "Kansas City Romance."

### Biographical Drama

"Men Against Death."

### Contemporary American Background

"I'm Back in the Chain Gang," "Roadhouse," "The Magnificent Ambersons," "The Cinch" (Boulder Dam), "Babbitt," "Border Town," "The Story of a Country Boy," "Traveling Saleslady," "The Perfect Weekend," "A Lady Surrenders," "Black Hell," "A Lost Lady" and "Lost Beauty."

### Youth

"Just Out of College" and "School Days."

# District Managers Go Into Conference

Atlantic City, June 4.—Warner district managers will follow up the eastern regional sales meeting here with individual meetings for salesmen in their respective territories.

Robert Smeltzer, eastern district manager with headquarters in Washington, will hold individual conferences with the following branch managers and their salesmen: Ray S. Smith, Albany; Thomas B. Spry, Boston; Harry A. Seed, Buffalo; Nat Furst, New Haven; Robert Mochrie, Philadelphia; Fred North, central district manager, with headquarters in Detroit, will convene with the following branch managers: Maurice White, Cincinnati; M. Mooney, Cleveland; A. Schmitken, Indianapolis; Charles Rich, Pittsburgh. Roy Haines, metropolitan district manager, will confer with Harry Decker, handling New York and Brooklyn, and Harry Hummel, who handles New Jersey.

## Borzage to West Point

Headed by Director Frank Borzage, a production crew from the Warner west coast studios will arrive at West Point, N. Y., tomorrow to film "atmosphere" and backgrounds in and around the Military Academy for "Flirtation Walk," starring Ruby Keeler, Dick Powell and Pat O'Brien.

# Warner Heads Pledge Aid to End Dual Bills

(*Continued from page* 1)

the company decrees the step to be necessary to insure its product proper representation.

Albert Warner, vice-president in charge of distribution; A. W. Smith, Jr., eastern and Canadian sales manager; Sam E. Morris, vice-president in charge of foreign distribution; Joseph Hummel, his assistant; Gradwell Sears, southern and western sales manager; Norman Moray, Vitaphone sales manager; Harold Bareford and I. Levinson of the company's legal department, were other speakers at the opening day's session.

Smith, in charge of the meeting, opened the session and was followed by Harry M. Warner who declared the production budget for the new season would be the largest in the company's history. Morris, who recently completed an extended foreign trip for the company, told the conventioneers that returns from abroad were on the increase. He reported that foreign theatres generally are doing good business. The company's newest foreign office will be opened at Shanghai soon, he said, detailing plans for additional exchanges abroad.

### Sears' Speech "Pep" Talk

Sears' address constituted a general "pep" talk, his presence here being more in the nature of "guest" sales manager, as his own regional meetings are slated for later in the month at Chicago and San Francisco. Moray spoke on Vitaphone's list of 130 shorts, but Warners propose to withhold the lineup for announcement at the San Francisco meeting.

Bareford, who has been an alternate for Harry Warner at many Code Authority meetings, went into a general analysis of the code, placing particular stress on its clearance and zoning provisions, as did Levinson later.

Red Kann, editor of MOTION PICTURE DAILY, who came down from New York for the meeting, was called upon by Smith. He said, in part: "Barring this summer, which undoubtedly will be a tough one, like all summers, the immediate horizon for the industry is definitely brighter. Once the warm weather has been hurdled and fall arrives, better days undoubtedly will be with the industry. Theatre business, aside from the last few weeks when the weather proved a barrier too difficult to surmount, has improved and will continue to in direct ratio with the quality of merchandise offered the public."

### Talks of Church Drive

Urged on by Warner, who remarked "the best kind of a talk is a frank talk," Kann delved into the rapidly mounting tide of church opposition to many attractions currently in distribution. "The opposition is not confined merely to the Catholic Church, but embraces other faiths as well. Because in the normal conduct of your jobs you will hear of this situation, if you have not already, it is perhaps important to stress the hope, as well as the belief, that something will be done about the situation before influential church elements are completely swung away from the industry."

Warner followed and commended Will H. Hays for his speech at Wabash College Saturday night.

"I have just read an account of what Hays had to say in MOTION PICTURE DAILY and I agree with him thoroughly," Warner declared.

# *The Wild Waves Say—*

ATLANTIC CITY, June 4.—Albert L. Warner, Grad Sears, Andy Smith, Sam Sax, Norman Moray, Carl Leserman, Al Schwalberg and Charlie Einfeld will hotfoot it back to New York Tuesday night and, on Friday, hop the Century for Chicago, where the third Warner regional is to be held at the Drake Hotel, June 11 and 12.

•

This group, minus President Harry Warner and Smith, will take in the Frisco meeting also and will probably spend a week at the company's studios at Burbank before hitting the trail again for New York.

•

Joe Hummel, assistant foreign sales manager, covered his nine months' trip abroad in nine minutes today. Laryngitis was the reason.

•

Carl Leserman, not long out of the hospital, is feeling fit. Says so himself.

•

Harry Warner was worried about a minor indisposition on the part of one of the younger members of his family and planned to pull out early. He was persuaded to change his mind, however, and left late in the afternoon.

•

Andy Smith took charge of his second regional nattily arrayed in blue. A sartorial gem.

•

Tom Spry, Boston exchange manager, is here. He's a veteran from the original First National days.

•

Photos, lobby display size, of the three Warners hang over the speakers' table.

•

A change in convention plans will give the delegates the new product lineup Tuesday when today was to have been the day.

•

Jake Wilk, Warner story editor, is one of the unannounced who is in attendance.

•

Many Warnerites are nicely sunburned, but most of it was gathered on golfing forays, not here at the beach.

•

It was Hackney's, famous sea food eatery, which figured on schedules of practically all Atlantic City visitors.

# Monogram to Aim Product At Families

(*Continued from page* 1)

with its new lineup Monogram will be able to continue the splendid record it set for itself during the first four years of its existence. During that time no Monogram picture has been turned down by any censor board, nor is there a Monogram picture to be found among the 55 recently banned by women's federations, according to a recent survey of the *Motion Picture Herald*.

"Monogram is making a definite bid to please the family trade and is making pictures that will provide entertainment for juveniles and adults."

Details of the company's forthcoming 28 features were discussed.

Johnston will return to New York Wednesday. Edward Golden, general sales manager, and J. P. Friedhoff, treasurer, left in time to reach New York late tonight.

## *10% Amusement Levy Sought in Louisiana*

NEW ORLEANS, June 4.—A bill has been introduced in the state legislature calling for a 10 per cent tax on film grosses as well as on receipts from all other amusements, including night clubs, circuses and private theatricals. The bill would legalize lotteries, slot machines and other gambling devices so that they may be made sources of public revenue.

## *"Crime Clues" to Smith*

William G. Smith has secured screen rights to the "Crime Clues" series featured on the NBC network. Spencer Dean and Dan Cassidy are the authors. Smith, in association with C. C. Burr, plans to make a series of features from the stories on the coast. No releasing arrangements have been made.

# "U" Delays Sales Meet to Tomorrow

(*Continued from page* 1)

manager, will start the first session tomorrow morning. On Thursday evening salesmen will be entertained with a beefsteak and vaudeville show. Showings of completed product are to be given at the Carnegie Theatre.

After the convention Laemmle, accompanied by Joe Weil, his personal representative, and Jack Ross, his secretary, will leave for a European business trip.

## *Bader in From London*

Dave Bader, Carl Laemmle's representative in England, arrived from London yesterday on the *Carinthia* to attend the Universal annual sales convention here this week. Bader will also take a brief American vacation before returning to England within the next two weeks.

## *U. S. Court Won't Act In Para. Trusteeship*

(*Continued from page* 1)

Leake and Charles C. Richardson as the company's trustees.

Counsel for Bensinger told the court the trustees were disqualified by their business connections. He pointed out that Leake is president of the Film Securities Corp. and connected with the Chase National Bank, while Hilles is a director of the Bankers Trust Co., prominent in film financing, and Richardson is treasurer of Fox.

FOR BETTER PROJECTION USE

*National Projector Carbons*

For large and small theatres—for long and short throws you can rely on National Projector Carbons to give you the brilliant screen illumination that reflects in box office returns.

*Buy them from your supply house*

NRA WE DO OUR PART

NATIONAL CARBON COMPANY, INC.
Carbon Sales Division, Cleveland, Ohio
Unit of Union Carbide UCC and Carbon Corporation
Branch Sales Offices:
New York · Pittsburgh · Chicago · San Francisco

## Division, District Jobs Ended by U.A.

(*Continued from page* 1)

has been made home office representative handling sales along with Charles Stern and Jack Goldhar. This means that L. J. Schlaifer, who recently resigned, will not be replaced. Paul Lazarus, Paul Burger and Steve McGrath are assistants to Al Lichtman at the home office, handling detail work.

Burger was the only one to leave for New York yesterday. Stephen Pallos, producer for London Films, who attended the session, will accompany Joseph M. Schenck to London on June 9.

Lichtman spent the greater part of today in conference with James Coston and plans to stay here until the end of the week.

Eastern branch managers are expected back from Chicago today after attending the annual sales convention.

## U.A. Forces to Handle World Release of B. & D.

CHICAGO, June 4.—That United Artists will handle world distribution of British and Dominions product beginning with the new season was revealed by Al Lichtman, vice-president and general manager of the former, at the close of the company's convention here.

Lichtman also announced that national trade showings of all U. A. releases in exchange centers throughout the country will be continued during the coming year. The first three will be "The Affairs of Cellini," "Bulldog Drummond Strikes Back" and "The Last Gentleman."

## *Protest Set on U. A. Cancellation Stand*

(*Continued from page* 1)

protesting the contention of United Artists that it is not subject to the 10 per cent code cancellation clause. Meyn said he intended to file a protest with the grievance board.

It was expected here in event such a protest is filed, that regardless of the local board's decision it would be appealed to Campi.

### *Schenck in; Sails Soon*

Joseph M. Schenck, head of United Artists, who arrived in New York yesterday from the coast after a stop at Chicago to attend his company's convention, will sail for Europe after a short stay here.

Many home office executives return from Chicago today. Among them will be Joseph Moskowitz, Harry Buckley, Harry L. Gold, Charles Stern, C. Ericksen, Manny Silverstone, Etienne Pallos, Hal Horne and Morris Helprin. Paul Burger got in yesterday.

### *U. A. Signs Jane Baxter*

Jane Baxter, English stage and screen player, has been signed by Samuel Goldwyn for the second feminine lead in "We Live Again," the Anna Sten picture. She will leave for these shores shortly.

### *To Rezone New Orleans*

NEW ORLEANS, June 4.—The zoning board here plans to rezone this city.

## Campi May Reopen Assents on Friday

(*Continued from page* 1)

figured when the final batch is counted, the figure will reach the 1,000 mark.

Campi members are not prone to reopen the compliance date for the benefit of exhibitor leaders who have taken the stand previously that independents should not sign the code because of administration antagonism. Code Authority is willing to help out the rank and file who have been misled, and it is figured that Friday will be the determining date.

## *Expect Court Tests On Cleveland Zoning*

CLEVELAND, June 4.—That the courts may be called in to decide whether the proposed new protection schedule can supercede Cleveland's present agreement is seen as a likelihood here.

The problem was brought up by the recent grievance board case of the Cedar Lee Theatre vs. Loew's Stillman, Park and Granada and Warners' Lake, Uptown and Variety. The complainant had asked the right to show pictures the week after their first run showing whenever such pictures were shown on a dual policy. Such films now get 63 days' protection. Dismissal of the charge is now being fought by the Cedar Lee management.

## *Charnow Gets a Cut In Leonia Clearance*

Julius Charnow, operator of the Leonia, Leonia, N. J., yesterday won his protest on reduction of clearance on his theatre after a rehearing before the New York board. The Leonia has been following Hackensack and other neighboring houses as much as three months after release dates on product and wanted a day-and-date availability with the Park Lane in Palisades and seven days after the Fox, Englewood.

## *Omaha Board Drops Overbuying Charge*

OMAHA, June 4.—Ray Selker, manager of the Broadway at Council Bluffs, Ia., has lost his overbuying complaint against Fox West Coast and Ben Harding, operator of the Liberty, that city. The board decided there was no evidence that the two defendants had more films than required or were making changes too frequently.

### *Settle Dubinsky Row*

KANSAS CITY, June 4.—Under a compromise decision handed down today by A. W. Dubirney of Washington, special assistant U. S. attorney general and assistant NRA counsel, acting as arbitrator, Ed Dubinsky will employ six operators at the Regent and Liberty, three for each house, instead of seven, on a schedule of 35 hours a week instead of 40. Dubinsky had demanded five operators and the union seven before the case was submitted to arbitration.

### *Pass on K. C. Clearance*

KANSAS CITY, June 4.—Exhibitors from outlying communities today expressed satisfaction with the new clearance at a hearing of the clearance and zoning board.

### *Code First*

**The code comes first, says Campi.**

**So Louis Geller, independent exhibitor on the New York grievance board, today will defer celebrating his tin wedding anniversary until the hearings are over.**

## *Coast Sees Lazarus Victor Against FWC*

LOS ANGELES, June 4.—Although eastern advices held that Campi's decision ordering Fox West Coast to turn over 13 pictures of its allotment to Simon M. Lazarus of the Garfield, Alhambra, did not find F. W. C. guilty of overbuying, local authorities declare that the independent won his case despite the reduction of seven pictures from the original Los Angeles board verdict.

Following an investigation of the case, eastern advices have it that the testimony in the case was put in the hands of Nathan Yamins, independent member, and he upheld the local board's opinion, although Campi was evenly divided on the vote on appeal. Yamins' findings then decided the vote in favor of Lazarus.

It was found, it is understood, that F. W. C. had 40 pictures more than it can use at the Alhambra house and 13 of the availabilities were selected for the Garfield, the first to start June 6. F. W. C. was found to have started duals before the Garfield, which also influenced upholding of the original verdict.

## *National Board Gets Consolidated Dispute*

WASHINGTON, June 4.—Officials of Consolidated Film Industries and representatives of the firm's employes today conferred with the National Labor Board in an effort to settle the labor controversy between the company and the Printing Pressmen's Union, which brought about a strike involving some 50 Consolidated workers early in April.

The case came before the board on appeal from a decision of the New York regional board, which ruled that the strikers should be returned to work and the wage dispute arbitrated. The company brought the case to Washington on the contention it could not arbitrate wage matters.

## *Capital Board Bans Surcharge on Passes*

WASHINGTON, June 4.—Advertising courtesy passes are not to carry a surcharge, it was ruled today by the local grievance board in ordering Leon Zeller, operator of the Roy, South Baltimore, to end the practice. The complainant was Eugene B. McCurdy, operator of the Columbia in the same town. The contention was Zeller was lowering prices through passes on which five cents was charged at the box-office.

### *Buffalo Hearing Called*

BUFFALO, June 4.—First of a series of hearings at which exhibitors may voice objections to present clearance and zoning arrangements has been called by the clearance and zoning board for June 14.

## First Week of Fair Blow to Loop Houses

(*Continued from page* 1)

noticeable until the real drawing power of the fair makes itself apparent about the last week in June. At the moment they are praying for a break in the scorching weather.

B. & K., which cashed in heavily on last year's fair, is ready to put heavy money into a strong line of stage talent in the belief that they will get it back—plus. Barney Balaban has lines out for some of the biggest names of the screen, stage and radio for the Chicago Theatre. Among those for whom Balaban is angling are Amos 'n' Andy, Jack Benny, Cab Calloway, Joe Penner, Col. Stoopnagle and Budd, Jimmy Durante, Eddie Cantor, Laurel & Hardy, Bing Crosby and others. Even Mae West is said to be one of Balaban's hopes as an attraction.

## *Contest Developing At IATSE Gathering*

LOUISVILLE, June 4.—A contest between the so-called progressive and conservative elements for control of I. A. T. S. E. is expected to be settled here and highlight the 32nd annual convention of the organization, which opened here today with more than 800 delegates and approximately 200 visitors in attendance.

Advance indications are that William F. Canavan, former head of the I. A. T. S. E., will be the candidate of the "liberals" to head the organization again. There was some doubt here today as to whether or not William C. Elliott, incumbent head of the organization, would be a candidate for reelection. In order for Canavan to be elected, however, by-laws of the I. A. T. S. E.'s constitution which specify that only an accredited delegate can be elected would have to changed. Canavan is not a delegate.

Labor sections of the film code are due for discussion here as are "jurisdictional problems."

### *Rules Against Schine*

BUFFALO, June 4.—The overbuying charge brought by Reliance Theatres against the Schine Theatrical Co. in behalf of the Palace Theatre, Lockport, N. Y., has been upheld by the local grievance board, which has found that by playing first run pictures in a second run theatre the defendant is depriving the complainant's house of enough product to keep going. The board has ordered 17 first run films turned over to Reliance.

### *Harman Yaffa Appeals*

Harman Yaffa yesterday appealed from two decisions of the New York grievance board. The board last week decided against Yaffa, operator of the Gem and Majestic, in his complaints against Springer and Cocalis and Vitagraph. In the first case, Springer and Cocalis won the overbuying decision without a defense. The second case had to do with two pictures being switched from lower to higher brackets.

### *Sol A. Rosenblatt Ill*

WASHINGTON, June 4.—Division Administrator Sol A. Rosenblatt is confined to bed with laryngitis. He was recently treated by an eye specialist.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 131 | NEW YORK, WEDNESDAY, JUNE 6, 1934 | TEN CENTS

## "U" Three-Day Sales Session Starts Today

### *42 Features, 58 Shorts, 104 Reels on List*

With a production schedule of 42 features and probably 58 shorts and 104 issues of the newsreel set for discussion, Universal sales executives and exchange managers more than 100 strong today begin a three-day sales convention with screenings at the Little Carnegie Theatre.

After luncheon the delegates will start the first business session this afternoon at the Essex House and will continue them there through Thursday and Friday, with the last session to be climaxed by a talk by Carl Laemmle, who came east for the purpose of attending.

The screenings this morning start at 9:30 o'clock, with "I Give My

(*Continued on page* 4)

## Coast Production Level Holding Up

HOLLYWOOD, June 5.—Production activity for the week ending June 2 remains unchanged with the exception of a decrease of four shorts in work under the preceding week. Total number of features, as in the previous week, shows a total of 34 shooting, 28 preparing and 50 in the cutting rooms. In the short subject division there was a total of nine working, 17

(*Continued on page* 5)

## *British Film Tax Up In House of Commons*

By BRUCE ALLAN

LONDON, June 5.—J. R. Remar's proposed amendment to remove the existing import duty on films as a method of introducing the suggestion of an ad valorem duty of 33 per cent comes up in the House of Commons next Tuesday.

The object of this amendment is not

(*Continued on page* 5)

## *Rivalry Is Hot as IATSE Voting Nears*

LOUISVILLE, June 5.—Keen rivalry was reported today to have developed already over the nomination of officers as the 32nd biennial international convention of the I.A.T.S.E. rounded out its second day at the Jefferson County Armory. The meeting, which has

(*Continued on page* 5)

### *Desk, Pen, Zanuck*

**Joseph M. Schenck, at the U. A. sales convention in Chicago, in commenting upon the formation of 20th Century Pictures said: "All I had was a desk, a pen, a pencil and Darryl F. Zanuck."**

## Warners Set On 839 Deals For New List

By RED KANN

ATLANTIC CITY, June 5.—Warners, minus any fanfare, have had their sales force turned loose on sales for the new season for several weeks and to date have sold 839 contracts, totalling $2,500,000.

This word was passed on to the assembled conventioneers at the company's eastern regional meeting here today.

Deals already closed do not include the usual annual deal between the Warner distribution department and

(*Continued on page* 5)

## Cal. ITO Picks Hicks; Dual Ban Is Nearer

LOS ANGELES, June 5.—Harry Hicks, vice-president of the I. T. O. of Southern California, was elected president today. At his request Ben Berinstein will continue as president until Hicks concludes his duties on the

(*Continued on page* 8)

## *Ohio Heat Bad Blow To Theatre Grosses*

COLUMBUS, June 5.—Record heat for early June, aggravated by the worst drought since 1856, has had a telling effect on theatre attendance

(*Continued on page* 5)

## Picture Code Paper Scrap, Says Cardinal

### *Mundelein Calls Films Morally "Debasing"*

CHICAGO, June 5.—In a statement issued today urging a moral censorship of films addressed to Catholics in the Chicago diocese, Cardinal Mundelein, archbishop of Chicago, stated that while he helped to draw up the present moral code for films believing "we were dealing with moral gentlemen, we were mistaken. To them it was just another scrap of paper."

In his statement Cardinal Mundelein charges that in recent years no other agency has exercised "so debasing an effect on public morals as films." He declares that sin is made to appear attractive and vice is treated as the acceptable thing by producers.

It is true that many wholesome pictures are made, the Cardinal's state-

(*Continued on page* 8)

## K.C. Showman Hits Film Uplift in Ad

KANSAS CITY, June 5.—Stanley Chambers, manager of the Fox Uptown, bought extra space in the *Kansas City Star* to tell the screen uplifters, over his signature, what he thought of them for not patronizing "Change of Heart," a Fox film, which, he claimed, meets every requirement of those who would elevate film standards.

Chambers aimed his appeal at the

(*Continued on page* 8)

## *Milwaukee Students Sign Film Pledges*

MILWAUKEE, June 5.—Approximately 3,300 students of the city's seven Catholic high schools have

(*Continued on page* 8)

## Non-Assentors Sue for Right To File Cases

### *Weisman, ITOA Counsel, Asks Federal Writ*

A suit to force Campi and the local code boards to accept complaints from non-assentors was filed yesterday in U. S. District Court by Milton C. Weisman, attorney for the I.T.O.A. It is in the form of application for an injunction to prevent code officials from refusing to accept complaints and a hearing has been set for Friday by Judge Alfred C. Coxe.

The petition attacks the clause in the code denying non-signers the right to file complaints. The provision is denounced as "aribtrary, coercive and destructive of the liberty and property of the complainants without due process of law" and as "directly opposed

(*Continued on page* 6)

## Campi Committees Will Confer Today

Joint meetings of code committees on production, compliances and finances will be held at Campi today with S. R. Kent, W. Ray Johnston, J. Robert Rubin, Charles L. O'Reilly and Harold S. Bareford attending.

The sessions will discuss the Hollywood situation, the numerous requests

(*Continued on page* 6)

## *Ban on New Theatre Now Going to Campi*

MONTICELLO, Iowa, June 5.—Campi is to get an appeal from the Des Moines grievance board decision that a new theatre here is unfair competition.

The case first came up when E. T. Landis, owner of the Princess here, filed a complaint that R. C. Lambert's new house, now nearing completion, would cause overseating here and would be unfair competition within the meaning of the code. His contention was upheld by the board.

## *Ohio Tax Stirs Row Over Availability*

CINCINNATI, June 5.—An arbitration case involving a dispute as to application of the 10 per cent state admission tax in determining admission prices and thus affecting subsequent run availability, has been brought by Paramount here against

(*Continued on page* 8)

## *MPTO Session Is Nearly Stampeded by the Indies*

PHILADELPHIA, June 5.—A meeting packed with adherents of the recently organized Independent Exhibitors' Protective Assn. took momentary control of an exhibitor assemblage here today and almost succeeded in stampeding the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware out of existence.

The new Independent Exhibitors' Protective Assn., which came into being with the filing of a suit against major distributors recently over con-

(*Continued on page* 8)

# MOTION PICTURE DAILY

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MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Mascot Product Book Out

Mascot's announcement book listing its new season lineup of 10 features and two specials made its appearance yesterday and is being distributed to exhibitors now. The book is handsomely prepared, bound in leather-finished cover and, in addition to the new lineup, lists the Mascot producers, directors, writers and special talent. The book was prepared under the direction of Nat Levine, Mascot president, and Al Sherman, director of publicity and advertising.

## W. E. for London Films

LONDON, June 5.—London Films has now become a Western Electric licensee, and A. W. Watkins has been appointed recording director. He formerly controlled the recording at the British & Dominions studios, the only studio here with Western Electric equipment. London Films claims the new equipment will give them equal facilities with Hollywood.

## Aleograph Loses Petition

WASHINGTON, June 5.—The U. S. Supreme Court has denied the petition of the Aleograph Co. of San Antonio to open for review litigation over sound patents in which the company lost out to Western Electric by decision of the lower Federal courts.

## Brandt After Wallack

Harry Brandt states he is negotiating for the Wallack. Max Cohen had been operating the house until recently when it was closed for repairs. Cohen says he also is dickering for a new lease.

# Looking 'Em Over

## "The Love Captive"

(*Universal*)

Based on the play, "The Humbug," by Max Marcin, this Universal release directed by the playwright deals with hypnosis and some complications that follow.

Nils Asther is the practicing hypnotist who plies his tricks on a group including Gloria Stuart, thereby setting Paul Kelly, her sweetheart, on the course that finally brings Asther to his end at the hands of Allan Dinehart, presumably the subject of the hypnotist's wiles, but not too completely so to prove incapable of pulling the hair-fine revolver trigger that fires the fatal bullet, because the jury leans toward the idea that Dinehart was under Asther's influence at the time, he is held not responsible for the gun play and thereafter freed.

This frees Miss Stuart from the baleful influence, sends her back to Kelly and removes a menace from society at large. Running time, 63 minutes.

The picture is routine.

*"Fog Over Frisco," tonight's premiere at the Strand, was reviewed by wire from Hollywood on May 22.*

## Flash Reviews

*Baby, Take a Bow*— . . . a swell show.

*Heart Song*— . . . highly satisfactory musical romance. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## Kaplan Loses Appeal

ALBANY, June 5.—Sam Kaplan, deposed president of Local 306, and Theodore Greenberg, a member of the union, today lost their appeal in the Court of Appeals here against a six months' sentence imposed on them for coercion and must serve the sentence.

## Lichtman Flies to Coast

Al Lichtman, vice-president and general sales manager for U. A., left Chicago yesterday for Los Angeles by plane. He returns to New York Monday when he will make an important announcement regarding distribution of English films here.

## May Follow Up "Henry"

U. A., through London Films, plans to make "The Field of Gold," a sequel to "The Private Life of Henry VIII." Charles Laughton may appear in it.

## Ampa Fall Doings Set

Although Ampa suspends after the June 14 meeting, President William R. Ferguson has already lined up impressive programs for the first 10 meetings in the fall when weekly luncheons resume Sept. 6. No meeting is to be held tomorrow because of the *Film Daily* Golf Tournament. During the last week, Ferguson reports three members have been given jobs through the organization and states that employment work will be continued during the summer, despite the weekly gathering lapse.

## M-G-M Signs Fritz Lang

HOLLYWOOD, June 5.—Fritz Lang, German director, has been signed by M-G-M and will arrive here June 8 with David O. Selznick and party.

## Levinson to Minneapolis

Harry Levinson has been promoted from Radio's New York office sales control department to booker at the Minneapolis exchange by Jules Levy, vice-president.

## Hy Daab on the Coast

HOLLYWOOD, June 5.—Hy Daab has arrived here and is discussing a couple of writing jobs.

## Loew's Up 1¼ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34 | 32⅞ | 33½ | + ¾ | 800 |
| Consolidated Film Industries | 3¾ | 3⅜ | 3⅞ | — ⅜ | 1,000 |
| Consolidated Film Industries, pfd | 16¼ | 15⅞ | 16¼ | + ¾ | 200 |
| Eastman Kodak | 95 | 93½ | 95 | +1 | 100 |
| Eastman Kodak, pfd | 140 | 140 | 140 | +1½ | 20 |
| Fox Film "A" | 15 | 14¼ | 14⅞ | + ⅞ | 1,000 |
| Loew's, Inc. | 33¼ | 31¾ | 33 | +1¼ | 10,300 |
| Loew's, Inc., pfd | 95½ | 95½ | 95½ | + ½ | 100 |
| Paramount Publix | 4¾ | 4¼ | 4⅝ | + ⅛ | 4,800 |
| Pathe Exchange | 3 | 2⅞ | 2⅞ | ..... | 2,300 |
| Pathe Exchange "A" | 23⅜ | 22 | 23⅛ | + ⅞ | 5,900 |
| RKO | 3 | 2¾ | 2⅞ | ..... | 400 |
| Warner Bros. | 6⅜ | 5⅜ | 6 | + ⅛ | 4,600 |

## Technicolor Gains ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10¾ | 10½ | 10¾ | + ¼ | 500 |
| Trans Lux | 1⅝ | 1⅝ | 1⅝ | + ⅛ | 100 |

## Paramount F. L. Bonds Drop 3

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8¼ | 8½ | + ½ | 13 |
| General Theatre Equipment 6s '40, ctf | 8¼ | 8 | 8¼ | +1¼ | 4 |
| Loew's 6s '41, ww deb rights | 100¼ | 100¼ | 100¼ | + ⅜ | 1 |
| Paramount F. L. 6s '47 | 50 | 50 | 50 | —3 | 5 |
| Paramount Publix 5½s '50 | 50¼ | 50 | 50 | ..... | 5 |
| Warner Bros. 6s '39, wd | 59½ | 58½ | 59½ | +1½ | 51 |

# Purely Personal

JOHN MACK, assistant head of the eastern story department at Fox, left last night for San Francisco where he is scheduled to marry Jane Moore on June 12. The honeymooners will return here June 20.

RUTH WEISBERG, JESSIE HILL and GWEN HELLER of the Warner publicity department are in a great state of excitement. They had lunch with COL. ROSCOE TURNER, the aviator, at the Astor yesterday.

SYLVIA SIDNEY and MR. and MRS. LOWELL THOMAS are among the guests scheduled to attend Paramount's showing of TRAVIS BANTON costumes at the Waldorf today.

WILLIAM WILKERSON leaves for Europe within the next week or so. His wife did not accompany him east, having changed her mind the last minute.

EARL CARROLL and four "Vanities" girls leave by plane tomorrow for Charlotte, N. C., for the opening there Friday of "Murder at the Vanities."

C. E. RUTH and MRS. J. F. MAGUIRE of the Breck Photoplay Supply Co., Los Angeles, are in town demonstrating a new arc lamp.

JOHN CONSENTINO, special representative for Amity Pictures, is in town. He has been making a tour of the company's exchanges.

RALPH DOYLE, general manager of RKO Radio's Australian office, is in New York. He will attend the Chicago sales convention June 14.

LEON C. LEVENTHAL has resigned from Columbia to resume the production of legitimate plays.

WHITFORD KANE, stage actor has signed a contract with M-G-M and is on his way to the coast.

HARRY C. ARTHUR returns within a few days from a trip out of town.

WILLIAM A. SCULLY has gone to Portland, Me., for a few days.

DAVE BLUM has bought a cow.

DAVID SARNOFF is expected back from Europe the end of the month.

BUDDY J. MARKUS of M-G-M yesterday lost her mother.

## Loew's, Toronto, Paying

TORONTO, June 5.—Marcus Loew's Theatres, Ltd., owning two large theatres here and others in London and Windsor, has started to pay dividends again with the announcement today that a quarterly dividend on preference shares due March 31, 1928, payable the end of June, was declared. The payment which will now be met has been owed for six years.

## Columbia Gets Shorts

Columbia has signed to release six one-reel "Life's Last Laugh," being produced by Carl Clancey, who formerly made the Will Rogers one-reel travel series. Clancey's deal also provides for an option on seven additional subjects.

## Carbon Duties to Stay

LONDON, June 5.—The amendment to the finance bill in the House of Commons to reduce carbon duties was defeated here today by a vote of 243 to 45.

# *The Convention is Over!*

And the FOX salesman is headed your way...with the BIG Fox BOOK under his arm...and a load

of good news about the BIG Fox PICTURES under his hat!...

# "U" Three-Day Sales Session Starts Today

(*Continued from page 1*)

Love," "Going Places with Lowell Thomas" and one of the new season shorts "Stranger Than Fiction," on the program. Luncheon will be served at 1 o'clock.

At 2:30 this afternoon James R. Grainger, general manager of distribution, will discuss sales problems and the new season outlook. R. H. Cochrane, vice-president, will also talk. Completion of the current season's product and liquidation of contracts will be gone into in detail.

Tomorrow morning Willard S. McKay, general counsel, will discuss the code as it affects sales. He will also talk on the new contract form under which product will be sold during the coming season. Andrew Sharick will talk on accessories. In the afternoon a general meeting will be under the direction of Grainger. A beefsteak and entertainment is scheduled for the evening in the fencing room of the New York Athletic Club. Edward Bonns, short subjects sales manager, will have charge of this.

Announcement of new product will be made by Grainger at the Friday morning session scheduled to get under way at 10:30 o'clock. Discussion of the new lineup will be continued in the afternoon by John LeRoy Johnston, publicity director at the studios. Laemmle's talk is set to begin at 4 o'clock.

The following home office and out of town executives, in addition to Carl Laemmle, president, who came on from the coast expressly for the purpose, will attend:

### Those Who Will Be There

*Home Office*: R. H. Cochrane, vice-president; J. R. Grainger, general manager of distribution; P. D. Cochrane, director of advertising, publicity and exploitation; F. J. A. McCarthy, eastern sales manager; E. T. Gomersall, western sales manager; Sydnay Singerman, assistant western sales manager; Edward Bonns, short subject sales manager; Richard Anderson, sales manager for Universal Newsreel; Oscar Binder, exchange controller; Samuel Sedran, purchasing agent; George Cochran, head of eastern production; William Kramer, manager of the play date department; Jean Cox, assistant to J. R. Grainger; Allen Butterfield, editor of Universal Newsreel; Charles Ford, managing editor of Universal Newsreel; Willard McKay, general counsel; Benjamin Grimm, advertising manager; Andrew Sharick, exploitation manager; Herman Stern, head of non-theatrical department; Paul Gulick, director of publicity.

*West Coast Studio*: John LeRoy Johnston, director of west coast publicity; David Werner, west coast casting director.

*Foreign*: David Bader, Universal representative in London.

*Eastern Division*: Sigbert Wittman, eastern district manager; W. M. Richardson, southern district manager, and the following exchange managers: Nate Sauber, Albany; John Ezell, Atlanta; A. J. Herman, Boston; David Miller, Buffalo; James Hobbs, Charlotte; Paul Krieger, Cincinnati; Saul Resnick, Cleveland; W. E. Sipe, Memphis; Morris Joseph, New Haven; Paul Tessier, New Orleans; Joe Engel, Philadelphia; Albert Barnett, Pittsburgh; Edward Heiber, Washington, D. C.; J. A. Wilson, Calgary; Frank Leduc, Montreal; W. A. Sault, St. Johns, N. B.; C. Hague, Canadian general manager, and S. Brint, exchange manager, Toronto; R. A. Scott, Vancouver; F. L. Vaughan, Winnipeg, and Leo Abrams, New York.

*Western Division*: W. J. Heineman, western district manager, Los Angeles, and H. D. Graham, southern district manager. Kansas City, and the following exchange managers: H. M. Herbel, Chicago; Edward S. Olsmith, Dallas; John Langan, Denver; Louis Patz, Des Moines; Mannie Gottlieb, Detroit; Floyd Brown, Indianapolis; William Benjamin, Kansas City; A. J. O'Keefe, Los Angeles; George Levine, Milwaukee; Frank Mantzke, Minneapolis; R. I. Payne, Oklahoma City; J. J. Spandau, Omaha; G. C. Craddock, Portland; J. E. Garrison, St. Louis; John Rue, Salt Lake City; Barney Rose, San Francisco; L. J. McGinley, Seattle; E. E. Gruenberg, Sioux Falls, S. D.

## *Leaders at "U" Sessions*

**R. H. Cochrane**
Vice-President,
General Manager

**James R. Grainger**
General Manager
Of Distribution

**Carl Laemmle**
President

**F. J. A. McCarthy**
Eastern
Sales Manager

**E. T. Gomersall**
Western
Sales Manager

## *Gloria Stuart Honored*

HOLLYWOOD, June 5.—Gloria Stuart, Universal contract player, has been named the most beautiful actress in Hollywood, with or without makeup, by the western beauticians' and hairdressers' organization, in session here. The actress is slated to make the presentation of the Baron Long cup during the proceedings.

## *Pryor Replaces Morris*

HOLLYWOOD, June 5.—Roger Pryor has replaced Chester Morris in the lead spot of Universal's "Romance in the Rain," which has Heather Angel in the leading feminine role.

Morris was taken out of the musical because two of his recent films, "Let's Talk It Over" and "Embarrassing Moments," are slated for release only a month apart. The actor will be handed another assignment later. Stuart Walker will direct.

## *Columbo Starts June 11*

HOLLYWOOD, June 5.—Russ Columbo begins work in Universal's "Castles in the Air" on June 11 with June Knight, Russ Brown, Henry Armetta and Andy Devine.

## *Universal Seeking More Name Players*

HOLLYWOOD, June 5.—Indications are that Universal is going after bigger names for next season's product. William Powell has been signed to star in "The Great Ziegfeld," and a deal has been made with Adolphe Menjou to star in Christine Ames' play, "The Human Side," which Eddie Buzzell will direct.

Others recently signed by Universal for one or more pictures include Claudette Colbert and Edmund Lowe. The studio has also been dickering with Lee Tracy, Elissa Landi and Carole Lombard.

## *Margaret Sullavan To Do "Good Fairy"*

HOLLYWOOD, June 5.—Margaret Sullavan's first for Universal on the new season's list will be "The Good Fairy," Franz Molnar's comedy. She will have the role played by Helen Hayes on the stage a few season's back.

Miss Sullavan is at present in England. The screen adaptation will be done by R. C. Sheriff. Miss Sullavan's second picture will be announced at the New York sales convention on Friday.

## *"U" May Advertise Film Running Time*

Universal may advertise running time on prints of all features as well as on posters and other accessories. Carl Laemmle has sent out inquiries to numerous exhibitors asking for opinions, giving his reason "that many people have a limited amount of time in which to see pictures. For example, transients taking in pictures between trains, housewives wanting to get home at a certain time, etc."

Provided there are sufficient replies in the affirmative, the plan will be adopted.

## *Buzzell Begins Monday*

HOLLYWOOD, June 5.—Eddie Buzzell, will start "The Human Side," with Adolphe Menjou and Doris Kenyon, at Universal City on Monday.

## *Inspiration Dissolved*

DOVER, Del., June 5.—Inspiration Pictures, Inc., a Delaware corporation operating in Hollywood, Calif., has been dissolved. A certificate of voluntary dissolution, with the consent of all the stockholders, has been issued here. Walter Camp is president and treasurer of the company and Frederick H. Stokes, vice-president and secretary.

## *Bushman to M-G-M*

HOLLYWOOD, June 5.—Ralph Bushman, son of Francis X. Bushman, has signed a long term contract with M-G-M.

## *Strengholdt Married*

BERLIN, June 5.—Fritz Strengholdt, head of M-G-M in Germany, recently was married to Marie-Anne Huldschinsky.

## *Roxy Team Plays Today*

The Roxy employees' baseball team will play the team representing the Fox Brooklyn today in Prospect Park.

# Warners Set on 839 Deals for New List

(Continued from page 1)

Warner theatres which runs approximately $4,500,000 annually.

At today's session, as reported in MOTION PICTURE DAILY this morning, product was outlined by S. Charles Einfeld, director of advertising and publicity. In the afternoon, the selling plan and outline of prices determined upon by the company for territories represented at this meeting were gone into and given to the sales crew as their objective for the new season.

Further expansion of Warner activities abroad is planned. Sam E. Morris, vice-president in charge of distribution overseas, expects to have his 87th office in operation shortly now as part of a plan which calls for direct company representation "wherever there is a chance of making a dollar."

Warners quietly have been liquidating their German business and expect to be out of that market by the end of June, it was learned.

Late today Albert L. Warner, vice-president in charge of sales; Sam Morris and Joseph Hummel, his assistant, and Jake Wilk, eastern story editor, left for New York and were followed later in the evening by Gradwell Sears, who drove back. The remainder of the conventioneers remain until tomorrow when individual meetings between Andy W. Smith, Jr., eastern and Canadian sales manager, and his district and branch managers will be held.

## *Robinson Denies He Has Set Film Deal*

Edward G. Robinson has not signed with Columbia or any other company to make a picture, he stated yesterday. Reports were current he had signed with Columbia.

Robinson stated that under the terms of his Warner contract he can make one outside picture a year. He said the story must be right before he will sign with any other producer. He plans to leave for the coast next week.

## *Warner House Reopening*

ATLANTIC CITY, June 5.—The Warner, ace circuit house here, reopens June 22 with "Dr. Monica" and probably will follow with "The Scarlet Empress." The house has been dark since Sept. 15, but, conditions warranting, will remain open this year after the close of the beach season.

## *Warners Hold Westcott*

HOLLYWOOD, June 5.—Warners have renewed their option on the contract of Gordon Westcott. The actor is now appearing in a Technicolor short.

## *Warners Get Alexander*

HOLLYWOOD, June 5.—Warners have borrowed Ross Alexander, M-G-M stock player, for a role in "Flirtation Walk."

## *FitzPatrick Leaves Soon*

James A. FitzPatrick, after several delays, leaves for the coast next week to work on preparations for his first feature which he will produce independently.

## *In Between Speeches*

*Atlantic City, June 5.—Vice-President Albert L. and President Harry M. Warner doing their constitutional along the Boardwalk between sessions at the Warner regional convention.*

*More Boardwalk stuff. Left to right: Norman Moray, S. Charles Einfeld, Albert L. Warner, A. W. Smith, Jr., Harry M. Warner, Gradwell L. Sears and Sam E. Morris.*

*The theatre department has its chance. Left to right this time: Mort Blumenstock, Herb Kopelan, Atlantic City city manager; Ted Schlanger, I. J. Hoffman, Moe Silver and L. Schlesinger.*

*Al Schwalberg, Jake Wilk, Tom Spry, I. Levinson and Carl Leserman.*

# Coast Production Level Holding Up

(Continued from page 1)

preparing and an equal number in the cutting rooms.

M-G-M continues to lead the field with nine features working, two preparing and 13 in the cutting rooms. Paramount follows close with six working, five preparing and four cutting; Fox shows three, three and four; Universal, three, two and one; Warners, three, four and seven; Columbia, two, three and four; Radio, one, four and nine, while the independents have seven, five and eight.

In the short subject field M-G-M reports one in work, five preparing and four cutting; Roach, one, three and three; Warners, one, one and one; RKO, one, zero and one; Universal, zero, zero and one; Columbia, zero, two and two, while the independents show five, six and five.

## *Ohio Heat Bad Blow To Theatre Grosses*

(Continued from page 1)

throughout the state, despite the operation of cooling systems. Unchilled houses have experienced disastrous results.

The record temperature of 110 at Parma, with 96 at Cincinnati, represent recordings in the extreme northern and southern portions of the state, respectively, with proportionate registrations reported from intermediate locations.

## *British Film Tax Up In House of Commons*

(Continued from page 1)

for a vote, but a government statement on the principle. This is regarded as the first step in the campaign for taxation of American films with the reduction of the entertainment tax as the excuse. About 12 members of Parliament are supporting Remer. Parliament cannot directly move for the new tax in the budget and the immediate aim of the amendment is thought to be propaganda.

## *Rivalry Is Hot as IATSE Voting Nears*

(Continued from page 1)

drawn approximately 800 delegates, will last five days, perhaps six.

Officers will be nominated Thursday. Two factions are doing their utmost to name their man and elect him the following day. The report of the resolutions committee Wednesday may have some bearing on the election, it is understood.

Today's session was devoted principally to reports prepared by officers and committees. Code matters were among the topics discussed.

## *Carstairs Joining M-G-M*

LONDON, June 5.—John Carstairs leaves here to join the M-G-M writing staff in Hollywood after completing the script of "Beauty Ball."

## *To Team Novarro-Laye*

HOLLYWOOD, June 5.—Ramon Novarro and Evelyn Laye will be costarred in "Tip Toes," an original by Vicki Baum, to be produced by Harry Rapf with Dudley Murphy directing.

# Non-Assentors Sue for Right To File Cases

(*Continued from page* 1)

to the spirit of the National Industrial Recovery Act in that it fosters unfair methods of competition."

The charge is made that, since members of the I.T.O.A. can have complaints filed against them without being able to file any themselves, they are placed at "the mercy of any of their competitors" because "any competitor can violate the provisions of the motion picture code with immunity."

It is explained in the petition that the reason the members of the I.T.O.A. did not sign the code was that they feared loss of their constitutional rights by assenting. Elaborating on this, Weisman said that "the code is a contract and once we sign it we can be deprived of our constitutional rights.

### Ask "Equal Protection"

"We have been complying with the code," asserted Weisman, "even though we have not signed it. If the code is a law, we are entitled to equal protection under it whether we have signed it or not."

The Garden City Amusement Co. and the Nu-Deal Amusement Corp. are named as joint plaintiffs in the action. Both are members of the I.T.O.A. The former operates the Williston, Mineola, and the latter the Mineola in Mineola. It is declared that the two theatres were denied a hearing on complaints filed against the Century Circuit's Queens Theatre, Queens Village, and Beacon, Port Washington, and against two Skouras houses, the Hempstead and Rivoli, both in Hempstead. The charge was that the defendants' houses, though charging lower admission than the theatres operated by the complainants, were getting favored protection.

# Campi Committees Will Confer Today

(*Continued from page* 1)

for reopening the code for new assents and the budget plan for assessing distributors and producers.

Tomorrow, joint sessions will be held by committees on code boards administration with George J. Schaefer, Harold S. Bareford, R. H. Cochrane and Charles L. O'Reilly conferring. Nathan Yamins and Ed Kuykendall, members of some of the committees, are out of town and will not attend.

Recommendations as a result of the discussions by the committees will be passed on Friday when Campi meets. It is generally conceded throughout the trade that the compliance date will be reopened and when the decision is handed down a new date will be set.

Lester Martin, who arrives from Nevada, Ia., today to discuss the Iowa-Nebraska exhibitor units disturbance, will also appear before Code Authority on an appeal he has coming before the board.

## *Answers Are Forced In Jersey Grievance*

Despite reluctance on the part of Dave Levy, M-G-M manager, and Robert Wolff, Radio branch manager, and objections by Louis Nizer, attorney for distributors, to answer questions of John Benas, the New York grievance board yesterday ordered the men to talk. Benas, buyer for the Orient, Jersey City, interrogated the two local branch heads in connection with his overbuying grievance against the Skouras Apollo, same city.

Benas wanted to know why both companies refused to sell him last season and gave preference to Skouras. After Nizer's objections had been overruled in an executive session, both heads stated that they had had other customers for the product. Benas then asked questions in regard to his credit standing and found both companies agreed it was of the best.

### Objects on Procedure

At another point Nizer and George F. Thompson, impartial member, argued whether the meeting was an open forum on sales policies. Louis Weber, Skouras attorney, objected to the procedure on the grounds that the board had no jurisdiction over conspiracy cases. However, peace reigned after Benas had been told to give his story of Skouras's alleged buying up practically all of the major first run product in his own way without interrogating witnesses.

The buyer for the Leon Rosenblatt circuit then brought out the fact that during past seasons he had bought 165 and 120 pictures, with the Apollo getting an even split. During the 1932-33 season, he said he has been able to buy only 65 first run major pictures, 35 from Columbia and 30 from Paramount, while Skouras has 279. Deliberation and decision will take place today.

## *Buffalo Board Ends More Grocery Nights*

BUFFALO, June 5.—Cease and desist orders have been issued by the grievance board against the Commodore, operated by R. Sarber; the Roxy, operated by Byron Inderbitzen; the Rialto, operated by Herbert Hock; and the Columbia and Colonial, operated by J. A. Schuchert. All were charged with giving away groceries in a complaint filed by Nicholas J. Basil, head of Basil Bros. The board in its decision took cognizance of the fact that Schuchert had discontinued the practice in his two theatres on May 3.

Mrs. Victoria Behling, operator of the Ellen Terry, has been ordered to end two-for-one tickets. The complaint was filed by Nicholas J. Basil, of Basil Bros.

## *More Light on Powers*

LOS ANGELES, June 5.—Clearer definition of the powers of the coast agency committee was sought in wires sent to Executive Secretary John C. Flinn and Division Administrator Sol A. Rosenblatt by the body at a meeting today at which Trem Carr presided.

## *Drops Overbuying Case*

PORTLAND, June 5.—The overbuying case of Henderson vs. Adamson has been decided in favor of the latter by the grievance board.

## *Union Row Near End As Lightman Signs*

MEMPHIS, June 5.—M. A. Lightman's labor troubles neared their end today with the signing of contracts to return union operators to the Strand August 7, when the house will be reopened after repairs and improvements. The new agreement calls for four operators at a total weekly pay of $200.

Both Lightman and the union expressed themselves as highly satisfied and expressed the hope of reaching an agreement on the Princess, the other Lightman non-union house. The two theatres have been non-union since their opening, the Strand exactly a year ago. The house was recently leased for 10 years by Lightman, who expects to spend $25,000 improving it.

Signing of the agreement ends a year's battle marked by picketing and stench bombings.

## *Two Rulings Handed Down in Charlotte*

CHARLOTTE, June 5.—Two decisions have just been handed down by the grievance board.

An overbuying complaint brought by P. C. Osten of the Carolina, Anderson, S. C., against Palmetto Amusement Co., headed by H. F. Kincey, was dismissed.

L. L. Drake's request for a 10 per cent cancellation on his M-G-M contract was certified to Code Authority and his demand for cancellation of the entire contract was dismissed.

## *One Appeal Dropped; Balto. Gets Another*

BALTIMORE, June 5.—One censorship appeal, that of Gold Medal Films against the ban on "The Unknown Blonde," has been dismissed by Judge Samuel K. Dennis in Circuit Court and a new one has been filed.

The latest case is an appeal by Bert Lewis to Judge Charles F. Stein in City Court against the censors' ban on "Children of the Sun." Hearing will be held tomorrow.

## *To Map Wichita Zoning*

KANSAS CITY, June 5.—Because one independent exhibitor opposed the new clearance recommendations submitted by other independents and Fox Midwest for Wichita, Kan., the local zoning board at a hearing today took the matter under advisement and will formulate a new plan itself. The schedules submitted would impose restrictions on duals, premiums and other price-lowering practices. The original Wichita complaint was against first run protection held by Fox Midwest, but the circuit agreed to adjust the situation with the independents.

The board also heard demands from St. Joseph, Mo., subsequents, which want Dubinsky first run clearance reduced. The board will set up schedules for both cities.

## *Casey and Flinn Confer*

Pat Casey, coast studio labor contact, yesterday conferred with Executive Secretary John C. Flinn on problems pertaining to the code.

# "McKee" Gets $17,500, Top In Cleveland

CLEVELAND, June 5.—"Sadie McKee" piled up a fine $17,500 at Loew's State last week, over par by $7,500.

Two first runs are playing second run films and this is a help to the first runs remaining. Clear, cool weather and a good holiday boosted grosses.

Total first run grosses were $35,500. Average is $27,200.

Estimated takings for the week ending June 1:

**"20 MILLION SWEETHEARTS" (Warners)**

RKO HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $7,500. (Average, $5,000.)

**"A VERY HONORABLE GUY" (Warners)**

WARNERS' LAKE—(800), 30c-40c, 9 days. **Gross:** $3,000. (Average, $2,200.)

**"STINGAREE" (Radio)**

RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $7,500. (Average, $10,000.)

**"SADIE McKEE" (M-G-M)**

LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $17,500. (Average, $10,000.)

## *Roxy May Take Over English Film Series*

The Roxy will be the Broadway showwindow for English pictures starting with the fall. Negotiations are under way between the Roxy, Gaumont British and United Artists for the latter two companies' selective product made in England.

Howard S. Cullman, receiver, already has played several British pictures, namely "I Was a Spy," "The Constant Nymph," "Night and Day," "After the Ball" and "The Ghost Train" with some success. Cullman believes that a selection of English made pictures will show better results at the Roxy than some American made films.

## *Supply Directors Meet*

Directors of the Independent Theatre Supply Dealers' Ass'n. met yesterday at the Claridge to discuss the supplementary and wholesale code as it applied to manufacturers of theatre equipment. Prices, salaries and other problems were also taken up.

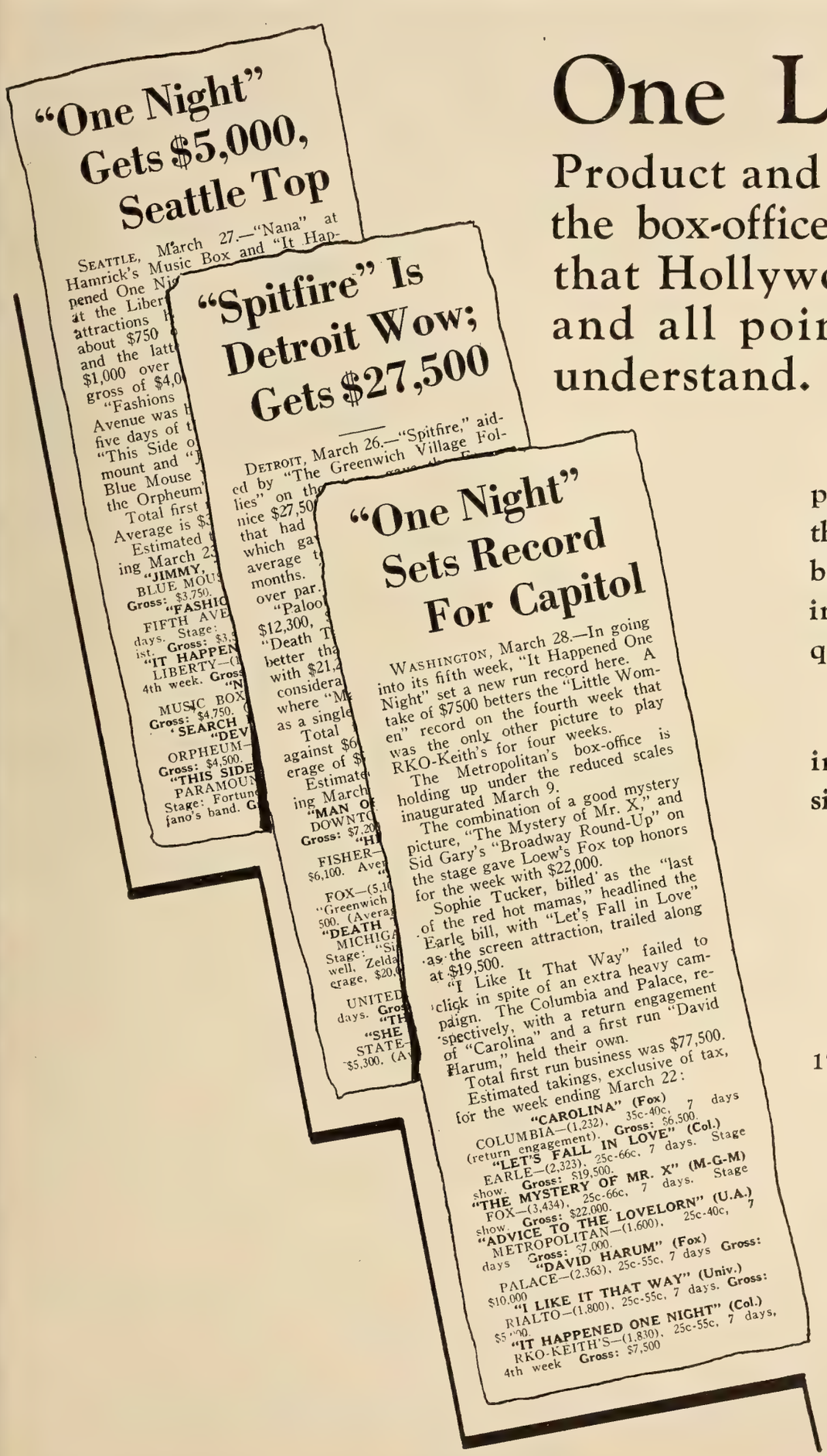
Joseph Robin, president, presided. Among those present was B. F. Shearer, Portland supply dealer, and exhibitor operating houses in Alaska, Seattle and Portland.

## *Hits Ball Park Films*

CLEVELAND, June 5.—Airo-Vita, Inc. of Toledo today was held in violation of the code in its use of the Swaine Field Ball Park there for the exhibition of pictures. The complaint was brought by the Auburndale Theatre Co., the Eastside Amusement Co. and Loew's Valentine, all of Toledo. The board found Airo-Vita was offering unfair competition to theatres and distributors were warned against supplying it with film.

## *Coslow Here for Confabs*

Sam Coslow, southern division manager for Columbia, and Ted Toddy, exploiteer working out of the Atlanta exchange, are in New York for home office conferences. They will be here a week.

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# Picture Code Paper Scrap, Says Cardinal

(Continued from page 1)
ment declares, adding that it is absurd to say these are not patronized. "Catholic schools and spiritual leaders cannot stand supinely and see salacious films menace and destroy the souls of little children," the statement continues, "and for this reason, if for no other, the church urges a censorship regulation from without."

"In Chicago and other large centers, work has already begun which will demonstrate the effectiveness of refusals to patronize theatres which continue to offer indecent and debasing pictures," the statement concludes.

Cardinal Mundelein's statement was given an eight-column streamer across the first page by *The Chicago Tribune* today.

## *K. C. Watches Drive Of Catholic Legion*

KANSAS CITY, June 5.—The Catholic Legion of Decency crusade soon will descend on Kansas City, according to church leaders, who said the extent and effectiveness of the campaign in this diocese will be closely watched elsewhere because the Kansas City diocese is a strategic one.

Important churchmen interviewed said that while they have been calling for a screen "clean up" for some time, the Legion of Decency has been slow in starting here, but they looked for Bishop Thomas F. Lillis to launch it in the near future.

Bishop Lillis had considerable to do with formation of the legion. He is vice-chairman of the administrative committee of the National Catholic Welfare Conference and chairman of the social action department.

## *Clean Film Fails to Draw*

NEW ORLEANS, June 5.—That New Orleans favors sexy films despite the cry for clean pictures seems to be borne out by the disappointing showing made by "No Greater Glory" at the St. Charles. The film, booked by Harry S. McLeod, operator of the house, after he had been urged by women's organizations and civic bodies that he would break records by booking lily-white product, went to the lowest gross in the history of the house.

## *Omaha Action Sunday*

OMAHA, June 5.—Fifty thousand Catholics here are expected to sign pledges next Sunday not to patronize "indecent" films, when the Committee of Catholic Standards, appointed some time ago, goes into action officially. The committee is being supplied by Tri-State Theatres here with lists of pictures for consideration.

## *Protests Halt Booking*

CINCINNATI, June 5.—An eleventh-hour switch of bookings which replaced "Laughing Boy" with "Carnival Lady" at the RKO Family here was attributed unofficially to the protests of a group of Catholic clergymen against showing of the picture first booked.

# K.C. Showman Hits Film Uplift in Ad

(Continued from page 1)
crusaders and had in mind specifically the presence in Kansas City of some 4,000 delegates to the National Conference of Social Work, where some of the sessions were devoted to lambasting the industry. Though the picture was scheduled to leave the Uptown the day after the ad appeared, it was held over four days.

Under the large, black heading, "I'm Sore!" Chambers told the reformers: "On every side I hear the demand for 'better' motion pictures.

"I do everything in my power to get the producers to make 'better' pictures. That's part of my job.

"The producers are making 'better' pictures. . . . Yet when one of them comes along, the public has a perverse way of showing their appreciation by lack of good attendance.

"What I want to know is . . . where are all these people who are always demanding that the movies get away from sex and crime and 'hokum' and all the rest of what these self-appointed critics of the movies criticize most?"

## *Milwaukee Students Sign Film Pledges*

(Continued from page 1)
signed a pledge to "attend only such movies as are approved by competent church authorities."

The movement also advocates passage of the Patman anti-block booking bill. A film questionnaire recently distributed among 1,000 Messmer students showed that 208 attended the movies once a week; 182, twice a week; 38, three times a week, and 10 four times a week. Twenty-five saw movies three times a month; 180, twice a month, and 125, once a month.

## *Ohio Tax Stirs Row Over Availability*

(Continued from page 1)
W. C. Chesborough, operating the Salem, first run subsequent, at Dayton. His availability is 45 days after first run, when admission is 15 cents, and 60 days, when a 20-cent rate is maintained, as specified by the Paramount contract, executed before the admission tax went into effect.

Upon complaint of the opposition, the Semmelroth suburbans, that Chesborough was advertising admissions at 20 cents, plus two cents tax, with a supplemental line, "We pay the tax," Paramount brought the case to an issue on the ground that the admission thus was 18 cents. Chesborough, however, contends the price is 20 cents, and has refused to play Paramount product on 60-day availability.

E. M. Booth, local M-G-M manager; Maurice White, Warner manager; Willis Vance, president of the Ohio Valley Independent Exhibitors' League, and Ralph Reisinger, Columbus exhibitor, deadlocked after hearing the case and Chaster R. Shook, former Common Pleas judge, as umpire, will hear it again.

## *To Start "Pimpernel"*

LONDON, June 5.—Following the completion of "The Private Life of Don Juan," starring Douglas Fairbanks, London Films will start work on "The Scarlet Pimpernel."

# Cal. ITO Picks Hicks; Dual Ban Is Nearer

(Continued from page 1)
local zoning board. Arnold Shaak remains as treasurer, while R. D. Whitson replaces George Bromley as secretary. More than 100 theatremen were present.

Named to the directorate were: Berinstein, Hicks, Whitson, Shaak, George I. Hanes, Robert Gumbiner, H. J. Siler, Bromley, Irving Carlin.

After the election two important problems confronting California exhibitors were discussed, duals and previews. Berinstein said 33 signatures were needed to make the pledge to end duals 90 per cent strong. That is the percentage demanded by Fox West Coast before it will end doubles on its part. The independents expect to go over the top by Thursday, when the pledges will be turned over to Louis B. Mayer, who has received Charles Skouras' word that Fox West Coast will institute single bills 100 per cent in this territory.

The exhibitors voted in favor of raising admission price to 55 cents wherever previews are shown.

Skouras today personally promised Berinstein cooperation in ending duals and requested that before independents went to the grievance board with their complaints against Fox West Coast they should lay them before him personally and he would try to remedy matters. Skouras asserted overbuying in certain territories was due to overzealous district managers acting without his knowledge.

Berinstein discusses single bills and previews with Mayer Thursday. Mayer will represent producers and distributors and Berinstein independent exhibitors.

## *Women on Coast Ask Week-End Dual Ban*

HOLLYWOOD, June 5.—The abolishment of dual bills due to the inability of theatres to get two approved pictures simultaneously for juveniles on Saturdays and Sundays was asked at a meeting of the M. P. Council, consisting of representatives of the Federation of Women's Clubs.

It was brought out that for every approved film on week-end bills there was always one unapproved.

Assurance by Ben N. Berenstein that steps had been taken to abolish duals was received enthusiastically by the group.

## *Decatur House to Open*

CANTON, O., June 5.—Another new house, the New Adams, opens this week at Decatur.

At Coshocton work is about to start on a 1,200-seat spot to be backed by Joseph Hickman of Columbus and S. C. Carnes of Cambridge. Hickman will be manager.

The Botzum interests have closed the Valentine here for renovation.

## *Would Restrict Judges*

MILWAUKEE, June 5.—Legislation to bar Federal judges from granting injunctions against picketing will be sought by the Wisconsin branch of the American Federation of Labor as a result of a recent stay granted by Judge F. A. Geirger to stop picketing at the Rex, Sheboygan.

# MPTO Nearly Stampeded at Philadelphia

(Continued from page 1)
tractual restrictions on double featuring convened today in advance of what was advertised as an "open" meeting of the M. P. T. O., then marched in a body into the latter's meeting.

Proposals were immediately put to a vote of the open meeting which called for withdrawal of the M. P. T. O. from the national M. P. T. O. A.; elimination of affiliated theatres from membership in the organization; changing the name of the organization and holding a new election of officers In the disorder which ensued it appeared that most of the proposals were carried by vote from the floor, but ballots were not counted.

When order had been restored, M. P. T. O. members gained control of the meeting and defeated all four proposals and, in addition, passed a ruling prohibiting anyone from being a member of both the M. P. T. O. and the Independent Exhibitors' Protective Assn. It is believed this resolution was aimed at, and will cause the resignation of, David Barrist, chairman of the board of the M. P. T. O., whose sympathies for the aims of the new organization were manifest throughout the meeting.

Current interest locally in double feature and premium bans now being balloted on by exhibitors in the territory is credited with stirring up the feeling which developed at today's meeting. The meeting is believed to have demonstrated that the new protective association had sufficient support to assure for the first time in local exhibitor history the existence of a second theatre organization in Philadelphia.

## *Bernhard on Way Here*

LONDON, June 5.—Fred Bernhard of Union Cinema's British circuit, is on board the *Aquitania* enroute to New York seeking product for British Exhibitors Films.

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## "U" to Finish Full 36, Says J. R. Grainger

### *Eight More on Current List, Men Are Told*

"Universal sold 36 this season and will deliver 36," James R. Grainger, vice-president in charge of distribution, told 37 district and branch managers representing all American and Canadian offices yesterday as the company's annual sales convention got under way at Essex House. With eight more releases, the 1933-34 schedule will have been completed.

Here for a three-day parley, the meetings swing into their stride today and close tomorrow afternoon

(*Continued on page* 8)

## *U. A. Will Take at Least Two B. & D.'s*

United Artists will take a minimum of two pictures from British & Dominions for distribution here next season, Maury Silverstone, U. A. managing director in England, said yesterday. The B. & D. additions bring U. A.'s new season list to a minimum of 24.

Silverstone is here from London for his annual home office visit. He plans to return to England in about 10 days, probably accompanying Joseph M. Schenck overseas on the latter's scheduled business trip.

## *Finances Settled, British Push Ahead*

Financing worries generally behind them, British producers today are now seeking more diligently than ever for the commercial formula by which pictures can be made, declared Herbert Wilcox of British and Dominions yesterday. He arrived from London

(*Continued on page* 10)

### *Wisdom at Eight*

**Nora Mayer, daughter of Arthur L., was asked the other day what she would do in case of war.**

**"I'd run away," replied Nora.**

**"But where?" she was further questioned.**

**"Why, to Hollywood. They'd never hear of any war there," she said.**

**Nora is eight.**

## *Universal Finishing Plans For Production in Britain*

CHICAGO, June 6.—Universal is completing plans for English production, it was revealed by Carl Laemmle, eastbound today as he rested between trains.

The Universal president said he would leave on the *Ile de France* June 16 to make final arrangements for the establishment of production at Ellstree, or for other facilities. The British output will be in addition to the domestic lineup and for British consumption entirely, with exceptions where a picture is of a type warranting American exhibition, but in the

(*Continued on page* 8)

## Pact Approved By Creditors Of Fox Groups

KANSAS CITY, June 6.—Fox Midland and Fox Rocky Mountain creditors in bankruptcy court today approved a compromise agreemeent settling the litigation started several months ago by Herbert M. Woolf and M. B. Shanberg for the purpose of securing the balance due on the purchase price of the Midland circuit.

There was no opposition. Attorneys for Chase National Bank, Fox

(*Continued on page* 4)

## New Securities Act Calls for Reports

WASHINGTON, June 6.—Under the terms of the Securities Act signed today by President Roosevelt corporations, in order to register their stocks on exchanges, must file with

(*Continued on page* 5)

### *No Time to Think*

**San Francisco, June 6. — Questioned by *Motion Picture Daily*, Eddie Cantor, appearing at a local theatre, today denied a report he intended resigning from the Code Authority.**

**"Say, do you know I do five shows a day," he said. "Red Kann ought to know I haven't got time to do any thinking at all, much less to think of resigning."**

**The comedian added he would not resign so long as his services on the authority were desired.**

## Skouras Loses Second Charge Of Overbuying

Skouras Theatres Corp. lost a second overbuying case yesterday when the New York grievance board handed down a decision favoring the Orient, Jersey City, which contended that since Skouras took over operation of the Apollo in 1931, the independent house has not been able to get the first run major product it has had in former years. Deliberations yesterday were heated and when the first vote was taken the two affiliated men voted for Skouras while Jack Bellman and Louis Geller voted for the Orient getting pictures. The tie ended when the impartial man, George F. Thompson, cast his vote in favor of Leon Rosenblatt, operator of the Orient.

The case was considered more important than the first overbuying com-

(*Continued on page* 4)

## *NRA Seeks Rules to Govern Dealings with Actor, Writer*

WASHINGTON, June 6.—The National Recovery Administration tonight gave notice that Administrator Hugh S. Johnson has reached a "preliminary determination" that a set of fair practices governing relations between producers and writers and between producers and actors should be adopted and that "unless good cause to the contrary is shown" that determination will become absolute June 16.

It was explained that this means

(*Continued on page* 4)

## Saenger Plan Calls for Cut In Territory

### *Would Limit Theatres to Ala., La., Miss., Ark.*

Saenger Theatres withdraws from operation in North Carolina, Florida and Texas, confining its future activities to Alabama, Louisiana, Mississippi and Arkansas, under the plan of reorganization for Saenger and Saenger Realty Corp., presented by trustees in bankruptcy for Paramount Publix, which was filed with John E. Joyce, referee in bankruptcy, yesterday.

As reported in MOTION PICTURE DAILY of April 29, E. V. Richards, former Saenger operator and now receiver for the company, acquires a

(*Continued on page* 10)

## ITOA Suit on Code Cases Set June 15

Following a meeting between attorneys for the I.T.O.A., the NRA and Campi, hearing on the suit filed by the New York independent exhibitor organization against Code Authority and local boards to force

(*Continued on page* 4)

## Herrington Seeks An Industry Probe

WASHINGTON, June 6. — Thorough investigation by the Senate into all phases of the industry, including "the personalities and incidents leading to the promulgation of the code by the NRA and also the activities of the

(*Continued on page* 4)

## Civic Leaders Are 5-1 Against Duals

Civic leaders have voted 5 to 1 against dual bills in a questionnaire sent out by Mrs. Thomas G. Winter of the studio relations department of

(*Continued on page* 5)

### *Good Attraction*

**After observing the drawing power of the navy along a crowded river-front from the Battery to Yonkers, Boris Morros wants the fleet for a week at the Paramount.**

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## They Golf Today

Golfers and goofers—182 strong and weak—will assemble at the Glen Oaks Golf and Country Club, Great Neck, L. I., this morning to participate in the 22nd golf tournament, usual at this time of the year under the auspices of *The Film Daily*.

## Milliken Back at MPPDA

Carl E. Milliken, secretary of the M.P.P.D.A., who has been abroad for the past two months, returned Tuesday on the *Olympic*.


*To help maintenance of proper air conditions in the theatre the year 'round*

**AIR CONDITIONING CHARTS**

*Fit the pocket or may be tacked on wall. Only limited number available. Order now. Price 25 cents.*

BETTER THEATRES
1790 BROADWAY NEW YORK


## Truckmen Fight Cut In Express Charges

KANSAS CITY, June 6.—The Ass'n. of National Film Carriers, Inc., has cited Railway Express Agency, Inc., before the Interstate Commerce Commission on charges of discrimination in reducing the rate on express shipments of film 25 per cent, according to E. E. Jameson, manager of Exhibitors' Film Delivery & Service Co. here.

The complaint charges it is unfair to film delivery trucking firms for Railway Express to offer low rates on film shipments without granting similar reductions to other industries. A motor truck delivery group in another industry has filed a similar complaint, said Jameson.

The reduction in express rates was 50 per cent of the return charges from the theatre to the point of origination, effective June 15 last. At that time it was estimated the saving to exhibitors would amount to $450,000 annually.

Despite opposition from the railroads, express companies and other truck lines, the Missouri Public Service Commission has granted the application of Exhibitors' Film Delivery for a permit to operate an irregular truck service in western Missouri for delivery of film to theatres.

## Sybil Bolitho Heads M-G-M London Office

LONDON, June 6.—M-G-M has engaged Sybil Bolitho, wife of the late William Bolitho, to head its new office here which will contact talent and search for possible screen material. Christine Cooper will assist Mrs. Bolitho.

## Smith to Do 18 Singles

HOLLYWOOD, June 6.—Pete Smith will make 18 single reelers on M-G-M's 1934-35 program, 12 of which will be classified as "Oddities" and six as "Goofy Movies."

Hal Roach's first musical will be "The Little Broadcast" with Our Gang deviating from the usual routine.

## Selznick-Cukor Enroute

David O. Selznick and George Cukor are on board the *Ile de France*, scheduled to arrive here June 12.

## Curtis of Montreal Gets Quigley Award

Gene Curtis, manager of the Palace, Montreal, and his exploiteer, Ken Finlay, have won the May Quigley Award for their campaign on "20 Million Sweethearts," according to this week's forthcoming issue of *Motion Picture Herald*.

First mention went to James M. Totman, Warner Theatre, Erie, Pa. Fourteen other managers and exploitation men receive honorable mention. They are: H. A. Bishop, Capitol, Calgary; Ben M. Cohen, College, New Haven; M. A. Cooper, Fox, Hackensack; A. L. Cowan, American, Caldwell, Idaho; Manuel Greenwald and Mike Cullen, Penn, Pittsburgh; Julius Lamm, Uptown, Cleveland; Don Nichols, Broadway, Charlotte; Bob Paskow and Bob Deitch, Stanley, Jersey City; Bob Rosen, Orpheum, New York; Joe Rosenfield, Modjeska, Milwaukee; David R. Sablosky, Norris, Norristown, Pa., and S. B. Tucker, Byrd, Richmond.

## Auten Sues BIP for "Services Rendered"

Harold Auten has filed suit in the New York Supreme Court against British International Pictures for $6,500 for "services rendered." Auten has obtained an attachment order on practically all B. I. P. output in America.

Nathan Vidivar, attorney for B. I. P., yesterday stated he is trying to vacate the attachment order and plans to post a bond for approximately $7,500.

Lou Metzger recently purchased the rights to American distribution of all B. I. P. films. He was served with papers in the suit, but he is not an agent of the company and so cannot be directly involved, it was stated.

## Korda Signs Miss Oberon

LONDON, June 6.—Alexander Korda has signed Merle Oberon for a role in "The Scarlet Pimpernel," which Rowland Brown is to direct for London Films.

## Books "Lost Jungle"

"The Lost Jungle" opens at the Criterion today. This is the feature version of the serial produced by Mascot.

## Eastman Up One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34⅜ | 33¾ | 34 | + ½ | 500 |
| Consolidated Film Industries | 3⅝ | 3½ | 3⅝ | + ¼ | 500 |
| Consolidated Film Industries, pfd | 16¼ | 16 | 16¼ | ..... | 300 |
| Eastman Kodak | 96½ | 96 | 96 | +1 | 500 |
| Fox Film "A" | 14⅝ | 14¼ | 14¼ | — ⅝ | 100 |
| Loew's, Inc. | 33⅜ | 32¼ | 32⅞ | — ⅛ | 9,400 |
| Loew's, Inc., pfd | 96 | 96 | 96 | + ½ | 100 |
| Paramount Publix, cts | 4¾ | 4⅝ | 4⅝ | ..... | 1,900 |
| Pathe Exchange | 3 | 2¾ | 2⅞ | ..... | 1,500 |
| Pathe Exchange "A" | 23⅝ | 22⅝ | 22¾ | — ⅜ | 1,900 |
| RKO | 2⅞ | 2⅞ | 2⅞ | ..... | 400 |
| Warner Bros. | 6⅜ | 6⅛ | 6¼ | + ¼ | 2,000 |

## Technicolor Off ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10⅞ | 10½ | 10½ | — ¼ | 300 |
| Trans Lux | 1⅝ | 1⅝ | 1⅝ | ..... | 100 |

## Warner Bonds Up ¾

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8⅞ | 8⅞ | + ⅜ | 9 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 100¾ | 100⅝ | 100⅝ | + ⅜ | 5 |
| Paramount F. L. 6s '47 | 50½ | 50⅛ | 50½ | + ½ | 8 |
| Paramount Publix 5½s '50 | 50⅜ | 49⅞ | 50⅛ | + ⅛ | 31 |
| Pathe 7s '37, ww | 99½ | 99½ | 99½ | + ½ | 1 |
| Warner Bros. 6s '39, wd | 61 | 60 | 60½ | + ¾ | 38 |

# Purely Personal

LEWIS JACOBS' new book, "Film Writing Forms," is scheduled to appear Friday. SERGE EISENSTEIN, MO WAX and RONALD BANK also contributed material. The Gotham Book Mart is doing the publishing.

HY DAAB typewrites COLVIN BROWN from the *California*, coast-bound: "Spume-drenched greetings from off the southern seas." Always the Titan.

EDWARD SCHNITZER, who has been ill for the last two weeks, is recuperating at Water Mill, L. I. The Columbia New York exchange manager returns to his desk Monday.

ARTHUR BRILANT has sold his play, "For the Love of Geraldine," to GUSTAV BLUM, who will open it at the Napanoch Country Club July 19.

HERBERT WILCOX dropped his vest during yesterday's heat. That's something for an Englishman, make no mistake.

PERCY PHILLIPSON was slightly under the weather yesterday. Might have been the torrid atmosphere.

LOUIS MARCUS, Salt Lake City exhibitor and mayor, has returned to his home town after several days here.

ALICE GOODMAN of M-G-M has sold a short item to the *New Yorker*. She got $3 for it.

SOL A. ROSENBLATT has recovered from laryngitis and will attend Campi's session tomorrow.

JACK BARNSTYN plans a trip to the coast in about two weeks.

JOE SCHENCK did his lunching at the Ritz yesterday.

RICHARD E. BECK, of Chicago, is in town for a few days.

RALPH TALBOT, of Tulsa, Okla., is visiting.

DAVID LOEW's son is a regular M. P. Club lunch visitor.

LESTER MARTIN looked over Campi headquarters yesterday.

## Ruben Due Here Tuesday

J. Walter Ruben, Radio director, is scheduled to arrive on the *Ile de France* Tuesday from England on his way to Hollywood.

LONDON, June 6.—The understanding here is that J. Walter Ruben, now enroute to New York on board the *Ile de France*, is to do either "Tudor Wench" or "Doll's House" for Radio. Production will be in Hollywood.

## Crouch Setting Cruise

NEVADA, IA., June 6.—William F. Crouch, former trade paper reporter and reviewer but now gone on traveling, is organizing a summer cruise to the Orient aboard the *President Hoover*. The vessel sails from Los Angeles July 9.

## Leo Carrillo Here Today

HOLLYWOOD, June 6.—Leo Carrillo left by plane today for New York. He will arrive there Thursday. He opens Friday at the Capitol for a week's personal appearance.

WHILE YOUR PUBLIC delights in the great performance of Wallace Beery in "Viva Villa!" *you* will delight in the news that his next rousing entertainment is also *in the bag!* Already from the West Coast come undercurrent flashes that M-G-M's **"TREASURE ISLAND"** is *something to shout about!* Start your shouting now and keep it up!

THE CAST: WALLACE BEERY, JACKIE COOPER, LIONEL BARRYMORE, Otto Kruger, Lewis Stone, "Chic" Sale, etc. · Directed by Victor Fleming · Produced by Hunt Stromberg

# Skouras Loses Second Charge Of Overbuying

(Continued from page 1)

plaint filed against Skouras by Rogowsky Brothers, who were awarded 22 pictures for their Embassy, Port Chester. The Orient case, at the initial hearings Tuesday, stirred many objections by Louis Nizer and Louis Weber, the former representing distributors and the latter Skouras, all of which were overruled in executive session.

John Benas, buyer for the Orient, claimed that for the present season he has been able to obtain only 65 major first run product while Skouras had a total of 279. In former years, Benas stated he had from 120 to 165 first runs. When Dave Levy of M-G-M and Robert Wolff of RKO took the stand as witnesses they were reluctant to discuss the Orient situation.

### Terms of Decision

According to the decision, the Orient will get 50 per cent of the Universal, RKO and Vitagraph product to be released during the remainder of the season, Skouras and the independent alternating on the releases. The case will be appealed by Skouras, whose appeal from the Rogowsky decision comes up tomorrow before Campi.

Of the 17 grievances filed by Loew, 14 defendants were found guilty of premature advertising and reduced admissions. Two cases were withdrawn and one was postponed. Defendants found guilty in Loew actions were: Empire, Bobby, Marvin, Coliseum, Endicott, Tompkins, Hollywood and Mapleton, in Brooklyn, and Stanley, Hub, Uptown and Gem, in Manhattan. Withdrawn were the complaints against the Etude and Sunset, while the Adelphi grievance was postponed a week.

The Wallack's complaint against the Liberty theatre, Fox, Big U and M-G-M was dismissed. So was the Orient's complaint against the Apollo for reduced admissions. With the Wallack closed, Max Cohen wanted to have the pictures bought for this house transferred to the Liberty. The Apollo is charging 10-cent admissions, but the board ruled it could not revise any admission scales.

## *Herrington Seeks An Industry Probe*

(Continued from page 1)

Darrow board," has been asked of Senator James J. Davis of Pennsylvania by Fred Herrington, secretary of the M.P.T.O. of Western Pennsylvania.

In a letter to the senator, Herrington contends that the confusion created by the conflicting statements of General Johnson and his subordinates and of Clarence Darrow "makes it imperative for a neutral investigation of all facts, with the Senate taking a hand in this matter."

"The facts surrounding the highly controversial issue of the motion picture code will be settled once and for all," Herrington writes, "and, in our judgment it will inevitably lead to proper legislation designed for the ultimate good of the American people."

# *NRA Seeks Rules to Govern Dealings with Actor, Writer*

(Continued from page 1)

that the committees provided for in the code to investigate and make recommendations as to provisions governing these relations will be set up after the middle of the month. These committees will deal, respectively, with directors, technicians and other classes.

The notice was issued in order to avoid the formality of a public hearing on the question unless well-based objections are voiced.

Appointment of the committees has been delayed, it was said, because of the lack of enough recommendations from which to select the members. An adequate number of names have now been suggested to enable Division Administrator Sol A. Rosenblatt to proceed.

## *Washington Board Hears Three Cases*

WASHINGTON, June 6.—Three cases were heard by the clearance and zoning board. A. Lauritz Garman acted as chairman and Sidney Gates sat as alternate for William S. Wilder.

In the twice postponed case of Sidney Lust, who complained against the clearance given theatres on lower Ninth St., the board found Lust's Hippodrome in the same zone as heretofore and decided that the 21 days' clearance now enjoyed by Central Theatre is fair and reasonable. The board ordered that the Hippodrome should have pictures 55 to 60 days following the last play date of first runs. Under the terms of this decision the Notes theatres are given no clearance over Lust.

For this case only, Lust and John J. Payette stepped down from the board, their places being taken, respectively, by Herman Blum and Carter Barrow.

### Play Dates Involved

The second case was that of J. William Cleveland, who asked for equality in play dates with the Colony and York theatres. The case had been postponed from June 1. The hearing opened with W. E. S. Wilcox, Seco Theatre, Silver Spring, Md., appearing as an affected party, although he was not listed in the complaint. The board decided that the Takoma should get product seven days after the Colony or York, depending upon which house had the first showings. The decision places the Seco and Takoma on the same basis.

A protest of Harry Silver, Overlee Theatre, Baltimore, against clearance afforded Gartner Brothers' Vilma was set for rehearing, but an amicable arrangement had been made between the parties and the case was withdrawn.

A new case heard was a protest of Louis Bernheimer, Jesse Theatre, Washington, against the clearance afforded the Cameo at Mount Ranier and the Arcade at Hyattsville, both Maryland. Bernheimer asked for a specific availability date after first run, eliminating the present clearance after the Tivoli. The board found the present seven-day clearance now afforded the Tivoli fair and reasonable. However, on product not purchased by Warners for use at the Tivoli, both Bernheimer and Lust, who operates the two other houses, have equal access 21 days after the last first run playdate on a catch-as-catch-can basis.

Eight cases will be heard by the clearance and zoning board next Tuesday, according to Secretary James B. Fitzgerald. The time for filing of protests by exhibitors against the present clearance and zoning has also been extended to that date. All protests must be filed with Fitzgerald on or before June 12 at Room 846, Earle Building. Board decisions will take effect with the new 1934-35 contracts, Fitzgerald also stated.

## *May Shift McCoy Films*

HOLLYWOOD, June 6.—Columbia is considering dropping the Tim McCoy action pictures next season. McCoy will return to westerns instead.

## ITOA Suit on Code Cases Set June 15

(Continued from page 1)

acceptance of complaints from non-assentors was postponed yesterday until June 15. The suit is in the form of an application for an injunction to prevent code members from refusing to accept grievances and protests on clearance.

Haree Dillard, of the NRA legal staff in Washington, flew in yesterday for conferences with Campi's legal committee, comprising Austin Keough, J. Robert Rubin and Willard McKay at Keough's office.

William T. Silverberg yesterday was retained by Campi's legal force to represent Code Authority in the suit filed by Edwin Wick of the Majestic, Buffalo, against major distributors and Campi. The case is slated to come up in the N. Y. Supreme Court at Buffalo, tomorrow. Silverberg, after conferring with Campi's attorneys, returned to Buffalo yesterday.

A joint meeting was held yesterday at Campi by the compliance, finance and production committee with S. R. Kent, J. Robert Rubin, Harold S. Bareford, W. Ray Johnston and Walter Vincent attending. Vincent acted for Ed Kuykendall, who is out of town. The compliance committee, it is understood, will recommend reopening of the code assent date, but this must be approved by the NRA before it is definitely set.

## *Hearing on Tuesday On Denver Clearance*

DENVER, June 6.—The local clearance and zoning board, acting on numerous complaints filed with it, has invited signers and non-signers of the code to appear for a hearing Tuesday on the new zoning schedule for the city. A zoning setup had been sent out by the board but it was recalled on orders from Campi and protests on the former setup were invited.

## *Para. Men Off June 13*

Paramount home office executives and eastern sales forces leave for the coast next Wednesday to attend the annual sales convention in Los Angeles, June 18-20.

# Pact Approved By Creditors Of Fox Groups

(Continued from page 1)

Film, F. W. C. and subsidiaries and counsel for some 20 unsecured smaller creditors ratified the agreement. It will become final when an order is signed by the referee.

Testimony by Herbert V. Jones, trustee in bankruptcy, and Elliott H. Jones, attorney for the trustees, aimed to show that the agreement would be to the best interests of creditors and the bankrupt estates.

Under the agreement major creditors recognize the Woolf and Shanberg claims as superior and secured. An old agreement with F. W. C. and subsidiaries will be superseded by a new one providing for a long extension of payments with no definite annual payments provided. Woolf and Shanberg are to be paid periodically a certain proportion of the net income from theatre operations until the full amount of $478,000 has been paid. The agreement calls for payments to be completed by Feb. 15, 1940.

## *K. C. Board Rules Against Throwaways*

KANSAS CITY, June 6.—Throwaways were outlawed by the grievance board today in ruling against J. F. Rigney, Westport Theatre, in a complaint brought by Mrs. A. Baier of the Lindbergh. The board withheld decision in another complaint in which Mrs. Baier charged Rigney with playing pictures at 10 cents in a 20-cent spot. I. W. Maple of Albany, Mo., has filed a complaint that R. L. Robinson bought film from four companies without having a theatre in the town with the intention of depriving him of product.

## *Price Complaint Upheld*

PITTSBURGH, June 6.—The local grievance board has ordered O. A. Kihchel to discontinue offering four 35-cent admissions for a dollar at the Princess, Jeannette, Pa. The complainant was the Harris Amusement Co., operating the Harris in the same town.

Tomorrow the clearance board will hear a number of protests against the existing zoning schedule. It meets again June 12. The grievance board is scheduled to meet June 8 and 15.

## *Brought Three Appeals*

Lester F. Martin, Iowa-Nebraska exhibitor leader, arrived in New York yesterday to present three appeals to Campi. Two cases deal with overbuying. One concerns the Princess, Boone, Ia., versus the Central States Theatres Co., and the second is the case of the Iowa, Fort Madison, Ia., versus Fox Midwest. Third deals with a new theatre under way at Monticello, Ia.

## *Wampas Busy on Trip*

HOLLYWOOD, June 6.—Details of the personal appearance program of the Wampas "Baby Stars" at the Shriners' convention in Minneapolis, June 19-21, are now being worked out.

## Civic Leaders Are 5-1 Against Duals

(Continued from page 1)

the M.P.P.D.A., according to an article appearing in this week's issue of *Motion Picture Herald.*

"In reply to the questionnaires, 1,339 organizations and individuals representing organizations, cast their votes—1,182 against double features and 217 in favor," the *Herald* states.

"The contention, according to Mrs. Winter's office, is that the reason for the present situation is directly the fault of the producers and distributors themselves, in that they do not concentrate sufficiently on quality production and intelligent advertising and exploitation of short subjects. Most short subjects, the answers to the questionnaire charged, are made with inferior talent, incapable direction and generally all-around poor technical treatment."

## *Fox Uptown Includes Parking at 25 Cents*

Kansas City, June 6.—Coincident with Fox Midwest's price reduction at its first run Uptown from 40 to 25 cents, making the latter figure the prevailing price at all of Kansas City's first runs, the circuit has leased a large lot nearby and fitted it up for parking, offering the convenience free to patrons and at a saving of 15 cents.

Fox Midwest has obtained a lease to the lot for eight and one-half years, concurrent with the balance of the lease on the Uptown. The property is the former site of a hotel which was destroyed by fire, and has a frontage of 170 feet.

Formerly the Uptown had a parking arrangement with a large station across the street, but the new development eliminates crossing Broadway on foot. The parking station is to be operated by Fox Midwest. Nonpatrons pay a fee of 15 cents.

## *Three New Bombings Arouse Kansas City*

Kansas City, June 6.—Local exhibitors see in outrages at three neighborhood theatres, including two bombings, renewal of "warfare" in which a series of theatre bombings occurred about two years ago. Police ascribe the violence to labor trouble. The houses hit do not employ union operators.

Recent attacks have been on the Pasco, where vandals demolished the projection equipment and cut the screen to shreds; at the Murray, where a dynamite bomb tore a large hole in the roof and damaged the interior, and at the Nu-Era, recently reopened, where 14 sticks of dynamite were discovered in the box-office before they could explode.

The operators' union has been demanding these theatres employ their members.

## *Coast Neighborhoods Hit by an Epidemic*

Los Angeles, June 6.—First run houses are affected only lightly, but neighborhoods are suffering as a result of an infantile paralysis outbreak. General Hospital reports 190 definite cases with 310 others under observation.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Here Comes the Groom"*

(*Chas. R. Rogers-Paramount*)

Hollywood, June 6.—Highly diverting and hilarious is this comedy of jolly crooks, crooners and a society bud's romance.

Jack Haley, an amateur crook, would rather be a piccolo player but wifey (Isabel Jewel) wants him to be a big time burglar. So to win her favor and her return, he attempts to hold up a poker game and is himself held up, escapes in his BVD's, hides in a compartment where Patricia Ellis awaits her crooner husband, the Masked Marvel, who telegraphs canceling their honeymoon. The resourceful Miss Ellis inveigles Haley to then pose as her crooner hubby.

At her folks' home Haley gets into merry mixups complicated by finding Miss Jewel there as the maid, a stolen necklace, the arrival of the real crooner, a thrill chase and a piccolo finale—a complete comic concoction.

Laughing highspot is Haley's singing in synchronization with the crooner on the radio while Mary Boland, Miss Ellis' mother, twitters all over the place.

Edward Sedgwick directed smartly, getting top laughs from all situations. The cast includes Neil Hamilton, Lawrence Gray and Arthur Treacher, who is great in a small role.

Getting them in may need exploitation, but once in they'll enjoy this. Running time, 73 minutes.

## *"Bachelor Bait"*

(*Lou Brock-Radio*)

Hollywood, June 6.—With the unique central idea of a bachelor running a matrimonial agency, humorous situations and pleasing comedy are evolved.

Stuart Erwin, fired from his job at the city's marriage license bureau, decides, with the aid of Rochelle Hudson, to open Romance, Inc., formed to foster and promote love and marriage. Erwin runs his agency on the level, but Berton Churchill, a politician, wants to muscle in and tries to frame him. Aided by "Skeets" Gallagher, Erwin's lawyer-assistant, business booms, and marriage soars until complications arise whereby Erwin tries to effect the marriage of Miss Hudson to an oil king, Grady Sutton. Pert Kelton, Gallagher's flame, tries to land the oil boy, until a raid on Romance, Inc., uncovers Sutton as a detective and brings Gallagher and Miss Kelton together with Erwin and Miss Hudson marriage-bound, also.

The production moves nicely with a balance of values under George Stevens' direction. Lou Brock produced from Ed and Vic Halperin's story and Glenn Tryon's screen play. As a honey idea of comedy with feminine appeal primarily, it should entertain in neighborhoods and small towns. Running time, 75 minutes.

## *"Baby, Take a Bow"*

(*Sol Wurtzel-Fox*)

Hollywood, June 6.—Shirley Temple dethrones Mae West as the most-talked-of screen luminary by her consistent past performances and her lovable appeal in "Baby, Take a Bow." Combining ability with charm, modesty with histrionic versatility, Shirley is really a star.

As the daughter of Jimmy Dunn, an ex-convict going straight, she innocently becomes the centrifugal force accountable for planting some stolen pearls on her dad, creating suspense that sets the household agog. Naively she also helps Ralf Harolde to escape, but which allows the police to capture the villain.

Dunn and Shirley steal the show in a song and dance number that will bring down any house. Claire Trevor, as Dunn's sweetheart and wife; Ray Walker, as his pal, also an ex-convict; Alan Dinehart, as a square-necked flatfoot; Harolde, as "Trigger" Stone, and James Flavin, as a detective, all contribute fine trouping.

Harry Lachman directed from the screen play by Philip Klein and E. E. Paramore, with John Stone as associate producer.

It's a swell show with comedy, drama and action—a clean family picture, one to remember with pleasure. Running time, 65 minutes.

*"Sisters Under the Skin," this morning's opener at the Music Hall, was reviewed by wire from Hollywood on April 5.*

*"Men in White," tomorrow's opener at the Capitol, was reviewed by wire from Hollywood on Feb. 6.*

*"Many Happy Returns," tonight's preview at the Paramount, was reviewed by wire from Hollywood on April 28.*

(Additional reviews on page 10)

## New Securities Act Calls for Reports

(Continued from page 1)

the newly created Securities and Exchange Commission complete data on their organization and financial structure. The commission will have authority to require regular annual audits and quarterly statements from corporations.

Use of proxies will be regulated by the commission. Officers, directors and owners of more than 10 per cent of the stock of a corporation will be required to report their holdings to the commission, and file monthly statements of changes.

The law takes effect July 1.

Regulations covering the extension of credit for margins will be laid down by the commission. Short selling is to be regulated and rules are to be made to cover floor trading by exchange members.

Penalties for violations run up to $10,000 for individuals and jail terms up to two years, and for exchanges the penalties run to $500,000.

## *IATSE in Stiff Fight Today Over Slate*

Louisville, June 6.—Indications here today pointed to a stiff battle tomorrow over the nomination of officers of the I. A. T. S. E., which is holding its 32nd biennial international convention here at the Jefferson County Armory, after it had been announced William C. Elliott was not a candidate for reelection to the presidency. The announcement was made after the president's report had been submitted to the delegates.

Elliott was elected by the executive board to serve the unexpired six months' term of William F. Canavan two and one-half years ago and was later elected to serve a two-year term. Several candidates are out, but apparently George E. Browne, Chicago, has the inside track, having become very popular for the nomination. He is a former president of the I. A. T. S. E., and is now business manager of Local 2 of Chicago. It was also indicated that John P. Nick, St. Louis, of Local 6 was a strong possibility for reelection. Nick was reported supporting Browne.

One of the resolutions passed today limits appointment of juniors or apprentices by locals to one for each five regular members, and in no case more than 20 juniors or apprentices shall be permitted. Another resolution, which was killed and left to the discretion of the executive board, would have reduced the salary of the president from $20,000 to $10,400 annually and that of the secretary from $20,000 to $9,100, plus traveling expenses.

## *"Elysia" Brings on Big Smear of Eggs*

Kansas City, June 6.—While Catholics are fighting objectionable films with a boycott, more forceful measures were adopted to express disapproval when "Elysia," nudist film, was shown at the Dickinson in Fayette, Mo. The showing almost caused an uprising in the small community, and the theatre was smeared inside and out with eggs and perishable vegetables. Students at the Methodist college in Fayette are blamed.

# IT HITS THE HEART!

**ANOTHER sensational drama by the gifted author of "GRAND HOTEL"... It's a picture that bares the soul of a woman torn 'twixt love and loyalty — the soul of a mother torn 'twixt sacrifice and shame! ...It's one of those good, solid, red-meat pictures that the fans go for so heavily — the kind of a picture to hold up grosses for any theatre in the land. PLAN TO PLAY IT SOON!**

Carl Laemmle presents —

# VICKI BAUM'S

# I GIVE MY LOVE

Watch for
ROMANCE
IN THE
RAIN
With
PAUL
LUKAS
WYNNE
GIBSON
ERIC LINDEN — Dorothy Appleby — John Darrow — Anita Louise — Sam Hardy.
A B. F. Zeidman Production directed by Kurt Neumann.

# "U" to Finish Full 36, Says J. R. Grainger

(Continued from page 1)

with a final address by Carl Laemmle, who reached Chicago yesterday en route to the meetings from Hollywood.

Grainger formally opened the initial session and was followed by R. H. Cochrane, senior vice-president, who reviewed the Universal situation in toto and predicted an auspicious season in the one about to open.

Ground covered yesterday was largely routine, among those talking being William Kramer, head of the playdate department; Herman Stern, head of the non-theatrical department, and Sig Wittman, eastern district manager. In the morning, the conventioneers saw "I Give My Love," a feature, and the opening releases of the "Going Places" and "Stranger Than Fiction" series for the new year at the Little Carnegie Playhouse. A three-reel convention trailer, also run off, elicited much favorable comment.

Talks today will include a code analysis by Willard McKay, general counsel; sales slants by F. J. A. McCarthy, eastern sales manager, and E. T. Gomersall, western sales manager; Andrew Sharick on accessories and Eddie Bonns on shorts.

Product and policy are being held for tomorrow, when Grainger will divulge the company's plan.

Last night, with no schedules to meet, the visitors were on their own. Many took in "As Thousands Cheer." Others visited the Paradise and Hollywood, night spots.

## One-Day Regional in Chicago Set June 13

CHICAGO, June 6.—Salesmen and bookers of 13 mid-western Universal exchanges will hold a one-day regional at the Drake June 13 as a follow of the national convention now under way in New York. This will be the only regional convention the company plans.

Executives to attend include Carl Laemmle, James R. Grainger, E. T. Gomersall, Eddie Bonns and Sidney Singerman. John Le Roy Johnston, studio publicity director, now in New York, also will attend and later return to Hollywood.

## *Montgomery in "Zest"*

HOLLYWOOD, June 6.—Under his new Universal contract, Douglass Montgomery's next will be "Zest," adapted from Charles G. Norris' novel of the same name. B. F. Zeidman will produce, with William Wyler scheduled to handle the direction.

## *"U" Starts "Romance"*

HOLLYWOOD, June 6.—"Romance in the Rain" has gone into production at Universal City with Roger Pryor, Heather Angel, June Knight and Victor Moore in the principal roles. Stanley Bergerman is producing.

## *Heading for $72,000*

"Little Man, What Now?" grossed about $72,000 at the Music Hall, where its one week run ended last night.

# *With the Laemmle Men*

Universal's "100 Per Centers," or salesmen who sold all of their possibilities, total 13. JAMES R. GRAINGER, vice-president in charge of distribution, gave the roll call of the honor men to the convention yesterday. They are: KELLY of Boston, FURST of "Big U," New York; ENGLE of Philadelphia, BARNHOLZ of Pittsburgh, FUNK of Chicago, BAKER of Detroit, TIGHE of Detroit, HAAS of Los Angeles, FIELDS of Los Angeles, PERCY of Portland (Ore.), ADAMSON of Portland, BLOOM of Seattle, and PRICE of St. Louis.

•

The opening of the three-day powwow finds branch managers around Essex House from 37 United States and Canadian offices. The number will swell to about 70 when salesmen from New York (Big "U"), Albany, New Haven, Boston and Philadelphia offices hit town this morning.

•

Resignation of MIKE LANDOW as Philadelphia branch manager to enter the pottery business elicited much comment from the delegates. It was good-natured raillery built around the pottery angle, not Mike's resignation. All unprintable.

•

When GRAINGER informed BARNEY ROSE, 'Frisco manager, he would have to stay on for three weeks to discuss coast conditions, BARNEY almost passed out, then realized it was a gag. He's a newlywed and that means he wants to get home as soon as he can. During the lunch hour, ROSE fulfilled a long-standing ambition. He taxied to the Empire State tower and nabbed for himself a peek of New York and environs from the high places.

•

Some of those not so long in the LAEMMLE ranks were introduced by the chair. Those who took bows include: JIM DERMODY, New England district manager; JOHN LANGAN, Seattle manager; JACK RUE, Salt Lake; E. E. GRUENBERG, Sioux Falls; LOUIS PATZ, Des Moines; JOHN EZELL, Atlanta; JAMES HOBBS, Charlotte, and J. A. WILSON, Calgary.

•

W. A. SAULT, St. John's, took a bow on another count. It was because his was the one office GRAINGER had never visited. SAULT, by the way, is one of the real veterans in the ranks.

•

"SNAKE" RICHARDSON, southern district manager, arrived completely outfitted in a Palm Beach suit and immediately became the center of much envy. BILL HEINEMAN, coast district manager, and AL O'KEEFE, Los Angeles manager, seemed particularly disturbed. Investigation revealed they had brought along flannels, but hadn't the nerve to wear them.

•

OSCAR BINDER, who handles exchange operation, probably was the most uncomfortable individual in the ballroom of the Essex House. He persisted in moaning over the number of Coronas that went up in smoke during the day.

•

The Canadian contingent proved funny. With the exception of SAULT, all of them turned down flat any drinks offered. Those in this distinguished group included WILSON of Calgary, LEDUC of Montreal, BRINT of Toronto, SCOTT of Vancouver, VAUGHN of Winnipeg and HAGUE, Canadian general manager.

•

CLAIR HAGUE, by the way, has been pretty sick for the last nine months. He's around the convention, however, and the gang is glad to see him.

•

LEO ABRAMS, New York, is another who continues seriously ill. He sent his best wishes to the convention. At the behest of GRAINGER, the delegates combined in sending him a joint wire expressing hopes for a quick recovery.

•

LOUIS LAEMMLE, "Uncle Carl's" brother, was among those who sat through the opening day's session.

•

Two hours in the morning and a brace in the afternoon—this was the routine. It holds today and tomorrow as well. "Snappy, short and enthusiastic, is the way I like 'em," remarked JAMES ROSS.

•

DAVE BADER, once a local Universalite and now stationed in London, wants to take back a record of the proceedings. He's all atwitter about the way it's been going so far.

•

Wires of congratulations from exhibitors yesterday included: SPYROS SKOURAS, EDDIE ALPERSON, of New York; E. C. BEATTY, of Detroit; FRISCH and RINZLER, of Brooklyn; JOHN HAMRICK, of Seattle and Portland; RUGOFF and BECKER, of Brooklyn; SAM BENDHEIM and MORTON THALHIMER, of Richmond; HAROLD J. FITZGERALD, of Milwaukee, and J. L. MURRAY, of Renfrew, Ont.

•

BEATTY, of Butterfield, wired: "Be sure to make plenty of A pictures."

GRAINGER replied: "If you can convince me you have any A houses, we'll make plenty of A pictures."

## *Avid Reader*

**"There is a newcomer in my office who simply eats up *Motion Picture Daily*," said Joe Weil, assistant to Carl Laemmle, yesterday. "He tears through page after page as soon as I am through with my copy. It must be a great paper otherwise no one could have such a voracious appetite for its contents.**

**"He is a nice fellow, too. His name is Boojey—he is a fine, little wire-haired pup."**

## *Pick 2nd Sullavan Role*

HOLLYWOOD, June 6.—Margaret Sullavan's second role for Universal's new season list will be "Within This Present," an adaptation of a novel by Margaret Ayer Barnes. The story covers a woman's emotional life from war days through 1933.

## *McCrea in Runyon Yarn*

HOLLYWOOD, June 6.—Joel McCrea has been added to the cast of "Million Dollar Ransom," the first of two Damon Runyon stories set for the Universal lineup. Joan Bennett and Edward Arnold have already been cast.

# "U" Setting Details for Films Abroad

(Continued from page 1)

main exhibition will be confined to the British Isles, as American exhibitors have an antipathy to British-made product.

The number of pictures to be produced in England and other details hinge on arrangements Laemmle makes on the ground, he said. Players, directors and others will be chosen from British ranks, but there may be talent imports from this country where these are suitable or needed for individual pictures.

While abroad he will confer with European representatives on business there.

Laemmle spent today seeing the fair and will leave tomorrow for New York so that he can attend the closing session of the sales convention on Friday. He will be accompanied to Europe by Jack Ross, his secretary, and Joe Weil, his personal representative.

## *Landow Out; Engle In*

Mike Landow, Philadelphia branch manager for Universal, has resigned, effective July 1, to enter the pottery business. Joe Engle, salesman and assistant manager in that office, succeeds him, in keeping with Universal's policy of making promotions from the ranks.

Jack Doyle, formerly with "U," rejoins the company as Harrisburg salesman. He replaces Jack Engle, who transfers to New Jersey.

## *"Gift of Gab" for Lowe*

HOLLYWOOD, June 6.—Edmund Lowe's first for Universal's 1934-35 list will be "Gift of Gab." In order to permit Gloria Stuart to play opposite Lowe, her starring picture, "Transient Lady," has been set back for four weeks.

## *C. Francis Jenkins Dies in Washington*

WASHINGTON, June 6.—C. Francis Jenkins, who 40 years ago invented the machine which eventually developed into the present day projector, died at his home here today after an illness of more than three years.

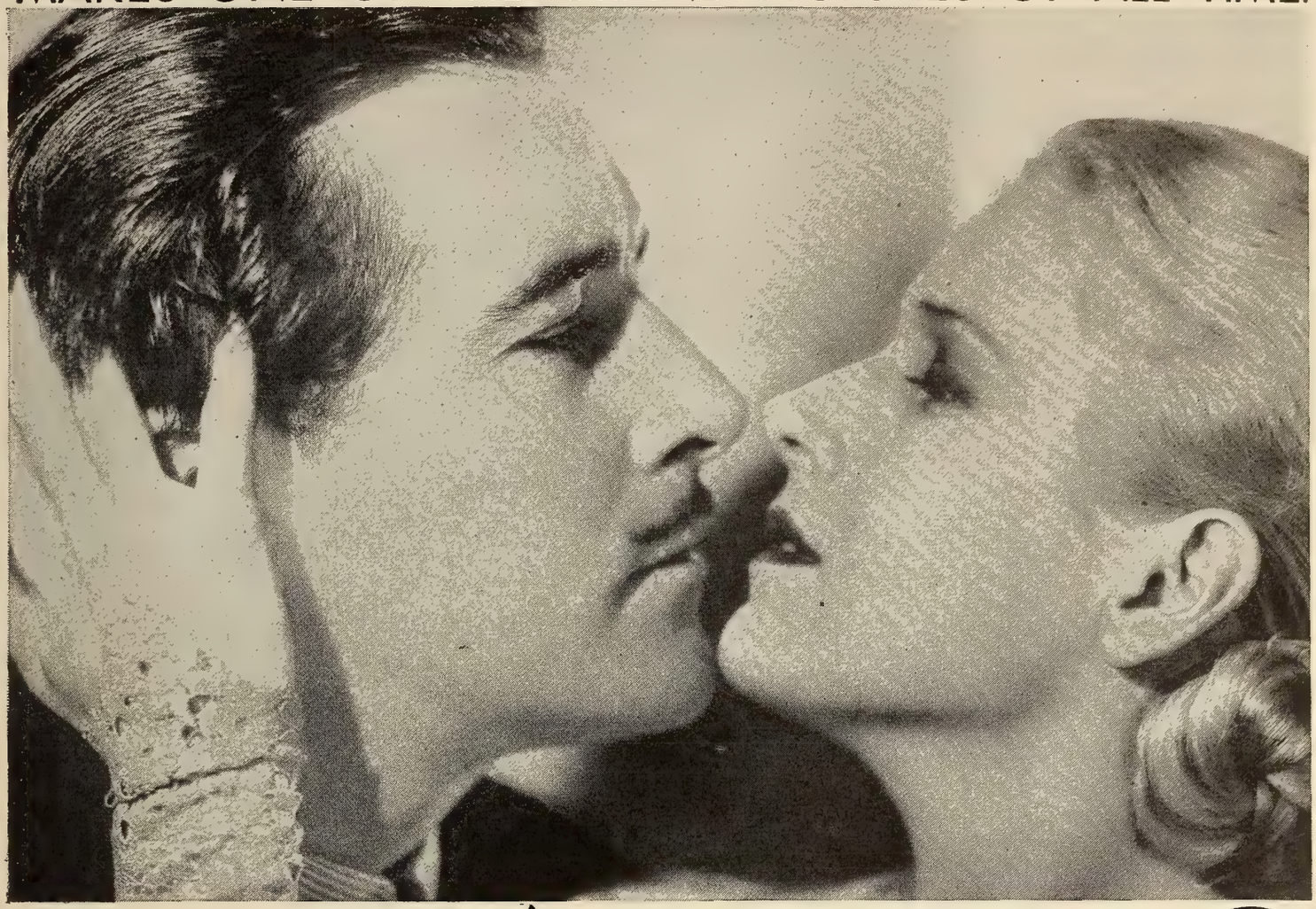
Jenkins was noted in several fields for his inventions, one of which was a steam automobile, and in the film field he is said to have developed a slow-motion camera capable of taking 4,000 exposures per second, and a system of television transmission. For a time he operated his own broadcast station. At the time of his death he was interested in a home film and sound recording camera.

For the invention of his projector, Jenkins received the John Scott and Elliott Cresson gold medals of the Franklin Institute, Philadelphia, but secured only a few dollars in real cash. He was 67 years old.

## *Re-Sign Boleslavsky*

HOLLYWOOD, June 6. — Richard Boleslavsky has been handed a new ticket by M-G-M on the strength of his work on "Operator 13."

HER STORY THROBS WITH A HEART-BEAT TOO SELDOM HEARD FROM THE SCREEN . . . HER STORY MAKES ONE OF THE GRAND PICTURES OF ALL TIME.



# Ann HARDING
# John BOLES

## THE LIFE OF Vergie Winters

with

## HELEN VINSON

RKO RADIO Picture

*Directed by Alfred Santell from the story by Louis Bromfield. A Pandro S. Berman production*

# Saenger Plan Calls for Cut In Territory

(Continued from page 1)

50 per cent. stock interest in the reorganized Saenger, and becomes Paramount's operating partner in the circuit as president and general manager of the new company, providing the reorganization plan receives Federal court approval.

Effectiveness of the plan is dependent largely upon the cooperation of bondholders, to whom the plan offers interest on defaulted obligations from November 1, 1933, to May 1, 1934. If bondholders in sufficient number deposit their securities under the plan, a foreclosure and receivership sale can be avoided. If not, Paramount retains the right, with court approval, to cause cooperating bondholders' committees to bid in the properties at sale and reimburse them for the additional reorganization costs which may be involved in the event that procedure is made necessary.

In effecting the withdrawal of Saenger from the three southern states mentioned, with the exception of Pensacola, Fla.; Houston and Texarkana, Texas, Paramount buys up the Saenger interest in those states, aggregating approximately 40 theatres.

"As a result," the plan states, "the theatre properties controlled by reorganized Saenger will be confined upon consummation of the plan to a much smaller area than are the properties now operated by Saenger and its subsidiaries, and the management and control of the properties will be greatly facilitated."

### To Form New Companies

The move is regarded as in line with Paramount's decentralized theatre operations and localized control. New companies will be organized to operate the former Saenger holdings in the three states from which it is withdrawing.

The Paramount trustees' petition, asking approval of the plan by the court, sets forth that Paramount Publix owns all of the outstanding stock of Saenger except 20 shares of Class B common. Paramount's holdings, therefore, are 18,000 shares of preferred, 100,000 Class A common, and 12,380 Class B common. Saenger owns all of Saenger Realty Corp., Inc.

The Paramount petition also states that the company has a claim of $546,454 against Saenger, and the latter a claim of $319,397 against Saenger Realty.

Saenger operated 160 theatres in the seven southern states, heretofore named, at the time it went into receivership. Since then a number of leases have been repudiated by the receiver and, with the withdrawal of the company from North Carolina, Florida and Texas, the reorganized company will operate approximately 100 theatres. Saenger also owns a 25 per cent. interest in Dent Theatres, a Paramount subsidiary operating in Texas and New Mexico.

The bond issues involved in the reorganization are a $952,500 Series A, and a $597,500 Series B, first mortgage and collateral trust sinking fund 6½ per cent. gold bonds of Saenger; a $674,000 first mortgage issue of Saenger Realty, secured by a mortgage on the Saenger, New Orleans; a $240,000 first mortgage on the Saenger, Mobile, and a $40,000 issue secured by a first mortgage on the Paramount, at Clarksdale, Miss. All issues are in default on interest payments.

Of the two Saenger issues, 59 per cent of the bonds involved have been deposited under the plan. Of the remaining three issues, 79 per cent. of the New Orleans issue has been deposited; 88 per cent. of the Mobile issue, and 95 per cent. of the Clarksdale issue.

Saenger's indebtedness to subsidiaries and affiliates is listed at $667,093. In addition, there are $168,355 of general claims against it and a large amount of contingent liabilities. A total of $641,965 of claims against the company were purchased for $28,432 by Arklamiss Theatres, Inc., a new corporation organized by Paramount for that purpose. The trustees request authority of the court to advance up to $60,000 to Arklamiss to proceed with its claims purchases.

Under the reorganization plan the Arklamiss claims will be assigned to Saenger without warranty of any kind, as will Paramount's own claim against the company. In addition, if approved by the court, Paramount will advance $200,000 to the bond committees for the costs of the reorganization; will pay $10,000 owed to Richards, as receiver, by Central Florida Theatres, Inc., and will execute a Paramount film franchise with the reorganized company.

In return, Paramount receives three-year, six per cent. notes of the new company in the aggregate amount of the costs of the reorganization; all of the stock of the new company; all of the stock of Publix-Saenger Theatres, Inc.; 1,400 shares of Class B stock of Dent Theatres, equivalent to a 25 per cent. interest; all of the preferred stock and 50 per cent. of the common stock of Central Florida Theatres, and half of the capital stock of Jefferson Amusement Co. of Texas.

Paramount will also advance up to $200,000, if needed, for working funds of the new Saenger company. Richards will buy from Paramount all of the Class A stock of the new company for $25,000, and will finance 50 per cent. of the reorganization cost. Paramount retains all of the Class B stock of the new company.

# *Looking 'Em Over*

## *"Madame Du Barry"*

*(Warner)*

Royalty become common mortals when their private lives are dug into. Family quarrels, in high places or low, are merely that; they have no respect for crowns.

Madame Du Barry, who had a reputation of a sort in the court and in the nocturnal activities of Louis XV, raises the same sort of excitement any modern day counterpart would in any well-placed family. Her meteoric rise to a position of dominance at Versailles and her equally meteoric fall after the king dies comprise the story in the film of the same name.

Played for comedy, the attraction at the writing hand of Ed Chodorov, former press agent, and at the directorial hand of William Dieterle achieves its objective with results amusing and entertaining. Historical equations are touched upon, but never permitted to stand in the way of either laughs or situations.

Reginald Owen, as reported by telephone from Atlantic City, where the picture was shown to the Warner eastern regional, pretty much steals the show as the king. But Dolores Del Rio, exquisitely photographed and accoutred, delivers a refreshing rendition of the fickle and care-free mood which characterized the woman who added some sort of distinction to the world's oldest profession.

The attraction, gorgeously mounted and a gem in production detail, has other commendable performances, principally from Verree Teasdale and Henry O'Neill.

"Madame Du Barry," like its chief character, is generally naughty, but always nice.

## *"Uncertain Lady"*

*(Universal)*

Good light entertainment is this sophisticated comedy handled spiritedly by a fine cast, including Edward Everett Horton, Genevieve Tobin, Paul Cavanagh, George Meeker and Mary Nash. For the grown-ups it is satisfying fare.

While the plot is not exactly original, it is developed with sustained interest and surrounded with clever dialogue. It is the tale of the wife who seeks to win back her husband by arousing his jealousy. Miss Tobin is the wife in the case and Horton the husband, with Cavanagh the jealousy-inciter.

Horton asks his wife for his release to marry another woman (Renee Gadd). Miss Tobin consents on condition Horton and Miss Gadd find her another husband, as she is too busy a business woman to ferret one out for herself. Horton invites two men friends, but both prove washouts.

Determined to teach Horton a lesson, Miss Tobin invites Cavanagh to be a week-end guest. Horton and Miss Gadd do not know the whole thing is prearranged. When they find Cavanagh outside the house acting like a drunk, they drag him in in the hope Miss Tobin will fall for him. Cavanagh plays his role so perfectly Horton becomes so jealous that he is won back to Miss Tobin. The rapprochement between husband and wife is helped by the discovery Miss Gadd is making a play for Cavanagh because of his millions.

Other players are Donald Reed and Dorothy Peterson. Karl Freund directed. Running time, 66 minutes.

# *Finances Settled, British Push Ahead*

(Continued from page 1)

Tuesday evening and will be followed in about a week with a print of "Nell Gwyn" with Anna Neagle.

"There was a time when British producers were worried principally about getting the funds with which to make pictures," said Wilcox. "That day is gone now. The industry there definitely is making progress, but we are still seeking the formula.

"The topnotch British picture is grossing very substantial money at home. The in-between film is gone. The cheaper American films haven't a chance in the market there."

Wilcox will be here for several weeks. Yesterday, he spent considerable time conferring with Joseph M. Schenck, president of United Artists, on future plans. Hubert T. Marsh, managing director of B. & D., who was slated to make the trip with Wilcox, was detained in London.

## *Set Date Back to 16th*

Joseph M. Schenck will sail for the other side on June 16, not June 9, as first planned. Etienne Pallos, sales manager for London Films, will return at the same time.

## *Sees Swing to Romance*

HOLLYWOOD, June 6.—The agitation of the Catholic Church for a screen cleanup leads Mary Pickford to believe the time is ripe for a swing back to romance.

"However," she says, "I don't believe any amount of agitation will solve the problem because it is so much harder to produce a halfway intelligent romance than it is to do any other type of story. I don't believe we will do better than achieve one high class romance out of 10 attempts."

## *Hits American Films*

CLEVELAND, June 6.—Criticism of American-made films as a harmful influence to foreign missionary work was one of the highlights of the concluding session of the Presbyterian General Assembly here. The criticism was made by the Rev. D. C. Buchanan, missionary to Japan.

## *Take Up Scales Again*

KANSAS CITY, June 6.—The I. T. O. is renewing attempts to stabilize prices among suburbans based on information brought back from New York by Elmer C. Rhoden, operating head of Fox Midwest. Circuits promise they will increase first run scales if suburbans do likewise. Fox Midwest favors an immediate agreement.

# Complete Coverage

**WHERE THEY LOOK WHEN THEY WANT TO KNOW**

**ADVERTISING FORMS CLOSE JUNE 16th**

*Adolph Zukor presents* MAE WEST *in* "IT AIN'T NO SIN" *with* Roger Pryor
John Mack Brown · Duke Ellington & Band · A Paramount Picture · Directed by Leo McCarey

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 133 | NEW YORK, FRIDAY, JUNE 8, 1934 | TEN CENTS

# Bankruptcy Bill Signed; Seen As Corporation Aid

## "U" Announces 31 Features; Budget Raised

### *Stars Listed on Five; Authors Stressed*

Thirty-one of the 42 features on Universal's 1934-35 list will be announced to sales executives today by James R. Grainger, vice-president in charge of distribution, at the third and final day of the sales convention at the Essex House.

Cast information will be limited to five features, two for Margaret Sullavan, one for William Powell, and two co-starring vehicles. Adolphe Menjou and Doris Kenyon are to be teamed in one and Edmund Lowe and Gloria Stuart in the other. Russ Columbo will be starred in a musical. It was also indicated that Buck Jones

(*Continued on page* 15)

## Monogram to Start 3rd Regional Here

Monogram's third and final regional convention will start at the Park Central tomorrow, with W. Ray Johnston, president, and Edward Golden, general sales manager presiding.

Representatives will be present from New York, Boston, Albany, Philadelphia, New Haven, Washington and Pittsburgh.

Franchiseholders, salesmen and home

(*Continued on page* 21)

## *Lee A. Ochs Longs For Spot in Spain*

Lee A. Ochs, prominent for years in local independent theatre circles, is tired of it all and, because he envisions castles in Spain, is negotiating with Phil Reisman, foreign sales manager of Radio, to take charge of the company's distribution in that country and make Barcelona his permanent residence.

Och's circuit is 50 per cent owned by Consolidated Amusement, the Bolognino chain.

## *Report Independents In Columbia Dicker*

The Independent Films Buyers' Protective Group, formed by eastern independent exhibitor leaders for the purpose of offsetting high rentals next season, is understood to have approached Columbia and offered to tie up with the company next season

(*Continued on page* 16)

### *Burp*

**Hollywood, June 7.—Baby LeRoy goes on the air for the first time June 10 on the "Hollywood Melodies" time over the Columbia network. Understood he will not talk "down" to the mentality of the picture fan, but will shoot straight from the shoulder.**

## Saenger Down To 45 Houses In New Plan

Paramount's decentralization of Saenger Theatres, as proposed in the plan of reorganization for the circuit which will be heard by John E. Joyce, referee in bankruptcy, June 21, reduces Saenger operations to 45 theatres. At the time of the circuit's receivership, Jan. 27, 1933, it operated 160 theatres in eight states.

The decentralization will be accomplished, the plan proposes, through the acquisition by Paramount of Saenger's interests in theatres in North Carolina, Virginia, Florida and Texas, with the exception of two houses at

(*Continued on page* 16)

## *Ask Shift of Para. Setup for Tax Law*

A plan of altering an operating agreement between Paramount Publix and Southern Enterprises, Inc., of Texas in order to comply with new

(*Continued on page* 16)

## RKO in Court Under the New Bankrupt Law

RKO yesterday filed a petition in U. S. District Court here seeking to qualify for purposes of reorganization under the new bankruptcy laws which went into effect immediately upon their signing by President Roosevelt at noon yesterday.

The petition was signed by M. H. Aylesworth, head of RKO, and was drawn by Cravath, De Gersdorff, Swaine & Wood in conjunction with William Mallard, RKO attorney.

Aylesworth stated later that filing

(*Continued on page* 16)

## Seven Appeals Set For Campi Hearing

Seven new appeals will be heard by Campi and two decisions on previous hearings on appeals will be handed down at today's session. Because of the heavy calendar 25 minutes will be allotted to each hearing,

(*Continued on page* 21)

## Industry Heads to Confer About NRA

WASHINGTON, June 7.—Leading industrialists from all sections of the country will meet at Hot Springs, Va., June 16 to discuss their experiences under the National Industrial

(*Continued on page* 21)

## *Reorganizations Can Be Worked Out Through Agreements*

WASHINGTON, June 7.—Signing the corporate bankruptcy bill today, President Roosevelt paved the way for the release of numerous corporations from the hands of receivers.

Under the act, all creditors would be bound to accept a court approved plan of reorganization to which holders of two-thirds of the total amount of claims have agreed.

Any stockholder or creditor could file a petition for reorganization of a distressed corporation, if backed by holders of 25 per cent in amount of each class of claims and 10 per cent of the total, but if the corporation is not actually insolvent holders of 10 per cent of each class of stock and five per cent of the total must agree. A

(*Continued on page* 16)

## Browne Tops Ticket Of IATSE Nominees

LOUISVILLE, June 7.—George E. Browne of Chicago, a former president of the I. A. T. S. E. and now business manager of Chicago Local No. 2, was nominated for president of I. A. T. S. E. today at the convention of the organization here.

Others nominated are: John P.

(*Continued on page* 21)

## Bondholders Buy in 3 St. Louis Houses

ST. LOUIS, June 7.—Thomas M. Dysart, acting for the bondholders' reorganization committees, today bought the Ambassador, Grand Central and Missouri theatres at a foreclosure sale held at the Civil Courts Building by Special Master Nelson Cunliff. Dysart bid in the Ambassa-

(*Continued on page* 21)

## *French Exhibitors Fight Import Cuts*

PARIS, June 7.—Cuts in American film imports sought by producers here were protested today at a meeting of 300 exhibitors. Regulations contemplated by the Government, as a result of moves by the Chambre Syndicale, would be ruinous to their business, the exhibitors declared.

## *U. A. Forming a Subsidiary To Market U. K. Films Here*

**Mundus Pictures will be organized by United Artists to sell a number of British pictures in this market, *Motion Picture Daily* learned last night. It is understood the first five pictures already are designated.**

**The plan is said to provide for a separate sales force, operating independently of United Artists, under the direction of Earl Kramer. Physical distribution will be cleared through U. A. exchanges.**

**Efforts to reach Joseph M. Schenck last night for a statement were unsuccessful.**

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 35 June 8, 1934 No. 133

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MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

## *Billy La Hiff Dies In Hospital at 51*

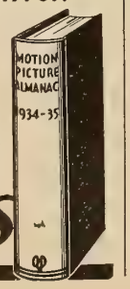
Billy La Hiff, operator of the Tavern, died at the Medical Arts Hospital here yesterday of an intestinal complaint after an illness of five weeks. He was 51.

Born in Newport, R. I., La Hiff came to New York in 1905. He opened the Tavern 12 years ago.

Surviving are his widow, a son, two daughters and a niece, Nancy Carroll.

## *Koenig Back Next Week*

William Koenig, studio manager for Warners, returns from Europe next week.

MOTION PICTURE ALMANAC
1934-35
NOW IN PREPARATION
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00



# *Insiders' Outlook*

WIDESPREAD interest prevails over what changes will mark the front in the metropolitan area now that the new season is no longer so far off. The balance of power, at least numerically in pictures, has been pretty well maintained all of those years leading up to this one. Loew's has all of M-G-M and United Artists. Also half of Paramount. RKO has all of Radio, half of Paramount. This is regular procedure, the Paramount split operating under a franchise agreement. In a swell spot annually because both of the major New York circuits require more pictures than those they start out with every season are all of the others. . . .

▼

Thus, last season Loew's bought the Warner-First National 60 and RKO, all of Columbia, Universal and Fox. Originally a five-year deal, the latter company, exercising its prerogatives for its own good reasons, has cancelled and so becomes a free agent in this, the most lucrative territory in the country, with its 1934-35 lineup. Warners, dissatisfied with the treatment accorded its product by Loew's, now becomes the stormiest petrel of the bunch. Alleging its arrangements provided for 16 big halves of the week, including Saturday and Sunday naturally, the story told by the Warners is they have been given about six to date. . . .

▼

While plenty of time between now and Sept. 1 remains for Loew's to meet the claimed 16, the Warner attitude is one tinged with much peeve that some of its more important attractions to date have been dropped into the early and less lucrative playing time half. All of this, therefore, may lead to a new setup in the Warner camp and result in a split a la Paramount, with Loew's and RKO each drawing fifty-fifty for '34-'35. Nothing definite about it, but it begins to look that way. . . .

▼

What about those Fox Met. houses then? Merely this: That one does not necessarily have to have anything to do with the other. Warners, we happen to know, don't get the idea of Nick Schenck having his own way in this sector. This explains the bid which, by all indication, will reach the Federal Court on June 20. You might wonder about pictures those 85-odd theatres will play if the Warner offer, to be loaded with a real consideration in cash, is winner. The answer is what they have under contract now. The Fox Met. string, in practically every instance, is not opposition to Loew houses. Most of them are second neighborhood runs anyway. All, or almost all of them, could, however, be turned into first runs if the Warners owned them and should so decide. . . .

▼

Picking up the strings where this same interesting situation was aired a few days back, the expectancy, even in Warner quarters, is that Schenck, being a fighter, will move into action on several Warner fronts at one time. The fracas immediately would graduate into a major war to end nobody is willing to predict where. For instance, and entirely by way of a guess, there is Philadelphia, where the Loew outfit has stayed out through an agreement once made with Jules Mastbaum. Milwaukee is another city, and Wisconsin another territory where the situation matches Philadelphia and Eastern Pennsylvania. This is just a rough idea of how rough the immediate future may be. In the meantime, the Skourases, plus Louis Frisch and Sam Rinzler, who are sometimes known as Randforce, are sitting back uneasily awaiting the disposition of Fox Met., but believing they have a swell chance of winning out. In the meantime, also, is what is described as Schenck's absolute determination not to permit the disputed circuit to go to Warners even if he has to proceed so far as to buy them himself on behalf of the Loew company. . . .

▼

Broadway operators are plenty glum over the presence of the fleet. It may not be patriotic, but it's a case of business. The armada is diverting thousands daily from theatres to warships. Circuit willingness to hand out thousands of free tickets to the gobs daily is cutting down grosses. Dance halls and saloons, nautical delights, are getting the bulk of whatever is being spent. Plus burlesque. Which may prove again that, while the life of a sailor boy may be full of gin and dames, the exhibitors' existence continues full of red ink. . . .

KANN

## *Many Slump on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 33½ | 33½ | 33½ | — ½ | 100 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | — ⅛ | 100 |
| Consolidated Film Industries, pfd | 16 | 15⅝ | 16 | + ¼ | 200 |
| Eastman Kodak | 95 | 95 | 95 | —1 | 100 |
| Loew's, Inc. | 32⅝ | 32 | 32¼ | — ⅝ | 4,900 |
| Loew's, Inc., pfd | 96 | 96 | 96 | ..... | 100 |
| Paramount Publix, cts | 4½ | 4½ | 4½ | — ⅛ | 1,000 |
| Pathe Exchange | 2⅞ | 2½ | 2½ | — ⅜ | 300 |
| Pathe Exchange "A" | 23 | 23 | 23 | + ¼ | 700 |
| RKO | 2⅞ | 2⅞ | 2⅞ | ..... | 100 |
| Warner Bros. | 6⅛ | 6 | 6 | — ¼ | 400 |

## *Technicolor Rises ¼ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 10¾ | 10⅜ | 10¾ | + ¼ | 800 |
| Trans Lux | 1⅝ | 1½ | 1½ | — ⅛ | 300 |

## *Pathe Bonds Drop Point*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 8½ | 8½ | ..... | 1 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8½ | 8½ | + ¼ | 1 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 100⅞ | 100⅞ | 100⅞ | + ¼ | 5 |
| Paramount Publix 5½s '50 | 50¼ | 50¼ | 50¼ | + ⅛ | 3 |
| Pathe 7s '37, ww | 99½ | 99 | 99 | —1 | 3 |
| Warner Bros. 6s '39, wd | 60 | 59½ | 59½ | — ½ | 8 |

## *Wampas to Share Net*

HOLLYWOOD, June 7.—Wampa's Minneapolis Shrine show will be staged at $2.50 and $5 admissions, with the net going to the Wampas treasury. They also expect returns from the broadcast. Thirteen free lance stars will receive only expenses, the same as the "Baby Stars."

## *"World" to Criterion*

Fox will open "The World Moves On" at the Criterion June 28. The house, now playing duals, reverts to a two-a-day policy with the Fox film.

## *Loew Dividend Declared*

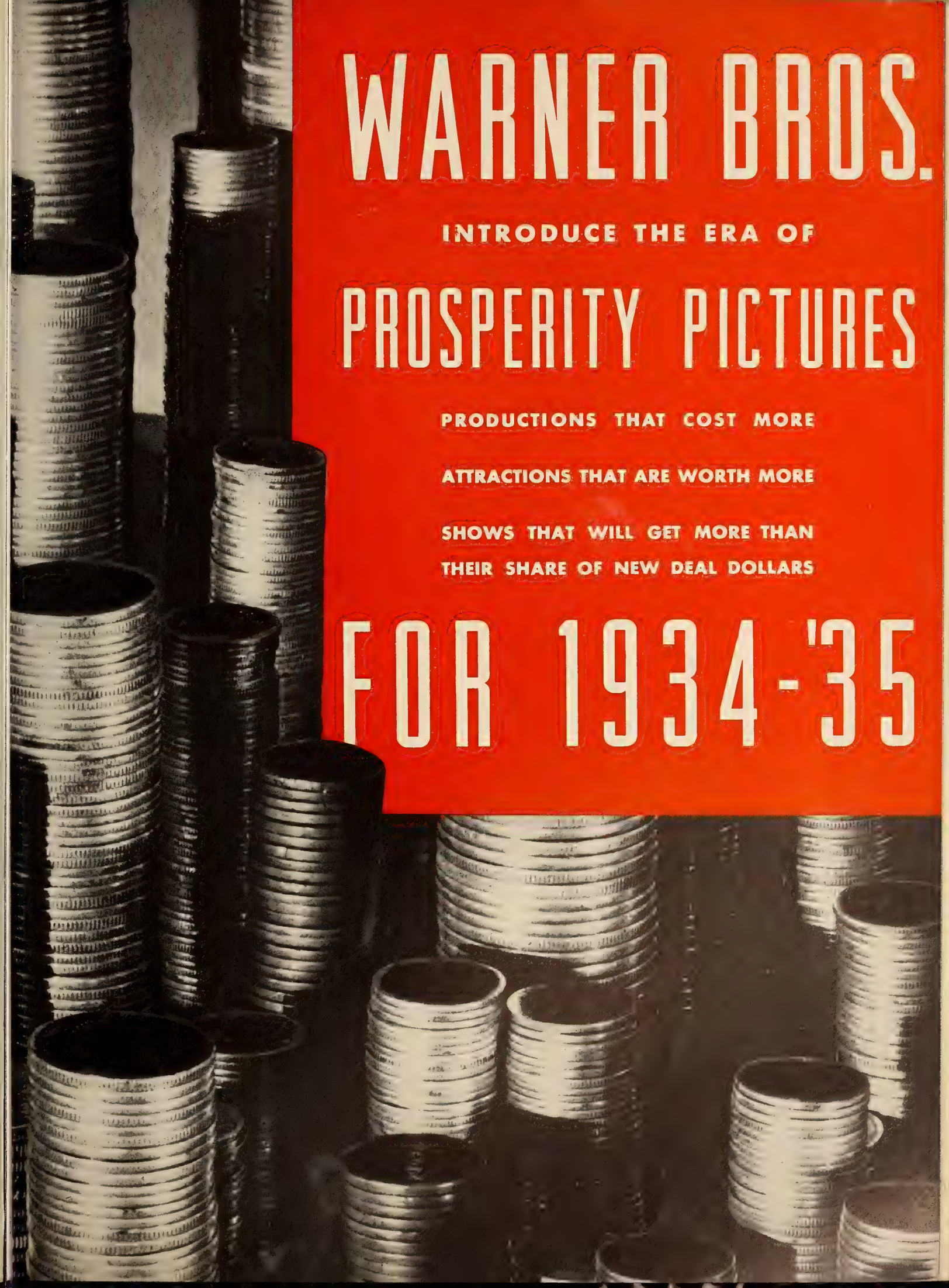
Loew's, Inc., has declared the regular quarterly dividend of 25 cents, payable June 30 to stock of record of June 16.

*To help maintenance of proper air conditions in the theatre the year 'round*

AIR CONDITIONING CHARTS

*Fit the pocket or may be tacked on wall. Only limited number available. Order now. Price 25 cents.*

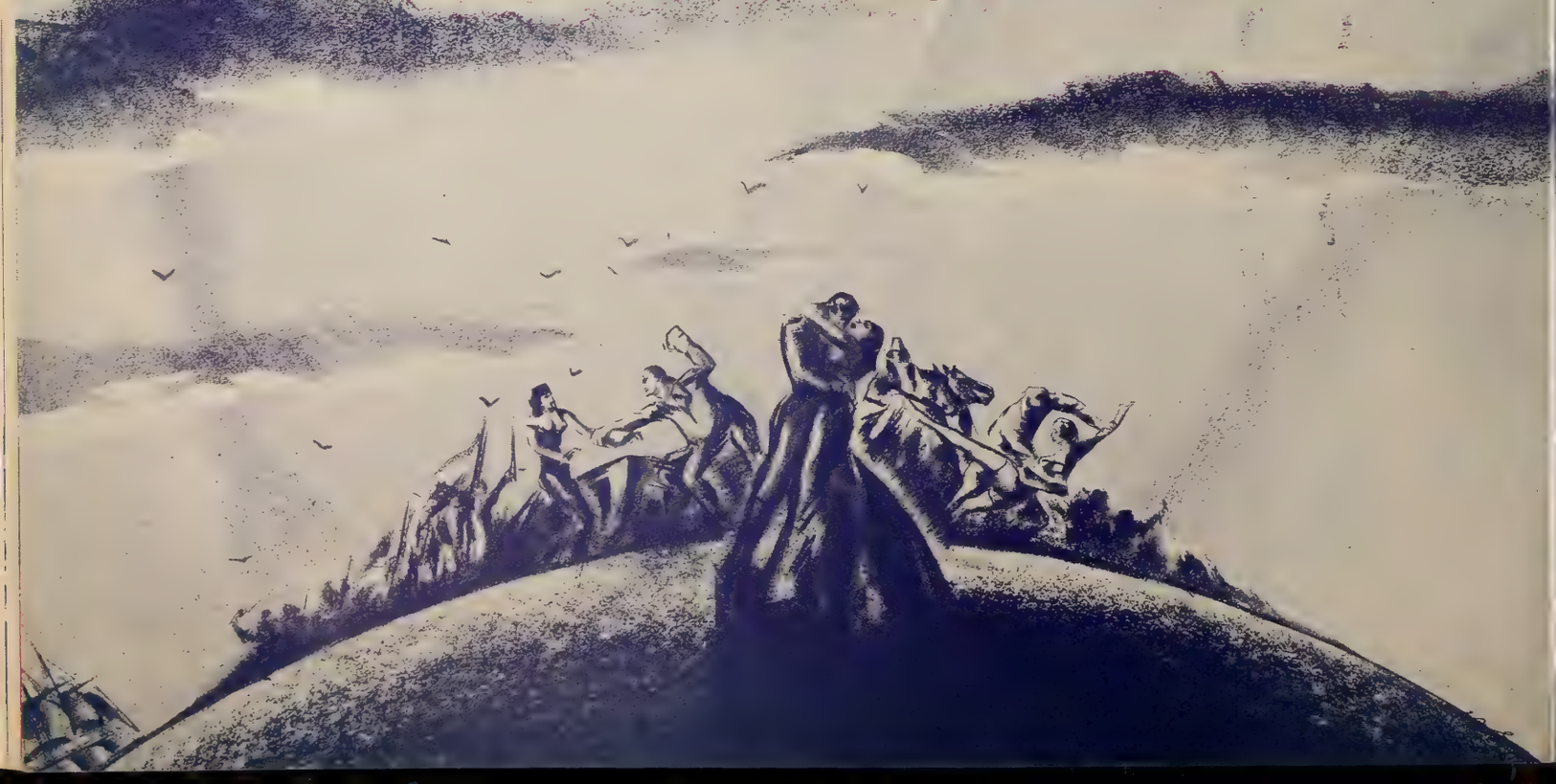
BETTER THEATRES
1790 BROADWAY NEW YORK


WARNER BROS.
INTRODUCE THE ERA OF
PROSPERITY PICTURES
PRODUCTIONS THAT COST MORE
ATTRACTIONS THAT ARE WORTH MORE
SHOWS THAT WILL GET MORE THAN
THEIR SHARE OF NEW DEAL DOLLARS
FOR 1934-'35

ALL THE WORLD'S THE STAGE FOR

# "ANTHONY ADVERSE"

—BEHEMOTH OF BEST-SELLERS, WHICH WILL BE PRODUCED WITH 15 PRINCIPAL STARS AND THE LARGEST CAST OF FEATURED PLAYERS EVER USED IN ANY MOTION PICTURE.



FROM THE PRODUCERS OF "GOLD DIGGERS OF 1933"

# "GOLD DIGGERS OF 1935"

"I AM A FUGITIVE"
WAS A WARM-UP FOR
PAUL
MUNI
IN
"BLACK
HELL"
THE STORY OF THE WAR
AMERICA IS IN TODAY
LEWIS DANIEL

IT'S TIME FOR ANOTHER "DAWN PATROL"–BY THE SAME AUTHOR, JOHN MONK SAUNDERS

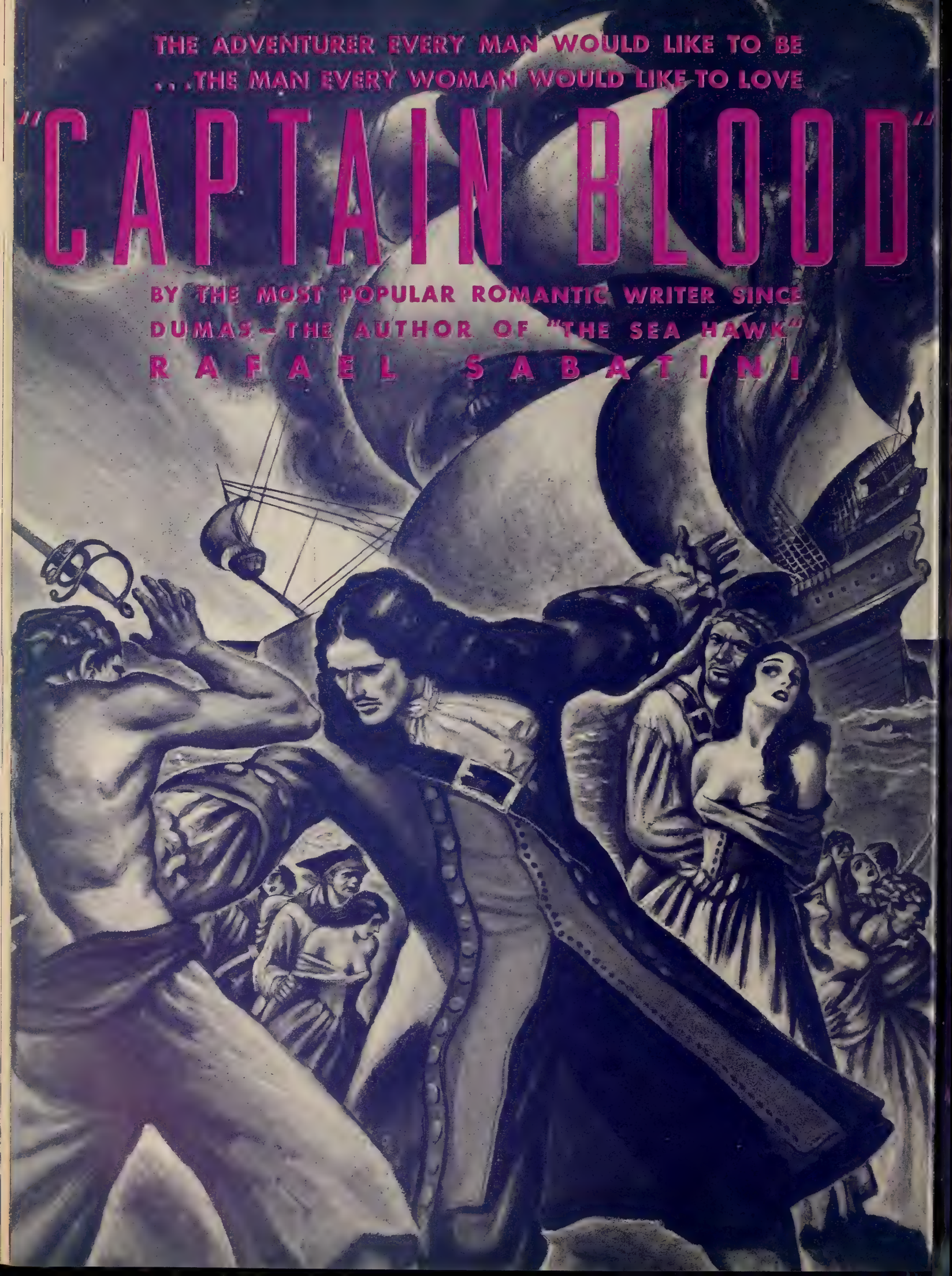
# "LAFAYETTE ESCADRILLE"

THE ADVENTURER EVERY MAN WOULD LIKE TO BE
...THE MAN EVERY WOMAN WOULD LIKE TO LOVE

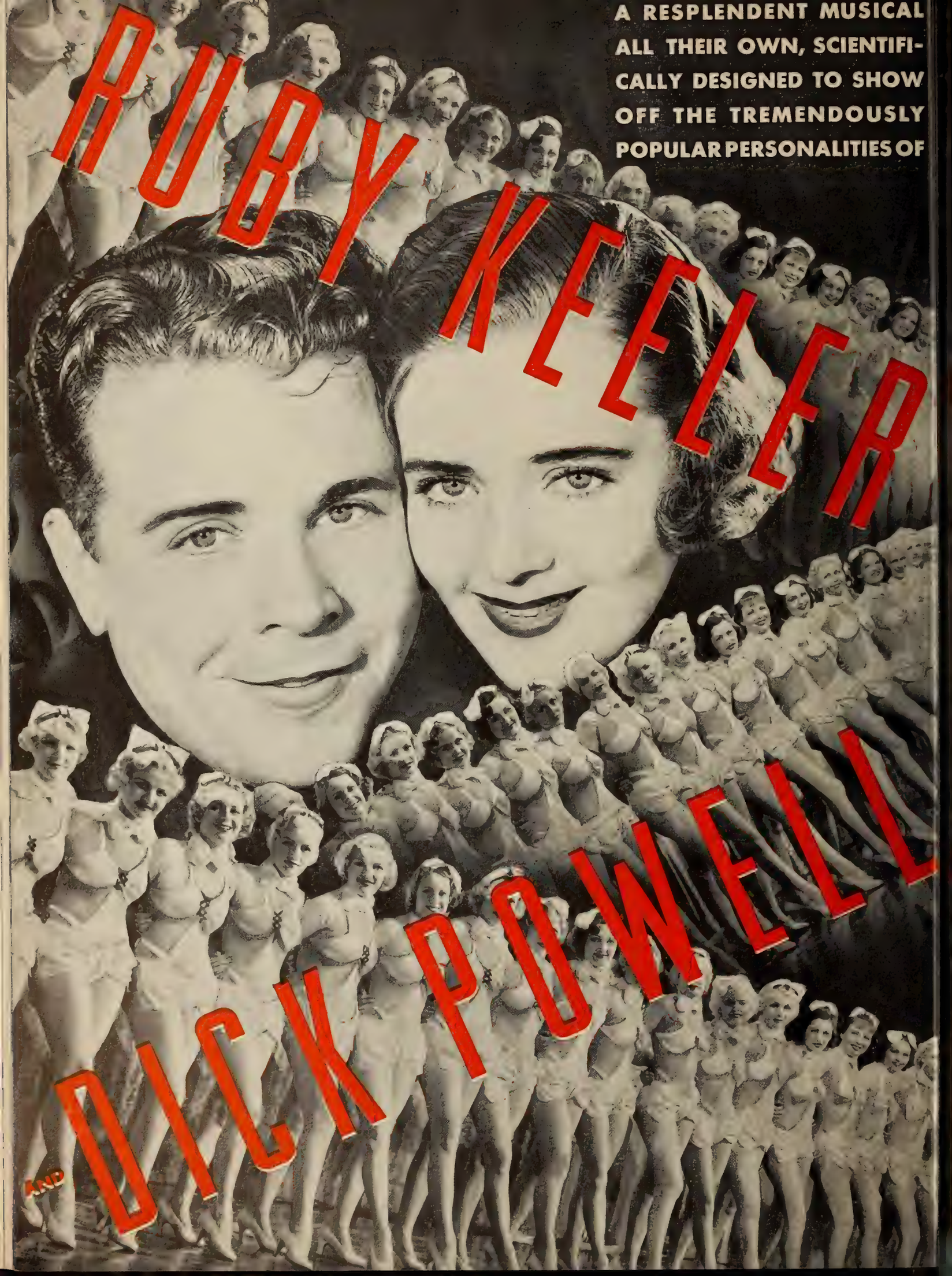
# "CAPTAIN BLOOD"

BY THE MOST POPULAR ROMANTIC WRITER SINCE DUMAS—THE AUTHOR OF "THE SEA HAWK"

RAFAEL SABATINI



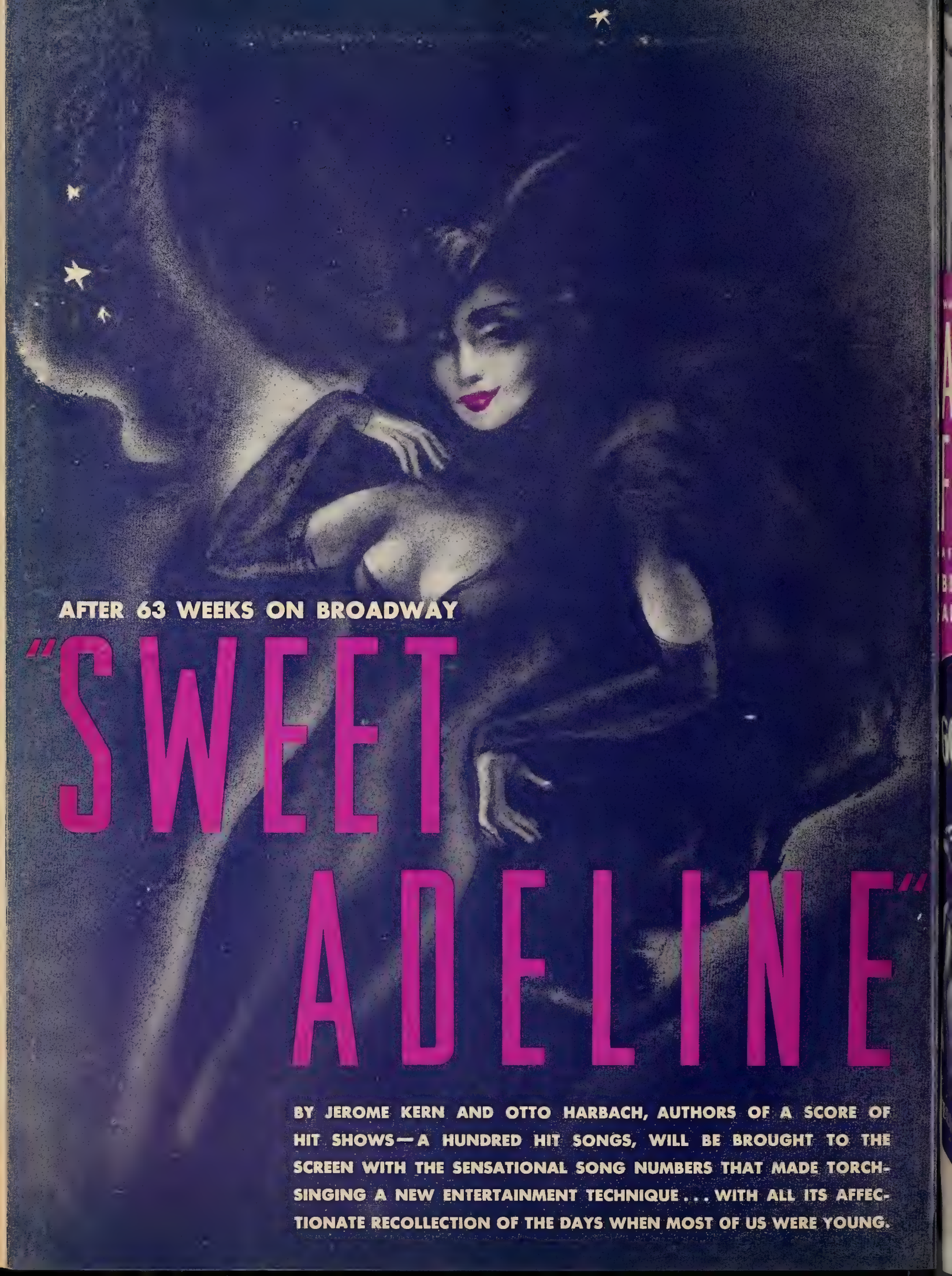
THE BIG STAR PRO-
DUCTION HE EARNED
WITH "WONDER BAR"
AL JOLSON
IN
"CASINO DE PAREE"

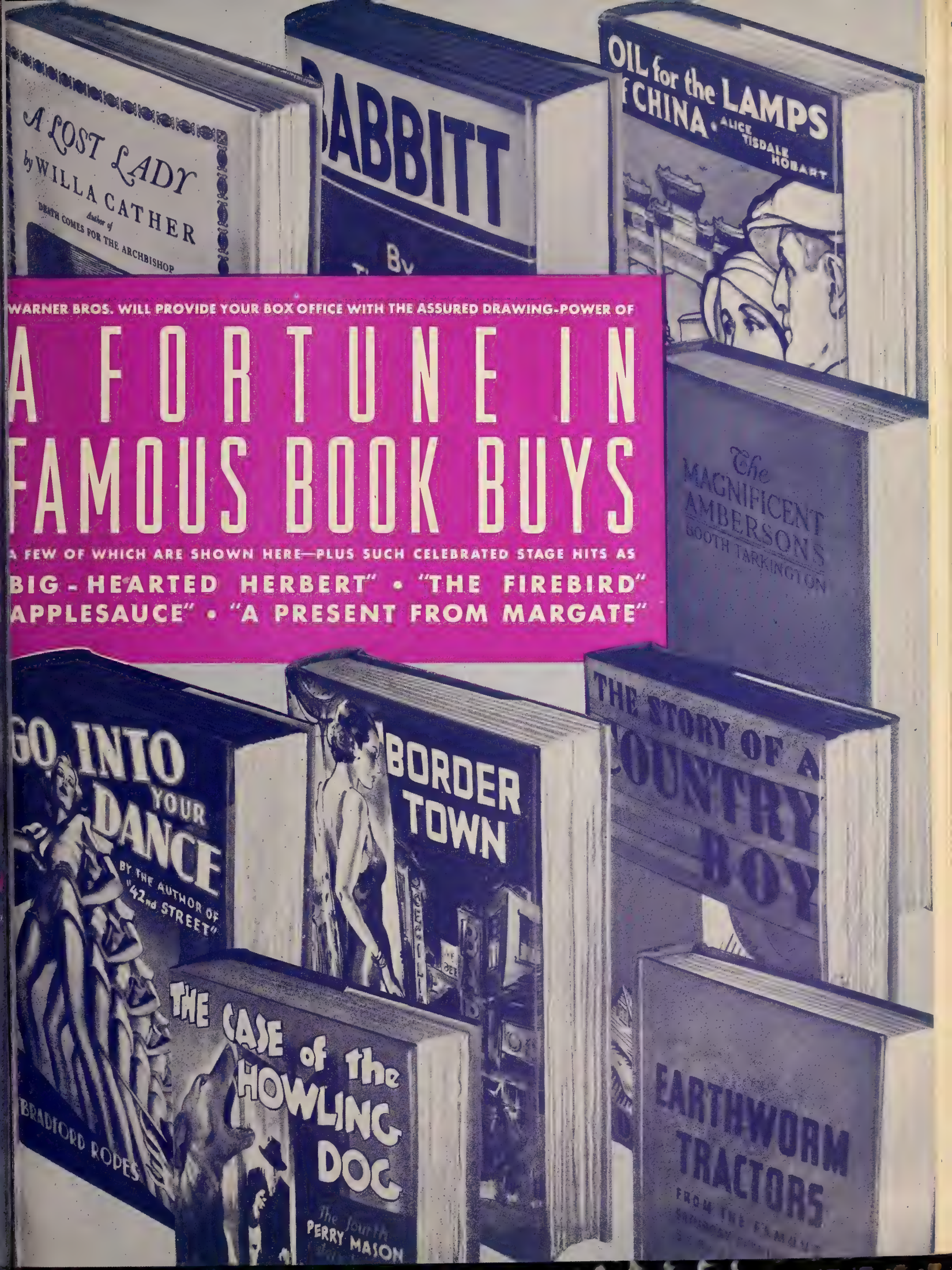

A RESPLENDENT MUSICAL ALL THEIR OWN, SCIENTIFICALLY DESIGNED TO SHOW OFF THE TREMENDOUSLY POPULAR PERSONALITIES OF
RUBY KEELER
AND
DICK POWELL

AN EXOTIC LOVE STORY SO UNUSUAL THAT IT DEMANDED THIS UNUSUAL STAR TEAM

DOLORES DEL RIO FRANCHOT TONE

# "FAREWELL TO SHANGHAI"


AFTER 63 WEEKS ON BROADWAY
"SWEET ADELINE"
BY JEROME KERN AND OTTO HARBACH, AUTHORS OF A SCORE OF HIT SHOWS—A HUNDRED HIT SONGS, WILL BE BROUGHT TO THE SCREEN WITH THE SENSATIONAL SONG NUMBERS THAT MADE TORCH-SINGING A NEW ENTERTAINMENT TECHNIQUE . . . WITH ALL ITS AFFECTIONATE RECOLLECTION OF THE DAYS WHEN MOST OF US WERE YOUNG.


A LOST LADY
by WILLA CATHER
Author of
DEATH COMES FOR THE ARCHBISHOP
BABBITT
By
OIL for the LAMPS of CHINA
ALICE TISDALE HOBART
WARNER BROS. WILL PROVIDE YOUR BOX OFFICE WITH THE ASSURED DRAWING-POWER OF
A FORTUNE IN FAMOUS BOOK BUYS
A FEW OF WHICH ARE SHOWN HERE—PLUS SUCH CELEBRATED STAGE HITS AS
BIG-HEARTED HERBERT" • "THE FIREBIRD"
APPLESAUCE" • "A PRESENT FROM MARGATE"
The MAGNIFICENT AMBERSONS
BOOTH TARKINGTON
GO INTO YOUR DANCE
BY THE AUTHOR OF "42nd STREET"
BRADFORD RODES
BORDER TOWN
THE STORY OF A COUNTRY BOY
THE CASE of the HOWLING DOG
The fourth PERRY MASON
EARTHWORM TRACTORS
FROM THE FAMOUS

Improving conditions invite expansion. This industry must get its rightful share of increased consumer expenditures. So in the coming season WARNER BROS. WILL TAKE THE LEAD IN ATTRACTING A DUE PROPORTION OF NEW DEAL DOLLARS TO THE THEATRES OF THE NATION . . . Pictures such as those just presented, produced on a more elaborate scale than has been attempted in the past four years, will enable show business to compete victoriously with all other luxury attractions—not by ruinous price-cutting, but on a sound financial basis of reasonable admission scales . . . We *believe* that these spectacular shows, and 38 others like them from this company, will lead the industry back to the great days of big-scale showmanship after years of forced economy. We *know* that only the most reckless of exhibitors will want to run their theatres next year without

# WARNER BROS.' and FIRST NATIONAL'S

# 60 PICTURES FOR 1934-1935

Vitagraph, Inc., Distributors

# Laemmle Men Beefsteaking at the New York Athletic Club Last Night

# "U" Announces 31 Features; Budget Raised

(*Continued from page* 1)

would be starred in several adventure pictures as well as at least one serial.

Grainger will indicate the company has concentrated on stories by well known authors, with 18 novels and five plays coming under this classification. In addition, there will be five musicals.

The number of shorts the company will make next season, Grainger will indicate, will be governed to some extent by developments in the dual feature situation, but present plans call for 26 two-reel comedies, 58 one-reelers, 104 issues of the newsreel with Graham McNamee continuing as "the talking reporter."

Novelties scheduled include 13 seriocomics called "Going Places with Lowell Thomas," each complete in one reel.

There will be 13 "Stranger Than Fiction" one-reelers, with 10 or 12 subjects in each. Alois Havrilla, Jimmy Wallington and other well known radio announcers have been signed to do the off-screen narrative.

Twenty-six "Oswald" cartoons, single-reelers, the same as during the current season, are set.

In addition, the program includes six "Cartoon Classics" in Technicolor, by Walter Lantz, each burlesquing an amusing or graphic episode in history. Music and lyrics for these will be written by James Dietrich and Victor McLeod.

### Budget Up a Million

Last year, $2,000,000 was added to the production budget for the 36 on the current season's list and this year the budget has been increased by another $1,000,000, it will be stated.

In preparation for the enlarged program the company has 20 stars and featured players and a sizeable group of youngsters recruited for its stock company.

"This enlarged schedule of features, the expensive novels and plays that it includes, the 20 stars and featured players, the experienced directors and the money which is in hand to produce this ambitious program," Grainger will tell the delegates, "is an evidence of the faith that Carl Laemmle has in the solid recovery of this country from depression. It is an indication of his belief that the market not only will absorb this enlarged program, but that it demands it."

Heading the list as specials are the Ziegfeld production of Edna Ferber's "Show Boat," with a new treatment; Blaise Cendrar's novel, "Sutter's Gold, two productions described as of roadshow calibre; "The Good Fairy" and "Within This Present," starring Margaret Sullavan; and a big musical, "The Great Ziegfeld," written by William Anthony McGuire and Billie Burke, in which William Powell will be starred.

The remainder of the list follows:

"Great Expectations" and "The Mystery of Edwin Drood," by Charles Dickens.

"Princess O'Hara" and "Ransom, One Million Dollars," by Damon Runyon.

"Night Life of the Gods," by Thorne Smith.

"Magnificent Obsession," by Lloyd C. Douglas.

"The Bride of Frankenstein," described as a sequel to the former horror picture.

"Strange Wives," by Edith Wharton.

"The Raven," by Edgar Allan Poe.

"Zest," by Charles G. Norris.

"The Man Who Reclaimed His Head," a Broadway play by Jean Bart.

"Transient Lady," a *Liberty Magazine* serial, by Octavus Roy Cohen.

"It Happened in New York," by Ward Morehouse, with interspersed music.

"Fanny," a play by the French author, Marcel Pagnol.

"Cheating Cheaters," play produced in New York, by Max Marcin.

"A Cup of Coffee," play by Preston Sturges.

"Moon Mullins," a picturization of the *Daily News* comic strip of that name.

"Castles in the Air," musical starring Russ Columbo.

"Confessions of a Modern Woman," anonymous.

"At Your Service," a tennis story.

"What Women Dream."

"Keep on Dancing," musical.

"I've Been Around."

"The Joy of Living."

"Gift of Gab," co-starring Edmund Lowe and Gloria Stuart.

"The Human Side," co-starring Adolphe Menjou and Doris Kenyon.

Several adventure stories with Buck Jones starred.

### Serials

"The Red Rider," by W. C. Tuttle, starring Buck Jones.

"Tailspin Tommy," based on the strip cartoon by Hal Forrest.

"Rustlers of Red Dog."

"Call of the Savage."

# What They're Down For

Universal has two co-starring teams among the only four features for which casts are designated. One of these is "Gift of Gab," in which Edmund Lowe and Gloria Stuart will have the stellar roles, and the other is "The Human Side," in which Doris Kenyon and Adolphe Menjou will be teamed.

Margaret Sullavan has been set for two starring roles, "The Good Fairy" and "Within This Present." Russ Columbo is down for one, "Castles in the Air," and Buck Jones is due to star in a serial, "The Red Rider," as well as an unannounced number of adventure stories.

The lineup so far set follows:

Doris Kenyon — Co-starring in "The Human Side" with Adolph Menjou.

Russ Columbo—Starring in "Castles in the Air."

Buck Jones—Starring in a serial, "The Red Rider," and several adventure stories.

Edmund Lowe—Co-starring in "Gift of Gab" with Gloria Stuart.

Adolphe Menjou—Co-starring in "The Human Side" with Doris Kenyon.

William Powell—Starring in "The Great Ziegfeld."

Gloria Stuart—Co-starring in "Gift of Gab" with Edmund Lowe.

Margaret Sullavan—Starring in "The Good Fairy" and "Within This Present."

### Stars and Featured Players

Women—Heather Angel, Binnie Barnes, Sally Eilers, June Knight, Leila Hyams, Zasu Pitts, Gloria Stuart, Margaret Sullavan, Alice White, Polly Walters and Jane Wyatt.

Men—Russ Columbo, Henry Hull, Buck Jones, Boris Karloff, Frank Lawton, Edmund Lowe, Paul Lukas, Douglass Montgomery, Victor Moore, Chester Morris, William Powell, Roger Pryor, Onslow Stevens and Slim Summerville.

### Directors

Eddie Buzzell, Lowell Sherman, John M. Stahl, Richard Thorpe, Stuart Walker and William Wyler.

# Novels, Plays Figure Strongly in "U" List

Universal has gone in strongly for well-known novels with modern American backgrounds among the 31 feature titles of its proposed 42 to be announced today by James R. Grainger. Fully half can be thus classified.

One of these will have a tennis background and the remainder lean to romance and comedy. Only one horror story is on the list to date—"The Bride of Frankenstein," a sequel.

Five will be either straight musicals or with considerable interspersed music.

The classics have been dipped into for three stories, two by Dickens and one by Edgar Allen Poe. There is also one historical novel with an American background, "Sutter's Gold."

Modern plays will furnish five of the stories, and Willard's comic strip syndicated by the *Daily News*, "Moon Mullins," will also be worked into a feature.

Four serial titles are listed and Buck Jones is down for several adventure stories.

The list breaks down as follows:

### Novels

Historical—"Sutter's Gold."

Classics—"Great Expectations" and "The Mystery of Edwin Drood," Charles Dickens; "The Raven," Edgar Allen Poe.

Modern—"Princess O'Hara" and "Ransom, One Million Dollars," Damon Runyon; "Night Life of the Gods," Thorne Smith; "Magnificent Obsession," Lloyd C. Douglas; "Strange Wives," Edith Wharton; "Zest," Charles G. Norris; "Transient Lady," Octavus Roy Cohen; and the following with the authors unnamed: "Confessions of a Modern Woman," "What Women Dream," "I've Been Around," "The Joy of Living," "Gift of Gab," "The Human Side."

Sport—"At Your Service," a tennis story.

Horror—"The Bride of Frankenstein."

### Musicals

"Castles in the Air," with Russ Columbo; "Keep on Dancing," "Show Boat," "The Great Ziegfeld" with William Powell, and "It Happened in New York."

### Plays

"The Good Fairy," Ferenc Molnar; "The Man Who Reclaimed His Head," Jean Bart; "Fanny," Marcel Pagnol; "Cheating Cheaters," Max Marcin, and "A Cup of Coffee," Preston Sturges.

### Adventure Stories

Buck Jones in several.

# Dickens, Poe Are Authors On Schedule

*Sidelights on the convention appear on page* 16.

# RKO in Court Under the New Bankrupt Law

(*Continued from page* 1)

of the petition did not mean that reorganization of RKO was any nearer at hand; that, in fact, no reorganization plan has yet been prepared. The petition if granted, it was pointed out, will merely place RKO in a position where it can take advantage of the new bankruptcy laws and their provisions for simplified reorganization procedures.

The petition was filed and will be argued without the participation of Irving Trust Co., receiver for RKO, or the receiver's attorneys, Donovan, Leisure, Newton & Lombard. If granted, the petition will not disturb the RKO receivership, which will be continued under its new statutory classification with Irving Trust in charge.

In its effort to qualify under the new statutes for reorganization of embarrassed corporations, RKO sets forth in its petition, its liabilities, aggregating about $16,240,000 in gold note and debenture issues and about $35,400,000 in claims, as against assets of approximately $25,000,000, comprising for the most part stock and notes receivable of subsidiaries and affiliates.

The petition states that "on information and belief, the debtor (RKO) alleges that there is no prospect that improved earnings in recent months will be sufficient to enable the debtor to pay the amounts due and payable."

The petition also alleges that RKO "has no means of borrowing or otherwise securing funds sufficient to pay and discharge such amounts, so that a reorganization of the debtor is clearly necessary. The debtor believes that such a reorganization may be carried out more economically and expeditiously under and pursuant to section 77B, Chapter 8, of the Acts of Congress relating to bankruptcy, and that a reorganization under said section will be in the best interests of creditors and security holders of all classees of the debtor."

The new bankruptcy measure permits reorganization of embarrassed corporations through the scaling down of claims against it with the consent of two-thirds of each class of creditors and security holders.

## *Bankruptcy Bill Seen as an Aid*

(*Continued from page* 1)

debtor corporation, however, may file a petition without securing the approval of creditors or stockholders.

Plans of reorganization are to provide for the scaling down of the interests of both creditors and stockholders to a point where the company can eventually "pay out." Provision is made that such plans shall be acceptable to holders of two-thirds of the claims and a majority of the stock.

The legislation is expected to save many corporations which otherwise would be forced to go through bankruptcy proceedings.

## *Yorke, Dillon Back*

HOLLYWOOD, June 7.—Gabe Yorke and Jack Dillon are back from the Fox convention in New York.

# *Looking 'Em Over*

## *"The World in Revolt"*

(*Mentone Prod.*)

Any effort to encompass the wide course of revolutionary uprisings since the advent of the century into 68 minutes of running time would appear to be a well-nigh insurmountable job. Combing the facts, as recorded by the newsreel camera over a period of almost two decades, made it necessary to scrutinize about 150,000 feet of film to whittle the 6,120 feet edited into "The World in Revolt." But it has been done in workmanlike and dramatic manner in this instance.

Acknowledging that the civilized world, or large segments of it, is in revolt against despair, hunger and "military gangsters," this record traces the highlights of modern history in Russia, Cuba, Italy, Germany, India, France, Austria, Ireland and China. It tells the story in footage largely hitherto unrevealed of political spellbinders, great and small, including Mussolini, Stalin, Dollfuss and Hitler. It shows police and troops riding down the populace; firing squads at their worst, the struggle for existence, the surgings against economic oppression, and tops a gripping account of a world sad to live in with a contrast of that which The New Deal is doing for America.

Those who see "The World in Revolt" may not necessarily agree either with its premise or the unanswered question as to the future which it poises, but undoubtedly they will be stirred and gripped by what they see, competently edited by Harry D. Goldberg, and the narrative, written for Graham McNamee by Emil Lengyel. This is not a pretty picture, but the facts are anything but dulcet themselves.

Recommended definitely as authentic entertainment. KANN

# *With the Laemmle Men*

Universal salesmen from eight eastern offices swooped down on the company's convention yesterday and swelled the numbers by about half. JAMES R. GRAINGER, who is running the show, called upon the arrivals to stand on their feet and introduce themselves. In swift array came Buffalo, Albany, Boston, New York, New Haven, Pittsburgh, Philadelphia and Washington.

•

Boston sent along O'FLAHERTY, O'BRIEN, KELLY and MCGUINESS. "What is this?" asked Grainger. "Only Irishmen up in Bean Town?"

•

GLADYS DILLON, head of the contract department, is the only woman at the convention. Trained by CLAIR HAGUE, Canadian general manager, MISS DILLON is an important individual in the exchange system.

•

Many of the answers to queries on the code, which was delved into by WILLARD S. MCKAY, Universal's general counsel, were fired by her.

•

Incidentally, MCKAY's code talk was accorded a fine reception. He spoke about contracts and those elements in the code which touched activities of the sales department.

•

FRANK MCCARTHY, eastern sales manager, was given a real ovation. Jocularly, several of the boys accused him of stacking the meeting.

•

OSCAR BINDER continued to be miserable yesterday. Again, it all had to do with those Coronas going up in smoke. Therefore, to make him feel better, GRAINGER sent out for six additional boxes.

•

JOE WEIL, assistant to CARL LAEMMLE, flew in from Chicago and precipitated much discussion. Reason for the discussion: Checkered trousers, white shoes and double-breasted blue serge jacket.

•

ANDY SHARICK, who succeeded WEIL in charge of accessories, is usually the "patsy" of the outfit. When something goes wrong, ANDY gets it. He knew his speech was O. K. yesterday. Nobody threw anything at him.

•

LOUIS LAEMMLE, brother of CARL, took a bow yesterday.

•

The Universal president arrives on the Century this morning and winds up the convention with a speech this afternoon.

### *Explaining Why*

**"Now we know why they called it a code. It needed deciphering," remarked one of the Universal men attending the company's sales parleys here yesterday.**

## *Report Independents In Columbia Dicker*

(*Continued from page* 1)

provided the current program is increased in 1934-35.

The independent men are understood to have the backing of Allied, the I. T. O. A. and other eastern unaffiliated exhibitor units. On the buying committee are L. F. Blumenthal, chairman; J. B. Fishman, John Benas, David Barrist, Sidney Samuelson and Harry Brandt. They will meet today to further discuss product.

# Saenger Down To 45 Houses In New Plan

(*Continued from page* 1)

Pensacola, Fla., and two at Texarkana, Tex. In all, there are 107 theatres in four states in which Saenger relinquishes its interest under the plan.

Under the Saenger reorganization plan, Paramount takes over Publix Saenger Theatres, Inc., which owns 50 per cent of North Carolina Theatres, Inc., and two-thirds of Publix-Saenger-Sparks Theatres, Inc., and all of Publix Saenger Theatres of Florida, Inc. The last named company is now inactive. North Carolina Theatres operate 40 theatres in North Carolina and three in Virginia. Publix-Saenger-Sparks operates 11 theatres in Florida.

Paramount also acquires Saenger's interest in Central Florida Theatres, Inc., which operates 17 theatres in Florida, and the Saenger interest in Jefferson Amusement Co., Texas, which operates 36 theatres in that state. In addition, Paramount acquires Saenger's 25 per cent interest in Dent Theatres, operating in Texas and New Mexico.

Remaining in the Saenger fold under the reorganization plan are 26 theatres in Mississippi; eight in Louisiana; four in Alabama; three in Arkansas; two at Pensacola, and two at Texarkana.

E. V. Richards, receiver for Saenger, who becomes president and general manager of the reorganized company under a 50 per cent stock partnership deal with Paramount, is allotted up to $600 per week for salaries for himself and an assistant under the agreement with Paramount.

## *Ask Shift of Para. Setup for Tax Law*

(*Continued from page* 1)

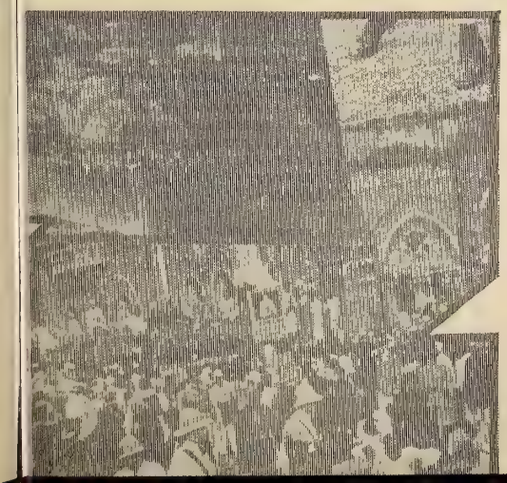
Federal tax laws on the filing of consolidated returns, is proposed in a petition filed with John E. Joyce, referee in bankruptcy, by Paramount Publix trustees yesterday.

Under the plan, Famous Theatres Corp., the new Paramount theatre holding company, releases $1,075,437 of its $1,690,636 claim against Southern Enterprises and receives Southern Enterprises' claim against Publix Theatres Corp. for an amount equal to the release. Famous also releases the $615,198 balance of its claim against Southern Enterprises and sells to it a number of other claims aggregating more than $1,000,000 which it holds against affiliates of Southern Enterprises in return for which Famous receives Southern's note for $984,793 and the cancellation of a number of claims which Southern holds against affiliates of Famous.

The result makes possible a separation of the income reports of Famous and Southern made necessary by the new Federal tax law on the filing of consolidated returns. The petition for approval of the plan will be heard by the referee June 21.

## *West Opus Gets O. K.*

HOLLYWOOD, June 7.—The Hays office here has inspected Mae West's "It Ain't No Sin" and has passed it.



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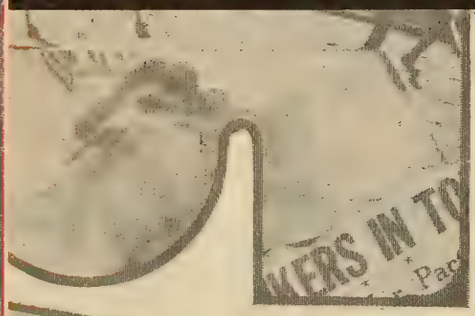

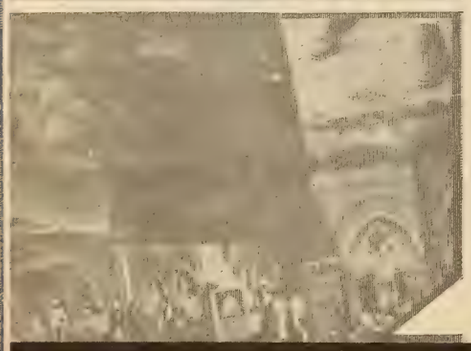

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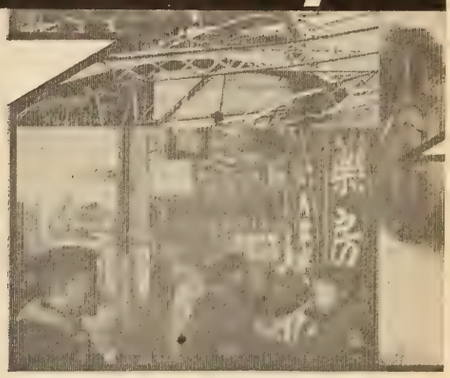

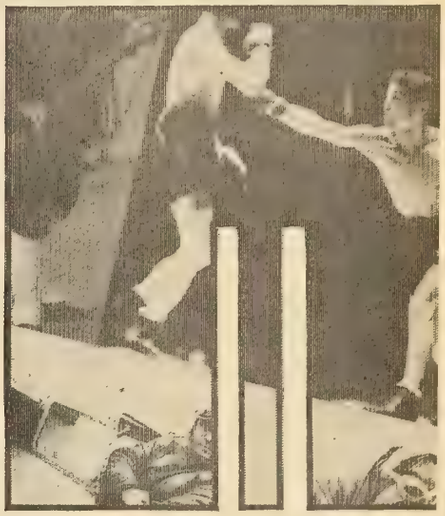

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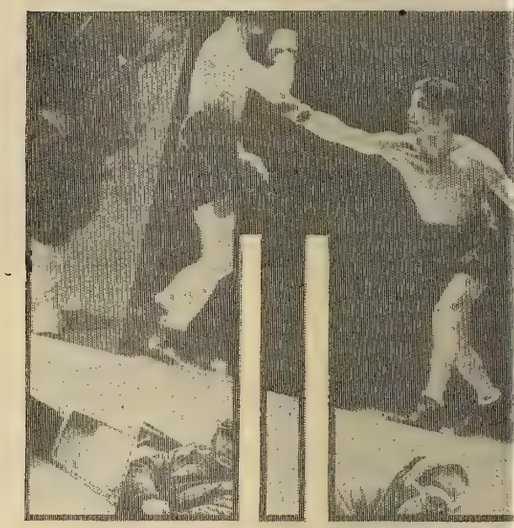

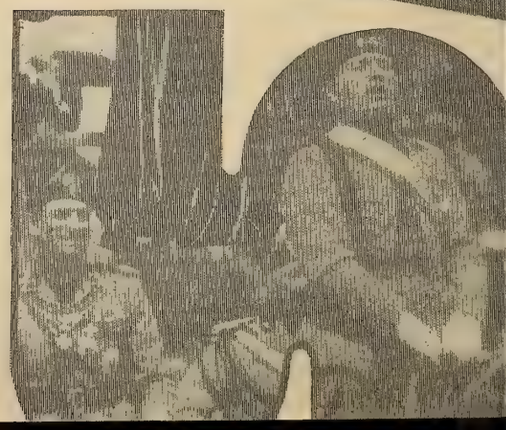

# Bondholders Buy in 3 St. Louis Houses

(Continued from page 1)

dor and fee and the Grand Central and leasehold at $1,400,000 and the Missouri and fee at $600,000.

Sam B. Jeffries, representing the Warner interests, bid $1,000,000 on the Ambassador and Grand Central.

The sale paves the way for a contemplated reorganization of the properties. It is subject to the approval of the Federal court.

Dysart's committees represent about 80 per cent of all bondholders. It is estimated the sale will net non-depositing bondholders of the Ambassador and Grand Central about 35 cents on the dollar, with Missouri bondholders realizing about 30 cents on the dollar.

Jeffries, who is local counsel for Warners, is expected to ask Federal Judge Davis to disapprove the sale.

Harry C. Arthur and Harry Koplar have made a deal with the bondholders of the three St. Louis theatres to operate the group starting August 1, it was learned here yesterday.

## *Court Hears Buffalo Code Case on June 22*

BUFFALO, June 7.—Two more weeks' adjournment will be granted by Justice Samuel J. Harris in Supreme Court tomorrow on the request of Edwin Wick, Majestic Theatre operator, in his suit against the Buffalo grievance board and five exchanges.

Justice Harris will approve a stipulation entered into between Leo J. Rosen, Wick's attorney, and Herbert T. Silverberg, attorney for the grievance board, which permits Wick to receive film service as usual during the adjournment. The defense questions the court's jurisdiction in the case.

Ordered by the grievance board to cease and desist from giving away groceries, Wick obtained an injunction to prevent the carrying out by five exchanges of instructions to cease delivering films to him until he should comply with the order. The injunction, which was returnable tomorrow at the end of a week's adjournment, now is returnable June 22.

Various constitutional questions, such as restraint of trade and deprival of property without due process of law, were raised in Wick's suit.

## *Omaha Board Fight Not Aimed at Code*

Dissatisfaction over appointments of Omaha code board members by exhibitor units in that territory is no reflection on the code itself, it was stated authoritatively yesterday. In explaining the situation, those interested pointed out that repeated efforts have been made to change the appointments without success. As a result exhibitors in the Omaha territory have requested withdrawal of assents until the suggested changes are made.

Lester F. Martin, Allied executive of Iowa and Nebraska, now in New York, refuses to discuss the situation. He refers all inquiries to Calvin Bard, who has been appointed to act as spokesman. Charles L. O'Reilly, who was recently named by Campi to investigate the situation, will make a trip to Omaha shortly and report his findings to Code Authority for action.

## *Industry Heads to Confer About NRA*

(Continued from page 1)

Recovery Act and to develop suggestions for changes in the methods of National Recovery Administration.

With the adjournment of Congress, the Administration will be free to consider reorganization of the recovery effort, subjected recently to criticism in reports of the National Recovery Review Board headed by Clarence Darrow.

Publication of the review board's reports was the apparent signal for a general loosing of criticism of General Johnson and the recovery administration which demonstrated, it is claimed, the necessity for broad changes in the organization.

By herculean efforts, Democratic leaders in Congress were successful in quelling a demand for an investigation of the recovery administration, but during the summer officials are expected to be busy in an effort to revamp the NRA so that the iron fist of government control will be clothed in a heavily padded velvet glove.

## *Des Moines Delays Moves on Zone Plan*

DES MOINES, June 7.—Due to the fact that there has been no set zoning in Iowa, the Des Moines clearance and zoning board has postponed definite action until further instructions are received from Campi as to the scope of its activities.

The board is undecided whether it is expected to zone all the Des Moines territory or deal with the subsequent run situations, according to Dallas Day, secretary. Another meeting will be held to discuss the situation in about a week.

Four cases are to be presented at the grievance board meeting June 13. Louis Patz will preside.

## *Meyer's Grievance Post to Be Filled*

Fred Meyer will be replaced on the Milwaukee grievance board today by Campi. Meyer has been ill since the M.P.T.O.A. convention and the Milwaukee board has asked for another appointee. Charles Stern of U. A. will be replaced on the Manhattan advisory committee on clearance and zoning in addition to other out of town appointments.

HOLLYWOOD, June 7.— Fred S. Meyer, successful in a battle for his life and now recuperating here, is gaining ground steadily.

## *See Code Victory in Coast Board's Rule*

HOLLYWOOD, June 7.—Refusal of the California Industrial Welfare Commission to hear a complaint charging Warners, Busby Berkeley and Tenny Wright with working chorines 23 hours is regarded here as a victory for the NRA and its committees.

The commission referred the complaint to the extras' standing committee which includes Mrs. Mabel E. Kinney, Fred Schuesler and Harry Steers.

## *AFA Opens in Boston*

BOSTON, June 7.—A branch office has been opened here at Avery House by the American Federation of Actors.

## *Seven Appeals Set For Campi Hearing*

(Continued from page 1)

10 minutes for each litigant and five minutes for questions which may be asked by the board.

Appeals to be heard are: Imperial, Charlotte, against J. F. Miller, U. A., Warners, Universal and RKO. The vote of the Charlotte clearance and zoning board was in favor of the protestant, who is appealing.

Rogowsky Brothers against Skouras. The New York grievance board awarded the Embassy, Port Chester, 22 films of the Capitol, Port Chester, allotment, which is appealed by the respondent.

E. T. Landis of the Princess, Monticello, Ia., against R. C. Lambert, Mrs. Sophie Lambert and Floyd Carter, Monticello and Amanosa, Ia. The decision of the Des Moines grievance board was that it did not see possibilities to warrant an additional theatre in Monticello.

Dick Gaston, Iowa Theatre, Fort Madison, Ia., against F. W. C., Fort Madison, on overbuying, which was dismissed by the Des Moines board. Appeal filed by complainant.

Louis Linker, Criterion Theatre, Bridgeton, N. J., against Atlantic Theatres, Inc., Stanley Theatre, same city, on overbuying. The complaint was awarded 17 pictures by the Philadelphia grievance board. Appeal filed by defendant.

Langheinrich Brothers, Burleigh Street Theatre, Milwaukee, against Sax Amusement Management, Inc., Garfield Theatre, Milwaukee. The grievance board in Milwaukee ordered reduced admissions and lotteries stopped and appeal was filed by respondent.

Decisions will be handed down in the following two appeals, already heard.

LaCrosse Theatres Co. and Kayess Theatres Co., LaCrosse, Wis., against L. J. Burkitt, Classic Theatre, Sparta, Wis. The reduced admissions appeal was referred last week to Neil Agnew, who will recommend a decision today.

Consolidated Amusements, Luxor Theatre, against Loew's Grand, on clearance. The New York clearance and zoning board dismissed the protest, but last week Campi referred the matter to Jack Cohn for investigation and recommendation.

Of the 35 appeals on Campi's calendar, seven already have been determined. Seven come up today.

## *Darrow Announces End of Board July 1*

WASHINGTON, June 7.—Formal announcement that the National Recovery Review Board will conclude its work and dissolve by July 1 was made today by Chairman Clarence Darrow.

Before closing its doors the board will make a final report to the President covering all codes investigated. A report covering some 10 of the codes is now nearing completion. The board is said to have before it some 1400 complaints on which it has never acted.

## *Wieck Joins G. B.*

HOLLYWOOD, June 7. — Dorothea Wieck has concluded her contract with Paramount and leaves for England to accept a starring contract with British Gaumont.

# Browne Tops Ticket Of IATSE Nominees

(Continued from page 1)

Nick, St. Louis; William P. Cover, Toronto; Harland Holmden, Cleveland; Larry Buck, Columbus; Richard Walsh, Brooklyn; James Walsh, Jersey City; Floyd M. Billingsley, San Francisco; James McGrath, Pittsburgh; James J. Brennan, New York, and Roger Kennedy, Detroit, vice presidents; Fred J. Dempsey, New York, incumbent, and James Lemke, Troy, for general secretary-treasurer.

Election will be held Friday, the final day of the convention. Kansas City and Indianapolis are making a bid for the next meeting.

Matthew Woll, third vice president of the A. F. L., told the delegates in an address today that in his opinion the balance of the NRA is in favor of the employer. The workers, he said, should be united as never before to be entrenched for what may happen. He expressed himself in favor of unemployment insurance. He pleaded for harmony within the Alliance.

The NRA was credited with having accomplished tremendous good for members of the Alliance in the report of the assistant president, Louis Kraus. More than 200 unions reported to the officials that the code had been definitely beneficial, while only 39 were either non-committal or of the opinion that it had failed to help.

# Monogram to Start 3rd Regional Here

(Continued from page 1)

office representatives scheduled to attend are:

Harry Thomas, Herman Rifkin, B. H. Mills, Sam Flax, Jim Alexander, Jake Flax, M. Edward Morey, Steve Broidy, Roberet Cobe, Al Fecke, Charles Wilson, George Collins, Sam Fineberg, Morris Epstein, William Benson, Dick Perry, Harry Carlock, Myron Starr, Albert Glaubinger, Otto Lederer, Jules Chatman, Charles Rosenzweig, Claire Simon, Joe Joel, Al Friedlander, Al Blofson, Maurice Sherman, M. J. Levenson, Etta Segall, Molly Shear, Pearl Goldstein, Murray Rosenbluh, Jack Berkowitz, Phil Cooper, Sam Milberg, Mary Hawkins, H. M. Wheeler, Bill Steceken, Sam Kulick, J. S. Harrington, Edward Finney and Norton Ritchey.

## *Phila. Yarn Meets Attack and Defense*

A wire signed by Morris Wax, president of the Independent Exhibitors' Protective Ass'n., Philadelphia, yesterday described an account of an open meeting of M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware, which appeared in MOTION PICTURE DAILY of June 6, as a "gross misrepresentation of facts." "You have been imposed upon and deliberately mislead," the wire stated.

MOTION PICTURE DAILY's account said that the meeting had been nearly "stampeded" by adherents of the Independent Exhibitors Protective Ass'n. Substantiating this account, MOTION PICTURE DAILY yesterday contacted several Philadelphia exhibitors who attended the meeting and who described it as "the wildest and most riotous in the history of old timers in the territory." It was also stated by those in attendance that the open meeting was "packed" with a majority of I. E. P. A. adherents.

## The Moaners

*Great Neck, Long Island, June 7.*

All records for early arrival of contestants at a *Film Daily* Golf Tournament were broken at the 22nd affair, held today, when Early Birds Howard Dietz, Jack Shapiro and J. H. Seidelman awakened the chef of the Glen Oaks Country Club at six in the morning demanding breakfast.

The Hays organization, led by Dave Palfreyman, rode up to the clubhouse in a brand new streamline La Salle.

Ed Finney of Monogram, donated automatic lighters to each entrant. Don Mersereau presented a folder of matches with each lighter.

Again Harry Thomas donated frothy golden beer. The fluid broke up 17 foursomes in which contestants insisted upon "bending the elbow."

William R. Ferguson played lacrosse. He said it was golf, but, as such, it was unrecognizable. He did look pretty, however, in a brand new outfit of various tints.

"I started off like a house on fire," remarked Joe Hornstein, Russ Bell, Julius Cohen and Clint Weyer. All of them forgot to add, however, that they ended up on the 18th hole like smoldering ruins.

Dave Loew was a symphony in brown; Pat Garyn was done in white and Harvey Day sported baby blue. Garyn represented the Sons of Irish Freedom—also United Newsreel.

A-Mike Vogel rushed breathlessly to the committee room with the news that he played nine full holes without losing a single ball. The ball did go out of bounds on one occasion, but Mike retrieved it at the cost of a dime awarded the caddy.

George Blair, Dick Brady and Ted Curtis again represented Eastman.

Prosperity *must* have turned that corner. Half of New York's exhibitors were on hand, many of them, kiddingly or otherwise, having indicated that they could not raise the entry fee last year. Some of the theatre men present were: Billy and Harry Brandt, Harry Charnas, S. D. Cocalis, Si Fabian, Louis Frisch, Edward Hyman, Morris Kutinsky, Charles Moses, Samuel Rinzler, Jack Springer, et al.

"Terrible! I've never played golf so rotten before," shouted Herb Yates as he walked away from the last hole.

"Oh," answered his caddy, "you have played before, then?"

Eddie Golden did a neat 79—for the first four holes, thereby proving he's better at selling film than pounding golf balls.

Some of the best drives were recorded in the putting contest.

Ted Sullivan, scorekeeper for the fivesome which included Herb Fecke, Ray Gallagher, Ed Finney and Russell Bell, had to count out 15 minutes to tally Gallagher's score.

Louis Nizer told the incident, a year old, when Harry Richman took five strokes on a drive, missed every time, used his cane and scored a hole in one.

Fred McConnell played in the wilds off the fairway persistently. His alibi was it was all a publicity stunt for the Frank Buck film.

Said almost everyone: "I don't like to look at the cups and trophies. It's bad luck."

Replied almost everyone else: "What have you got to worry about?"

# Golfers Transfer Plowing Maneuvers to Great Neck

Great Neck, L. I., June 7.—Almost a year ago to the day the wrecking crews turned their agricultural libido outward and did fancy farming maneuvers on the svelte reaches of the Rye Country Club in Westchester.

Because repeat runs in the same or closely contiguous territory can't follow without the intervening healing touch of Father Time, the same wreckers, this year calling themselves golfers, turned themselves loose on the Glen Oaks course here today with variable results to fairways, putting greens, golf clubs and tempers.

Once again, the occasion was *The Film Daily* Golf Tournament, 22nd in a series started years ago when Joe ("Danny") Dannenberg was editor of the paper.

### Technique Not So Good

Again the boys, the spirit willing if the technique, in many instances, needed improving, turned out to see what they could do about the royal and ancient game. Attendance ran between 150 and 175, including a last-minute group which, as usual, journeyed out for the dinner and pictures which climaxed the day's fun in the evening.

The morning round was capped by a putting contest in which Jack McEvoy, son of the Ed who is one of Radio's sales managers, emerged victor. The afternoon round got going about three, slightly later than usual, and this set back the rest of the festivities somewhat beyond its usual ken.

Today's was the largest turnout for a film golf contest since the first *Film Daily* tournament was held 12 years ago. Generally the golf was pretty bad, but the spirit of the day was good.

Don Mersereau was the official handicapper. Each foursome winner and the runner-up received a prize.

In the evening production, distribution and exhibition executives sat down at dinner with members of the trade press.

At the dais were: Louis Nizer, who was toastmaster; John W. Alicoate, sponsor of the tournament, who served as master of ceremonies; Charles Pettijohn, Harry and Albert Warner, H. J. Yates, Harry Thomas and members of the M. P. Club and A. M. P. A. teams.

Alicoate and Mersereau were in general charge of the out-of-doors orgy. If you don't think they had a job, look who was there:

Al Adams, Charles Alicoate, Jack W. Alicoate, J. A. Allen, Winfield Andrus.

John Bachman, Richard Beck, Russell Bell, Herbert S. Berg, David P. Berger, Emanuel Bernstein, George A. Blair, Milton Blumberg, Clayton Bond, Richard Brady, Harry Brandt, William Brandt, Lou Brecher, O. H. Briggs, Bill Brown, George Brown, Dr. Henry Brown.

Charles Cassanave, Harry Charnas, James Clark, M. D. Clofine, Kenneth Coan, S. D. Cocalis, Harold Cohen, Julius Cohen, Max Cohen, James A. Cron, James P. Cunningham, Ted Curtis.

Harvey Day, George Dembow, Arthur Dickenson, Howard Dietz, Ralph Doyle.

Herbert Ebenstein, Ed Edelson, Sol Edwards.

Simon Fabian, Herbert Fecke, William Ferguson, Alfred Fiegel. Edward Finney, Leopold Friedman, Louis Frisch, William Frankel.

Leo Gafney, Ray Gallagher, W. P. Garyn, Tom Gerety, Jack Glucksman, Harry Goetz, Hugo Goldberger, Irving Goodfield, Paul Greenhalgh, J. Guttfreund.

Orvill S. Haas, Happ Hadley, Don Hancock, Arthur Hammer, Jack Harrower, Harry Herts, Gabriel L. Hess, Phil Hodes, I. J. Hoffman, Joe Hornstein, Edward L. Hyman, Don Hyndam.

### And Still They Come

Don Jacocks, James Jeffreys, W. Ray Johnston.

Herbert Kahn, Samuel Kallman. Jerry Keyser, Marvin Kirsch, Leo Klebanow, Bernard Kleid, Dr. M. L. Klieffel, Ralph Kohn, Morris Kutinsky.

Nelson Lang, Harvey Lanzer, Lester Leff, Harold Lerman, Al Levy, Jules Levy, Charles Lewis, David Loew, Jim Loughborough.

George L. McCarthy, Fred McConnell, J. E. McDermott, E. J. McEvoy, Joe Malcolm, William Massce, Mitchell May, Jr., Bert Mayers, Jerome Melniker, Charles Mersereau, Don Mersereau, Jack Mersereau, Lou Metzger, Capt. Harry Miller, Charles Moses, Herbert Muller.

Louis Nizer, Jack Noble.

John Ostendorf.

John Painter, David Palfreyman, Arthur Pelterson, James Pergala, Charles C. Pettijohn, Frank Phelps, Joe Plunkett.

Edmund Reeks, Irving Regensberg, Phil Reisman, Victor Ridder, Samuel Rinzler, Harold Rodner, Charles Rogers, Sam Rubenstein, Ed Rugoff, C. C. Ryan, Lou Rydell.

Morris Sanders, Sidney Satanstein, Ted Schlanger, Jack Schlein, Abe Schneider, Gradwell L. Sears, Murray Schoen, Ed Schwartz, Clarence Secor, Arthur Seidman, J. H. Seidelman, Harry Shiffman, Jack Shapiro, Robert Silver, Jack Skirball, Hal Sloane, Emanuel Smerling, Cresson Smith, Nate Spingold, Mort Spring, Sam Spring, J. W. Springer, Charles Stuart, Max Stuart, Ed Sullivan, Milo Sutloff.

Harry Thomas.

Arnold Van Leer, J. C. Vergesslich, A-Mike Vogel.

Albert L. Warner, C. J. Warner, Harry M. Warner, Abner Werblin, Clint Weyer, John Wile, Tom Wiley, Milton Weisman, Robert Wolff, Carl Wolff, Harold Wondsel.

Herbert J. Yates, Herbert J. Yates, Jr., and Hal Young.

## Sees Education Film Restrictions Removed

Returning from a two-months' trip abroad, where he attended the Rome conference on educational films, Carl E. Milliken yesterday stated a move has been started to remove trade restrictions on educational pictures. He said this type of product is not being regarded as commodity, but as an exchange of ideas, adding that 26 countries, including the United States, have signed a compact to remove these restrictions. This applies, he said, to 16mm. film used in schools and other educational institutions.

Milliken was one of six American representatives at the conference.

## Selznick Has Deal With Lloyd George

M-G-M has received a radiogram from David O. Selznick, now on the high seas, stating that David Lloyd George has consented to have his war memoirs filmed, if a treatment suitable to him can be worked out. Any adaptation will be submitted to him. If it is approved, the film may be made either in California or England, or both, the message states.

## 13 Shorts in Color

Hollywood, June 7.—Leon Schlesinger has signed a contract with Dr. Herbert T. Kalmus for 13 Vitaphone shorts to be made in Technicolor.

## The Winners

*Great Neck, L. I., June 7.*

A prize for almost every entry in *The Film Daily* Golf Tournament tonight kept golfers, goofers and pill swingers happy.

There were major prizes, such as cups, et al, but also awards covering a wide range from ash trays to sweaters for the winners of flights, in keeping with the formula under which this popular trade event has been proceeding for so long.

Honesty being a virtue and the picture business being virtuous always, prizes were handed out on the basis of score cards submitted by the swatters. Nobody had the nerve to check up on the next fellow, because there was no way of telling how far accuracy for accuracy's—and prizes'—sake might be carried.

Notable, too, was the fact that this was the first of the tournaments to be held in the enlightened, non-prohibition era. It wasn't important, and certainly it didn't make any difference, but, since facts are facts, there it was.

Principal winners and what they won, if not why, follow:

The Motion Picture Club team, managed by Louis Nizer, again triumphed over the A.M.P.A. team, managed by William R. ("Billly") Ferguson in a match play and grabbed for itself another leg on the Albee cup while each member walked off with a gold medal. The winning foursome was composed of Ted Curtis, president; Harry M. Warner, Herbert J. Yates and Mitchell May, Jr. The defeated team was composed of Tom Gerety, captain; Herbert Fecke of *Quigley Publications*, Gerald Keyser and Arthur Dickenson.

Putting contest (Consolidated Film Laboratories trophy)—Jack McEvoy. George Blair, in second place, was awarded an RCA Victor radio. George Brown, in third, was awarded a Kodak camera.

Low net (leg on *Film Daily* trophy and RKO Radio cup)—Ed McEvoy.

Low net runner-up (Pathe Exchange trophy)—William Frankel.

Low net, M. P. Club member (Al Lichtman plaque)—Gradwell Sears.

Low gross (*Quigley Publications* trophy)—Ted Curtis.

Low gross runner-up (Gaumont British trophy)—Tom Gerety.

Low net, morning round (Dupont Film trophy)—Leopold Friedman.

Low gross, morning round (Chesterfield radio clock)—Mitchell May, Jr.

Low gross, exhibitor score (Erpi trophy)—Ed Hyman.

Low net, exhibitor score (U. A. trophy)—Carl Wolff.

Winner of putting contest (Consolidated Film trophy)—Jack McEvoy.

First putting contest runner-up (RCA Radio trophy)—George Blair.

Second putting contest runner-up (Eastman Kodak trophy) — George Brown.

For most birdies (set of Grossett & Dunlap books)—Al Levy.

For an eagle (Budd pajamas)—I. J. Hoffman.

Special prize for something or other —Howard Dietz.

Best dressed golfer (Nat Lewis robe)—Gabriel Hess.

Most strokes on one hole (*Variety* mug)—A-Mike Vogel, who made 14 strokes on a single hole.

# BIGGER

# THE LAST DAY

# THAN THE FIRST

at

# RADIO CITY MUSIC HALL

*—That's what word-of-mouth is doing!*

## IT'S IN THE AIR!

M A R G A R E T

# SULLAVAN

IN

# LITTLE MAN, WHAT NOW?

EDWIN C. HILL

*On May 22nd, the trade press printed the announcement that Edwin C. Hill, the Magic Voice, was signed by Hearst Metrotone News.*

# "I only said ... BOO!"

. . . . . and such excitement in newsreel circles!.. Of course with EDWIN C. HILL as news commentator of HEARST METROTONE NEWS . . . and further developments to be announced . . . it's not surprising that competitors are urging you to sign up *quick* . . . it's good advice to sign up . . . but you know with whom!

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 134 NEW YORK, SATURDAY, JUNE 9, 1934 TEN CENTS

## Laemmle for Clean Film, His Avowal

### *Says "U" Will Aim at Family Pictures*

"I am for clean pictures. I have always been for clean pictures," Carl Laemmle told the Universal sales convention yesterday in a speech which brought the parleys to a close.

Declaring he was aware of the "present widespread agitation against unclean movies," he continued:

"I believe the situation is being painted blacker than it really is. I think the average motion picture is clean and wholesome. There are some exceptions, I am sorry to say, but the exceptions are few, indeed, when you

(*Continued on page* 4)

## Wants Johnson to Pass Assent Date

Campi has referred to Administrator Hugh S. Johnson a suggestion that the code assent date be reopened with reservations to exhibitors who have not yet signed compliances. The limitations will be announced next week when it is expected the Administrator will approve Code Authority's recommendation.

Executive Secretary John C. Flinn yesterday reported assessments received up to date from 5,996 exhibitors total $63,027.

The next session of Campi will be held June 15 with Ed Kuykendall as chairman.

### *Stagger Board Meets To Avoid Sale Delay*

Clearance and zoning and grievance boards are to meet not more than once in 10 days from now on, according to a resolution adopted by Campi yesterday. All boards currently meet once a week.

The reason for the extra three-day lapse before succeeding meetings is to enable sales representatives on the boards to devote more time to product deals during the selling season.

### *5 Replacements Set On Different Boards*

Five code replacements were made by Campi yesterday. Harry H. Buxbaum of Fox replaces Charles Stern on the Manhattan clearance and zoning advisory committee; A. C. Guten-

(*Continued on page* 3)

## *Kuhn, Loeb Pick Securities; Can Continue Para. Support*

**Continued availability of Kuhn, Loeb & Co., financiers for Paramount, following the reorganization of the company, appears to be indicated in the reported decision of the banking firm to remain in the investment and securities field while conforming to the new Federal banking laws beginning June 16.**

**Kuhn, Loeb, it is reported, will abandon its deposit banking activities and continue as an investment and securities house. Had the bank selected the deposit banking field, as did J. P. Morgan & Co., it would have been barred from private investment activities.**

## *Opposes Receivership Fees Out of RKO Cash Collateral*

Opposition to payment of RKO receveirship fees out of the cash collateral for the company's six per cent secured notes was voiced yesterday by Morton G. Bogue of counsel for Chemical Bank & Trust Co., one of the trustees for the noteholders, at a hearing before U. S. District Court Judge William Bondy.

The third report of the Irving Trust Co., receiver for RKO, and the petition of the receiver and its counsel, Donovan, Leisure, Newton & Lumbard, for aggregate interim allowances of $225,000, both of which were filed with the U. S. District Court here on May 22, were presented to Judge Bondy. Declaring he was familiar with the complex work of the receiver in the RKO case and believed the job to be well done, Judge

(*Continued on page* 4)

### *Ambidextrous*

**William J. Kupper, western sales manager of Fox, received his appointment as a Kentucky colonel yesterday. In the navy during the war, Kupper is also known as the "Admiral," thereby giving Fox complete land and sea defense in case of war.**

## Prelate Gives 'Command' for Film Boycott

PHILADELPHIA, June 8.—"Positive commands" have been issued by Cardinal Dougherty to Catholics in this diocese to boycott certain pictures as a protest "against immoral and indecent films."

The pastoral letter, a part of the nationwide Catholic crusade, is published today in the *Catholic Standard and Times*. It was written before the prelate left for Europe.

"Perhaps the greatest menace to faith

(*Continued on page* 4)

### *Accepts Roxy Report; Cullman Is Renamed*

It took exactly 15 minutes yesterday for Federal Judge Francis G. Caffey to hear and approve the six months' report of Howard C. Cullman, receiver for the Roxy, and reappoint Cullman for another six months. The new term starts June 18. Next Thursday Cullman will be made

(*Continued on page* 2)

## *Friction and Fractions*

**How much is one-tenth of one picture?**

**That's a question U. A. declares it cannot answer, but asks all exhibitors seeking the 10 per cent cancellation privilege.**

**Because each of the producers making pictures for United Artists works and operates independently, the company has a clause in its contracts definitely stating that the individual picture**

(*Continued on page* 3)

## Expect Others Will Turn to Bankrupt Law

### *Want Benefits Opened By Simplified Act*

Virtually every company in bankruptcy or receivership in the industry, including many subsidiaries of Paramount, RKO and Fox, are expected to avail themselves of the simplified reorganization procedure offered by the new Federal bankruptcy laws.

Saenger Theatres, Inc., Saenger Realty Corp. and Fox Metropolitan Playhouses may file petitions for reorganization under the new corporate bankruptcy laws if complications in their existing plans for reorganization develop from minority creditors' groups, it was learned yesterday from spokesmen for creditors of the three companies.

Reorganization plans of all three contemplate the exchange of securities in the reorganized companies for old

(*Continued on page* 3)

## Graham Optimistic; Overseas Party In

Greatly improved theatre and film conditions in England were reported yesterday by J. C. Graham, Paramount managing director in England, on his arrival here aboard the *Aquitania*.

With him came Earl St. John, general manager of Paramount's British theatres; Montague Goldman, Paramount general sales manager in Great Britain and Ireland, and Phil Hyams,

(*Continued on page* 2)

### *First '34-'35 Deal Is Begun by Paramount*

Negotiations have started on the first local Paramount product deal for the new season. Louis Schine and George Lynch of the Schine circuit, operating 30 houses in New York and Ohio, are now conferring with Milt Kusell, New York state district manager for Paramount, on next season's product. The deal is for all of the distributor's features, shorts and newsreels.

### *Independent Dicker At Columbia Snags*

Because of demands made by the Independent Film Buyers' Protective Group, there is little likelihood that Columbia will get together with the

(*Continued on page* 4)

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Dressler Improving, M-G-M Readies Next

HOLLYWOOD, June 8.—Marie Dressler evidently is well on the way to recovery from her illness, as M-G-M has finally set on "Tish," Mary Roberts Rinehart story, as her next vehicle.

Frances Marion is now working on the screen play of the *Saturday Evening Post* yarn with George Hill drawing the directorial assignment. Starting date has not been set.

## Baseball Starts Today

Schedules of the M. P. Baseball League, which begin today, will continue through July with 33 games scheduled for approximately every other day. The teams are Columbia, Erpi, NBC, RKO, Rockefeller Center, Inc., and Warners.

Today's game will be between NBC and Warners, with R.C.I. and Columbia playing Monday, Erpi and RKO on Wednesday, NBC and Columbia on Friday, and R.C.I. and Erpi next Saturday.

## Taylor Heads Film Board

TORONTO, June 8.—Percy Taylor, former general manager in Canada for Radio, and now Columbia branch manager in Winnipeg, has been appointed chairman of the Manitoba Film Board of Trade.

## Goldwyn Holds Sten

HOLLYWOOD, June 8.—Samuel Goldwyn has renewed his option on Anna Sten for another two years.

## Fox Sales Contest Will Start Aug. 19

Fox will start its annual sales drive this year, in both the U. S. and Canada, on August 19, and will continue it until Nov. 17.

Herman Wobber will again be in charge. Prizes will be in the form of extra salaries to the winning branches. Educational short subject prizes, however, will be in the form of cash awards, with $1,000 going to the winner. There will also be six ad sale prizes, ranging from $175 to $25. Harold Lloyd has also posted $5,000 to be awarded the winners in the special "Cat's Paw" competition.

## Monte Brice Forms New Producing Unit

ALBANY, June 8.—Monte Brice is going back into production. He has just organized Monte Brice Prod., Inc., capital 10 shares of no par value, with Hannah Fahrer, Howard M. Antevil and Georgette Levy as directors and subscribers. Willard S. McKay is attorney.

He has been laid up with an ulcerated tooth for several days, he said yesterday, and hasn't lined up details of his production plans as yet.

## Levy Has Plans Set For Radio Sessions

According to Jules Levy, vice-president and general sales manager, plans have been completed for the annual Radio sales convention, to be held this year at the Drake Hotel in Chicago on June 18-20. About 250 are expected to attend, including branch managers, salesmen and delegations of executives from the home office, studio and foreign office.

## Weeks Producing Again

HOLLYWOOD, June 8.—George Weeks, western representative of British Gaumont, is reentering independent production and will finance on a picture-to-picture basis. His first will be "War Cry," written and to be directed by Harry Frazer.

## Mascot Pictures Moves

Mascot Pictures Corp. has moved into new quarters on the 12th floor at 1776 Broadway.

## Paramount Adds 15 "100 Per Centers"

Paramount has named 11 salesmen, three bookers and one ad sales manager to its "100 Per Cent Club." These men will attend the annual sales convention in Los Angeles, which has been extended one day and is now set to run from June 18 to June 21.

The salesmen named are: J. J. Oulahan, Washington; Irwin Lesser, New York; J. B. Gardner, Columbus; L. C. Lowe, Atlanta; Bert Adams, Charlotte; Jack Curry, Oklahoma City; Frank Smith, Salt Lake City; William Esch, Indianapolis; M. C. Burles, Los Angeles; P. W. Robbins, Des Moines; T. Dowbiggin.

The three bookers are: Bernard Brooks, New Jersey; L. Hughes, Maine; G. H. Haviland, Seattle. R. M. Palmquist of Minneapolis is the ad sales manager elected to the club.

## Para. Signs Three Wampas 'Baby Stars'

HOLLYWOOD, June 8.—Paramount has signed three of the Wampas "Baby Stars," Hazel Hayes, Dorothy Drake and Lucille Lund. All three worked for B. P. Schulberg in "Kiss and Make Up."

## Erpi Reports $792 Award

Erpi says it has been awarded a judgment for $792.48 against the Norris Amusement Co., Philadelphia, for alleged delinquencies and liquidated damages on an installation at the Susquehanna Theatre in Municipal Court. This is said to be the first case of the kind in that territory.

## Dividend by Loew Group

An accumulation dividend of $1.75 a share payable in Canadian funds June 30 to holders of record June 15, with non-residents subject to a five per cent tax, has been declared by Marcus Loew's Theatres, Ltd. Arrears will total $43.75 a share after this payment.

## Myles Connolly Resigns

HOLLYWOOD, June 8.—Myles Connolly has resigned as an associate producer at Radio. Other changes are said to be in the offing.

## Eastman Leads Rise on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34⅝ | 34 | 34½ | +1 | 1,400 |
| Consolidated Film Industries | 3⅝ | 3½ | 3⅝ | + ⅛ | 100 |
| Consolidated Film Industries, pfd | 16 | 15⅞ | 16 | ..... | 100 |
| Eastman Kodak | 97½ | 95½ | 97½ | +2½ | 900 |
| Eastman Kodak, pfd | 142 | 142 | 142 | +2 | 20 |
| Fox Film "A" | 15 | 14¼ | 15 | + ¾ | 300 |
| Loew's, Inc. | 33½ | 32¼ | 33½ | +1¼ | 7,800 |
| Paramount Publix | 5 | 4⅝ | 4⅞ | + ⅜ | 4,400 |
| Pathe Exchange | 2⅞ | 2⅝ | 2¾ | + ¼ | 900 |
| Pathe Exchange "A" | 24¼ | 23 | 24 | +1 | 2,300 |
| RKO | 3 | 2¾ | 3 | + ⅛ | 2,400 |
| Warner Bros. | 6½ | 6⅛ | 6⅜ | + ⅜ | 3,100 |

## Technicolor Up ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 11 | 10⅝ | 11 | + ¼ | 300 |

## Paramount Publix Bonds Up 3

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8½ | 9 | + ½ | 2 |
| General Theatre Equipment 6s '40, ctf | 8⅝ | 8⅝ | 8⅝ | + ⅛ | 2 |
| Loew's 6s '41, ww deb rights | 100½ | 100⅞ | 100¼ | + ⅜ | 54 |
| Paramount Broadway 5½s '51 | 44½ | 44½ | 44½ | — ⅝ | 6 |
| Paramount F. L. 6s '47 | 53 | 52 | 53 | +2 | 15 |
| Paramount Publix 5½s '50 | 52 | 50 | 52 | +3 | 26 |
| Warner Bros. 6s '39, wd | 61⅜ | 60⅛ | 61 | +1⅜ | 20 |

## Graham Optimistic; Overseas Party In

(*Continued from page* 1)

co-partner in H. and G. Kinemas, Ltd., the Hyams British theatre interests.

Hyams said he would accompany the Paramount contingent when it leaves Wednesday night for the company's annual sales convention at Los Angeles. Paramount's theatre operating partners are also attending this year's session. The British party will spend about a week in New York on its return from the coast.

Other overseas delegates arriving for the convention are Carl P. York, general manager in Scandinavia, due in today, and M. J. Messeri, managing director in Spain and Portugal, who is due on the *Ile de France* Tuesday.

Sol G. Newman, general representative in England for Radio, was another passenger. He is here for his company's convention to be held in Chicago June 18-20.

## Accepts Roxy Report; Cullman Is Renamed

(*Continued from page* 1)

trustee for the Roxy under the new bankruptcy law.

Albert Rose, attorney for the receiver, yesterday stated that from Nov. 10, 1933, to May 3, 1934, the operating loss was $27,079.06. He also stated that since the NRA the weekly payroll has been increased $830. Rose also brought to the attention of the court that during the last period the house netted $12,000 from coupon admissions, which are not permitted under the code.

Carlos Israels, representing 65 per cent of the first mortgage bondholders, stated yesterday that there is no deal under way which would provide for the closing of the house at any time. Israels said three deals for the house "are hot," but none is near the consummation point.

## Monogram Men Here To Launch Regional

Monogram salesmen from all over the eastern territory converged upon the city yesterday for the company's third and final regional meeting at the Park Central today.

The convention will close with a banquet this evening.

Among those who will speak are President W. Ray Johnston; Edward Golden, general sales manager; Ralph Poucher, H. J. Yates, Jr., Edward Finney, Pete Harrison, Director Phil Rosen and Herman Rifkin.

## Merian C. Cooper Here

Merian C. Cooper, former Radio production head, accompanied by Mrs. Cooper, the former Dorothy Jordan, arrived in town yesterday on his way to Europe, where he will visit the ruins of Pompeii to do research work for "The Last Days of Pompeii." Cooper plans to sail shortly and will be gone an indefinite period.

## M-G-M Dates to Be Set

Dates on the M-G-M convention will be definitely set by Felix F. Feist, general sales manager, sometime next week, he stated yesterday. Two tentative dates are Cleveland, June 18-19 and Chicago June 21-22.

# Campi Pleased on Moves for Extras

Code Authority yesterday unanimously passed a resolution for the approval of the Administrator endorsing all unanimous regulations governing extras which have been passed by the extras' standing committee in Hollywood. There were 11 resolutions referred to Hugh S. Johnson. At the same time, Campi highly praised the work of the committee.

The resolutions will be made public on approval by the Administrator.

## *Name Him, Pay Him, Is Flinn's Ruling*

HOLLYWOOD, June 8.—If the code agency committee here wants to select its secretary, it must pay his salary, according to word received here from Executive Secretary John C. Flinn. The letter was in response to a formal request.

If the secretary's salary is to be paid by Campi, the appointment must be made by Flinn, he says.

The committee reports its findings directly to Division Administrator Sol A. Rosenblatt and its members feel Rosenblatt should be asked to make an appointment for the post.

Having no money to defray the expense, the committee has sent Flinn another request, this time asking if Campi can suggest someone who can devote his entire time to the agency group without salary or expense.

Campi has eight employes working under Major J. R. O'Donovan and one of them may be assigned to the agency committee exclusively.

## *May Revive Tussle Over Review Board*

WASHINGTON, June 8.—Revival of the Clarence Darrow-Hugh S. Johnson fight over the code tonight was intimated by avowal of the Review Board's intention of making a report to the President before it leaves Washington this month in which it will make general recommendations for reorganization of the Recovery Administration's handling of industry.

A second report, covering 13 codes, was filed with the President by Darrow today. Like the initial report, which "analyzed" the film pact, it is understood the board found much to criticize and nothing to praise in the administration's handling of the industries investigated.

## *Scores Other Codes For Premium Stand*

Contending that it is enforcing provisions of the code prohibiting rebates in the form of lotteries, prizes, reduced admissions, scrip books, coupons, throw-away tickets or two-for-one admissions, Campi yesterday passed a resolution protesting against violations by members of other industries of their respective codes prohibiting rebates in any form which are to the detriment of exhibitors.

## *Powers Transferred Here*

William T. Powers, attorney for Fox West Coast, has been transferred to New York where he is now making his headquarters. He is working on reorganization plans for the circuit and also is handling code appeals involving his circuit.

# *Friction and Fractions*

(*Continued from page* 1)

**purchased has nothing to do with the next picture being released by the same company. If U. A. releases 24 pictures next season, the exhibitor will have to sign 24 different contracts, the company points out.**

**United Artists' sales executives state they ask exhibitors to make eliminations before they buy any or all of the groups. An exhibitor can buy as many or as little as he wants, officials say, but he must buy each one on its own merits and individually.**

**U. A. men hold that other companies offer all, half and certain portions of product on agreements that do not provide for individual contracts. However, specials may be offered on special contracts. U. A. feels no producer on its roster should suffer because of any other.**

**Again, the contention is made that before U. A. signed the code, an agreement with Division Administrator Sol A. Rosenblatt was reached that the company's product would not be subjected to the 10 per cent cancellation clause. It is said details on the producer and sales setup were explained to Rosenblatt at the time.**

**A test case came before Campi yesterday when a Chicago exhibitor, who bought 20 of 21 U. A. pictures, asked for his cancellation rights. A decision may be handed down next Friday. Rosenblatt and Edward Raferty, U. A. attorney, freely discussed before Campi the cancellation situation as it affects U. A. and exhibitors.**

## *Consolidated Loses, Loew Wins Appeal*

Decision of the New York clearance and zoning board in denying Consolidated a reduction of the protection now maintained by Loew's Grand over the Luxor was affirmed yesterday by Campi. Referred to further investigation was the appeal of LaCrosse Theatres and Kayess Theatres Co., LaCrosse, Wis., against L. J. Burkitt of the Classic, Sparta, Wis.

Hearings of the following appeals were held and decisions will be rendered next week:

Rogowsky Brothers, Embassy, Port Chester, against Skouras' Capitol, Port Chester, on overbuying; E. T. Landis, Princess, Monticello, Ia., against R. C. Lambert, Mrs. Sophie Lambert and Floyd Carter of Monticello and Anamosa, Ia.; Dick Gaston, Iowa theatre, Fort Madison, Ia., against Fox West Coast Theatres, Fort Madison; Louis Linker, Criterion, Bridgeton, N. J., against Ben Amsterdam, Stanley, Bridgeton; Anderson Theatre circuit, Egyptian theatre, De Kalb, Ill., against United Artists on 10 per cent cancellations.

## *Agency Code Up for Vote in Two Weeks*

HOLLYWOOD, June 8.—After several weeks' work on the part of sub-committees representing each branch of the industry, the agency code committee, at a meeting in Emanuel Cohen's office, has reviewed the first skeleton draft of a code of fair practices for producers, agents and artists.

Various changes were discussed and were turned back to representatives of each branch for definite action within two weeks. A vote on acceptance will be taken at that time.

## *Join N. Y. Labor Board*

WASHINGTON, June 8.—Additional members appointed to the New York Regional Labor Board today by Senator Robert F. Wagner, chairman of the National Labor Board, included William B. Mahony of the Associated Actors and Artists of America, as a labor representative, and General James Harbord of the Radio Corporation of America, as an industry representative.

## *Rosenblatt Off Today*

Division Administrator Sol A. Rosenblatt has postponed his departure from the city to tonight.

## *Denver's Giveaways End; Ruled Lottery*

DENVER, June 8.—The cooperative cash night, by which 13 theatres have been giving away $600 a week, is out. Discovering the plan was in violation of state laws on lotteries, exhibitors decided the best thing to do was to drop the scheme. It has been running for several months, and is the outgrowth of efforts of the 13 houses to find something with which to fight the free auto Harry Huffman was giving away at his eight houses.

## *Code Amendment on "Employe" Up Soon*

WASHINGTON, June 8.—Reopening of the section in the code dealing with the term "employe" will take place Tuesday with Division Administrator Sol A. Rosenblatt presiding. Article I, Section 6 will be amended because of the tendency on the part of some theatre owners to avoid the standard of wages through employment of maintenance agencies to do general cleaning work.

## *New Zoning in N. O. May Cut Time Limit*

NEW ORLEANS, June 8.—Down town first run protection may be cut in the new clearance and zoning schedule being worked out by the clearance and zoning board. It is hoped to have it ready by July 1.

Protection in some spots now runs from 120 days to seven months.

Pending working out of the new schedule the board has decided not to receive complaints on clearance.

## *NRA Man on Coast*

HOLLYWOOD, June 8.—Donald Renshaw, special assistant to Administrator Hugh S. Johnson has arrived here for a general survey of all codes, including that for this industry. He leaves Saturday on his way back to Washington.

## *Martin Flies Home*

Lester F. Martin flew to his home in Nevada, Ia., last night following the Campi meeting at which he was heard on two appeals. He returns next week on another appeal.

# Expect More to Turn To Bankrupt Law

(*Continued from page* 1)

securities. Should minority groups reject this procedure and demand cash settlements, it was learned, all three would probably apply for qualification under the new Federal bankruptcy laws which permit a reorganization which is approved by the court and two-thirds of creditors. The plans of reorganization advanced by all three appear to have a safe two-thirds of creditors cooperating and, with approval of the courts, they could undoubtedly be placed in effect.

Paramount Publix and Roxy Theatre Corp. filed petitions for reorganization under the new bankruptcy laws immediately after RKO. Answers must be filed to the petitions within 10 days. If the court approves the applications, it appoints trustees and sets a date for the submission of a plan of reorganization. If the petitions are denied, the court directs a liquidation of the applicant company.

Although the new bankruptcy laws require the court to name trustees on approving the new petitions, it is regarded as highly unlikely that in cases as far advanced toward reorganization as Paramount, RKO and the Roxy, new trustees who would be strange to the activities involved would be named by the court to replace present ones. Thus, all indications point to the renaming of Irving Trust as trustee under the new statutes for RKO; Howard Cullman as trustee for the Roxy, and Charles D. Hilles, Eugene W. Leake and Charles E. Richardson as trustees for Paramount Publix, if the petitions of those companies are approved by the court.

Paramount's petition makes possible a new attack on the renaming of that company's trustees under the new act, such as was carried on by small creditors' groups throughout the bankruptcy. Recent affirmation of the appointment of the trustees which was implied early this week in the refusal of the Supreme Court at Washington to hear an appeal of an action to obtain the removal of the trustees, indicates, it is believed, that such opposition probably would not succeed.

## *5 Replacements Set On Different Boards*

(*Continued from page* 1)

berg of the Grand, Milwaukee, replaces Fred Meyer on the Milwaukee grievance board; James G. Balmer replaces Frank J. Harris on the Pittsburgh grievance board and Guss Eaer is the new independent subsequent run exhibitor on the Minneapolis clearance and zoning body. Oscar Ruby replaces George Ross on the Milwaukee grievance board. Ruby was recently named Columbia manager, succeeding Ross there.

## *Ruling Effective June 10*

Decision of the New York grievance board whereby the Orient, Jersey City, gets 50 per cent of Vitagraph, RKO and Universal product originally bought by Skouras' Apollo, same city, for the rest of the season, becomes effective with releases starting June 10.

The Apollo and Orient will alternate on releases, the first and third availability going to the Orient.

# Laemmle for Clean Film, His Avowal

(Continued from page 1)

consider the great number of good pictures being turned out.

"Speaking for my own company, I am proud of Universal's record. For years our policy has been based on clean entertainment. As far back as 1925, Universal was being lauded for its so-called 'white list' of wholesome pictures. We needed no reform movement to set our policy. We need none now.

"I welcome constructive, helpful, honest criticism. I am against fanatical reform. We can be clean without being prudish. We should not read double meanings into every line of dialogue.

"I have made clean pictures in the past. I will continue to make them in the future—reform or no reform. I have always pledged my company to wholesome screen entertainment for the whole family."

The Universal president, stating the sales force "didn't deserve the dickens as much as in former years," continued:

"We have been through a hard year. We still have a lot of unplayed business on our books. I guess all companies have. I want you to do the very best you can to see that this business is played as soon as possible. We don't want the exhibitors to have this hanging over their head, and we certainly don't want it hanging over our head.

### Says Progress Made

"But we have made progress the last year. I want you to know how much I appreciate the work you have done in the face of things which I don't like to talk about and you don't want to hear about."

Indicating definitely Universal was preparing to step into the "big money" classification, he said at another point:

"You can't have your cake and eat it, too. We have been in business a long time and we expect to be in business a lot longer. We have a reputation for delivering the goods, but we also have a reputation for delivering them too cheaply. That may be good for the buyer, but it is no good for the seller. It takes money to make the kind of pictures that the exhibitor wants and unless you get the money that they cost, we just can't go on, that's all. It isn't hard for anybody to understand that.

"Personally, I feel confident that we have the worst of the unfortunate conditions back of us. I have become an optimist about the future. I begin to see daylight ahead."

He also paid James R. Grainger a compliment. "I must give him a great deal of credit for helping us put together the big program of pictures which we will sell this year," Laemmle said. "He came out to the coast and sat in with us for almost six weeks in preparing this program. He took off his coat and told us what he wanted and what he didn't want. We gave him all the leeway he wanted. I want to acknowledge before you all publicly here the part that Mr. Grainger has played in making this program."

Addresses at the final session were made by John Le Roy Johnston, studio director of publicity; E. T. Gomersall, Frank McCarthy and Robert Harris, the latter eastern scenario editor. Grainger delivered the selling plan, how the pictures will divide themselves into groups and the quota set for each.

Johnston today leaves for Chicago by air. Tomorrow, Grainger, Gomersall, Sidney Singerman and Eddie Bonns entrain to hold a mid-western regional at the Drake Monday. Salesmen and bookers of 13 exchanges in that belt will attend. The group then will return to New York. Originally slated to attend, Laemmle will remain in New York until he sails next Saturday on the *Ile de France*.

Last night the Universal sales force left for their respective cities.

# *Opposes Receivership Fees Out of RKO Cash Collateral*

(Continued from page 1)

Bondy asked to hear opposition to the application for allowances.

Bogue stated that, while the Chemical Bank did not object to the amount of the allowances asked, it did oppose their payment out of the cash collateral securing the six per cent notes. He pointed out that $60,000 principal and interest on the notes falls due July 1, and $300,000 principal amount falls due monthly thereafter until Jan. 1, 1935. Judge Bondy indicated that in the event the application for allowances was approved, stipulation would be made that the fees should not be paid out of the cash collateral on the notes.

Bogue also raised the point that RKO's petition for reorganization under the new bankruptcy laws which was filed the preceding day might complicate payment of the notes at their maturities and declared that, if such proved to be the case, the receiver and its counsel should wait for their fees on the same basis as the noteholders for their payments.

Attorneys for holders of a $700,000 bond issue on St. Louis theatres, for which RKO is guarantor, urged the court to require additional information on time and work spent on the RKO receivership by William J. Donovan, the receiver's counsel, and his associates. The information was volunteered by counsel.

Judge Bondy took the application for fees under consideration and will render a decision later.

## *Craven Re-Signed by "U"*

HOLLYWOOD, June 8.—Frank Craven, who has just finished a role in "Let's Talk It Over," has been re-signed by Universal for a part in "The Human Side."

## *Universal Changes Title*

HOLLYWOOD, June 8.—"Castles in the Air" has been changed to "Wake Up and Dream" at Universal.

## *Warner Executives Leave for Chicago*

Warner home office executives left on the 20th Century yesterday for Chicago for the third of the company's four regional sales meets. It is scheduled to get under way Monday and continue through Tuesday at the Drake. Gradwell Sears, in charge of southern and western distribution, will preside.

In the delegation were: H. M. Warner, Albert L. Warner, A. W. Smith, Jr., S. Charles Einfeld, Norman H. Moray, Joseph Bernhard, Harold S. Bareford, Carl Leserman, and Sam Sax, head of the Vitaphone studio.

The following midwest men will attend: C. E. Peppiatt, H. D. Parks, R. R. Bryan, F. T. Sands and W. G. Carmichael, Atlanta; F. P. Bran, P. Sasseen, D. House, Charlotte; E. Grossman, T. R. Gilliam, W. J. Kahl, R. C. Herman, G. Weinberg, Chicago; E. J. Tilton, C. A. Pratt, H. Herman, Des Moines; William Warner, W. B. Adams, F. Greenberg, R. H. McConnell, J. E. Woodward, Gus Diamond, Kansas City; R. T. Smith, S. G. Honeck, N. S. Bieringer, Milwaukee; H. Ochs, M. W. Davis, B. Adams, Memphis; Leo Blank, R. Lohrenz, A. W. Anderson, E. D. Perkins, H. B. Johnson, J. P. Sea, Minneapolis; C. K. Olson, F. J. Hannon, L. Mendelson, Omaha; B. Y. Cammack, Hall Walsh, J. Hill, L. J. Bona, J. Winn, St. Louis, and Fred M. Jack, Dallas.

The final session will be held in San Francisco June 18 and 19.

## *Reach Dual Ban Quota*

HOLLYWOOD, June 8. — Ben Berinstein today presented Louis B. Mayer with pledges against duals from 90 per cent of independent exhibitors. This was the figure demanded by producers and circuits before they would join in ending doubles.

## *Independent Dicker At Columbia Snags*

(Continued from page 1)

exhibitors on a blanket deal for next season's output.

The exhibitor group is understood to have asked Columbia not to sell to any circuit not represented in the independent group and also to increase the 1934-35 schedule to 40. Columbia, it is said, will not listen to dictation as to where it will sell or how many films it will make.

## *Dorothy Dell Killed*

HOLLYWOOD, June 8.—Dorothy Dell Goff, known as Dorothy Dell, and under contract to Paramount, was instantly killed this morning when a car driven by Dr. Carl Wagner left the road near Pasadena and was wrecked. Dr. Wagner died six hours later from a fractured skull.

Miss Dell was born 19 years ago in Hattiesburg, Miss., and received her early schooling in New Orleans. She first attracted national attention when she won the title of Miss Universe in 1930 at Galveston. She had just finished a part in "Shoot the Works." She is survived by her father, Edward Goff, her mother and a younger sister.

## *La Hiff Services Today*

Funeral services for Billy La Hiff, who died early Thursday morning, will be held today at St. Patrick's Cathedral at 10 o'clock with the celebration of a requiem high mass. Interment will be in Woodlawn.

# Prelate Gives 'Command' for Film Boycott

(Continued from page 1)

and morals in America today," the letter reads, "is the motion picture theatre, attended every week by almost 77,000,000 persons, of whom some 23,000,000 are young people less than 21 years of age.

"A very great proportion of the screen productions deal largely with sex or crime. The usual theme of these moving pictures is divorce, free love, marital infidelity and the exploits of gangsters and racketeers. A vicious and insidious attack is being made on the very foundations of our Christian civilization, namely, the sacrament of marriage, the purity of womanhood, the sanctity of the home and obedience to lawful authority.

"This sinister influence is especially devastating among our children and will often undo years of careful training on the part of the school, the church and the home.

"Many remedies have been suggested for this evil. Appeals have been made to the film producers, and a certain amount of censorship has been in force for many years; but all have been in vain.

"The only argument likely to be heard now is that which affects the box office.

"Nothing is left for us except the boycott. The Catholic people of this diocese are, therefore, urged to register their united protest against immoral and indecent films by remaining away entirely from all motion picture theatres.

"Long ago the Catholic Church in this country attacked the evil of intoxicating drink by urging its members to join the Total Abstinence Society. Today it again begins a campaign against a similar evil, and requests all the faithful, especially the young people, to join the Legion of Decency which is pledged to boycott the motion picture theatres.

"Since a very large proportion of the present screen plays are dangerous to faith and morals, they are a proximate occasion of sin, and as such must be avoided at any cost.

"To stay away from them, therefore, is not merely a counsel but a positive command, binding all in conscience under pain of sin. Our Reverend Clergy are urged most earnestly to explain to their respective flocks the doctrine of the Church on this important subject."

In his closing paragraphs Cardinal Dougherty reminds the clergy of the Legion of Decency pledges which have been distributed.

## Washington Protestants Join Catholic Movement

WASHINGTON, June 8.—Washington Protestants today joined with Catholics in the latters' drive against indecent films, through an understanding between the Washington Federation of Churches and a committee of women of the Catholic Church.

Wilbur Laroe, Jr., chairman of the Committee on Civic Affairs of the Federation, declared "we have made up our minds to put an end to disgraceful and indecent motion pictures in the nation's capital."

"We mean business on this thing, which means that we are determined that the box-offices shall feel the result unless they cooperate with us," he said. "I'm reliably informed that the box-offices are already feeling the effect of the crusade initiated by our Catholic friends and our part of it has not yet started."

## *Harman Yaffa Appeals*

Harman Yaffa has appealed the decision of the New York grievance board which recently dismissed his overbuying complaint against Springer and Cocalis. Yaffa, operating the Gem and Majestic, contended that S. and C. overbought for the Lane and Empress.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 135 | NEW YORK, MONDAY, JUNE 11, 1934 | TEN CENTS

# End of Score Charges Seen in Contract Terms

## NRA's Salary Report Viewed Sidetracked

### *A Further Extension of Time Expected*

WASHINGTON, June 10.—The report on salary conditions in the industry, already set back several times, may remain in mothballs and never see the light of day.

Already in the immediate offing is a further extension of time in which to make the report, which constituted one of the reasons which originally took Division Administrator Sol A. Rosenblatt west some months ago. The original extension expired in April.

So far as can be learned, NRA offi-

(*Continued on page 3*)

### *Rulings on Lottery Flexible in Omaha*

OMAHA, June 10.—Lotteries or no lotteries in this territory depend on the circumstances, a new batch of rulings handed down by the grievance board show. One at the Orpheum, Sioux City, Ia., operated by Mort Singer, was ordered out. Singer was giving away autos. The Minnelusa here won a similar case against the

(*Continued on page 3*)

### *Campi Checking on Impending Plaints*

A questionnaire will be sent to code board secretaries by Campi this week to review all cases pending. This is being done in an effort to learn the nature of cases before local boards and

(*Continued on page 3*)

### *Church Body to Help Rule on Films Asked*

ST. LOUIS, June 10.—The suggestion that the Catholic Church appoint a special committee to cooperate with the Better Films Council of St. Louis in the campaign to end objectionable

(*Continued on page 3*)

### *Paris Mystery*

**Paris, June 10.—Bernard Natan, chief of the Pathe Natan organization, probably France's biggest, is aboard the *Ile de France* which arrives in New York Tuesday. He left secretly. The trade is wondering what's up.**

## Cancellation Situation at U.A. Muddled

The United Artists 10 per cent cancellation situation continues muddled.

With the company insisting it had an agreement with Division Administrator Sol A. Rosenblatt that its product would not be subject to cancellation and Rosenblatt declaring he does not recall such a conversation, the fate of the issue now rests in Campi's hands.

A test case was heard before Code Authority last week when the Chicago

(*Continued on page 3*)

### *"The Miracle" Now On Tap at Warners*

HOLLYWOOD, June 10.—If Warners can annex all necessary rights, which they believe they can, "The Miracle" will become running mate to "Anthony Adverse" as the big pictures on the company's new program.

The studio has owned partial rights to the internationally known stage play for several years and soon expects to close with Max Reinhardt, Norman Bel-Geddes and unnamed German interests for the talking rights. Jean Muir tentatively is set for the role played on the stage by Rosamond Pinchot.

### *Wood Asks Ohioans To Put Off Buying*

CLEVELAND, June 10.—P. J. Wood, general manager of the I. M. P. T. O. of Ohio is advising all exhibitors in this

(*Continued on page 3*)

### *Geometric*

**"Every time something comes up, it's a matter of new angles," stated Mrs. Clare Boothe Brokaw, government representative on Campi.**

**"You ought to see the figures on the coast," volunteered a *Motion Picture Daily* reporter.**

## Old Saenger Houses Go to Para. Group

Operation of the 107 theatres in North Carolina, Texas and Florida in which Saenger Theatres relinquishes its interest under the plan of reorganization for that circuit will be taken over by Paramount theatre operating partners in the territory involved, it was learned Saturday.

R. B. Wilby and H. F. Kincey appear to be in line for sole operators of the 40 North Carolina houses involved. Hunter Perry, Paramount operating partner in Virginia, will probably have sole operation of the

(*Continued on page 2*)

### *Use of Publix Name Is Being Eliminated*

Gradual elimination of the Publix name from association with Paramount theatre operating partnerships is expected eventually to result in

(*Continued on page 2*)

### *Cancellation Provided in Event They Are Eliminated*

Indications that elimination of score charges may be effected at some future date are given in the new long term contracts of leading distributors in which provision is now being made for cancellation of such schedules in the event the charge should be eliminated prior to expiration of the contract, it was learned on Saturday.

Most major distributors are now including such a provision in all franchises or term contracts made for more than one season's product. The development appears as one of the first indications on the part of producers and distributors that there is a probability that the score charge will be done away with at some not

(*Continued on page 3*)

## Seek U.K. Houses? Para., Hyams Deny

By BRUCE ALLAN

LONDON, June 10.—Paramount is reported negotiating for the H. and G. Kinemas, Ltd., which operate a string of de luxe London neighborhood theatres including the Trocadero, Trocette, Troxy; Regal, Streatham; Regal, Edmonton, and another building at Kilburn. They would be made part of Paramount's other British holdings, which include the Carlton and Plaza, London; Futurist, Bir-

(*Continued on page 2*)

### *Offered Split, Plus Guaranty in St. Louis*

ST. LOUIS, June 10.—Under terms of the proposed leasing deal which Fanchon & Marco have made the bondholders' protective committee of the Ambassador, Missouri and Grand Central theatres will receive 15

(*Continued on page 3*)

## *California, Arizona Seen Ruling Double Bills Off*

LOS ANGELES, June 10.—Extension of the ban against duals to include wide sections of California and perhaps all of Arizona is seen as a follow of exhibitor pledges totaling 90 per cent against continuance of the practice. These pledges are now in Louis B. Mayer's hands, having been turned over to him over the week-end by Ben Berinstein, president of the I.T.O. of Southern California.

The exhibitor unit also is unanimously on record for a 55-cent scale on previews. This is up to Mayer to work out with Charles Skouras of FWC. Indications are the arrangement can be struck sometime within the week.

### *Meet June 18-22*

**M-G-M sales forces in the east have been advised by Felix F. Feist to entrain for Cleveland Saturday for the first of two regional sales meetings, starting June 18-19. The second session will take place in Chicago June 21-22.**

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *Form New British Co.*

LONDON, June 10.—Toeplitz Productions, Ltd., has been registered here, capitalized at $500,000, to engage in production. The new company is a private concern headed by Ludovico Toeplitz, formerly a joint managing director of London Films with Alexander Korda.

## *Organize Frankwyn Co.*

Harold B. Franklin and Arch Selwyn have formed The Frankwyn Company, which plans to produce seven plays and musicals, four of which will be done in association with Charles B. Cochran.

## *Abroad on Newsreel*

Truman H. Talley, producer of Fox Movietone News, and Laurence Stallings, editor, sail for Europe within the next three weeks to contact staffs in London and on the Continent.

## *Betty Compton Signed*

LONDON, June 10.—Betty Compton has been signed by First National for the lead in "The Richest Girl in the World," which will be produced here.


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# Old Saenger Houses Go to Para. Group

(*Continued from page* 1)

three at Danville, Va., in which Saenger relinquishes its interest. E. J. Sparks and M. C. Talley, Paramount partners in Florida, will operate the 17 there in which Saenger has had an interest, while Karl Hoblitzelle will have the operation of the 36 Texas houses in which Saenger gives up its interest and will, in all probability, also acquire the 25 per cent Saenger interest in Dent Theatres, Texas.

In many instances, actual operation of the theatres concerned is not disturbed as Saenger's interest in them was a minority one and, while Saenger was a part owner, actual operations were conducted by the Paramount partners in whose locality the theatres are situated.

### Theatres Involved

Saenger's North Carolina interests, now being relinquished, include two theatres at Burlington; two at Chapel Hill; one at Concord; a district office at Charlotte; four at Durham; three at Fayetteville; two at Goldsboro; three at Greensboro; two at Greenville; one at Hendersonville; four at High Point; three theatres and a sign shop at Raleigh; three at Rocky Mount; three at Salisbury; two at Wilson and two at Winston Salem, a part interest in another at Winston Salem and two at Lenoir.

Saenger owns a part interest in three houses at Danville, Va., also being relinquished. Its Florida interests include one theatre and a vacant parcel at Palatka; three theatres and business property at Gainesville; three at Ocala; two at Sanford; and two at Fort Lauderdale. In addition, Saenger has a part interest in Central Florida Theatres, Inc., which operates 17 other houses in the state. Saenger retains only its two Pensacola theatres in Florida.

In addition to relinquishing its 25 per cent interest in Dent Theatres, Texas, Saenger also gives up its part interest in Jefferson Amusement Co., which holds leases on 36 Texas houses. In Texas, Saenger retains only its interest in Houston and Texarkana theatres.

Operations of the reorganized Saenger will be confined to 47 houses; 26 in Mississippi; eight in Louisiana, of which four are in New Orleans, and in one of which, Loew's State, it holds only a 50 per cent interest; four in Alabama; three in Arkansas, and two each at Texarkana, Tex.; Houston and Pensacola.

## *Use of Publix Name Is Being Eliminated*

(*Continued from page* 1)

dropping the name entirely, with circuit names having local identity replacing it, it was learned Saturday.

Neither the Famous Theatres name, the holding company for numerous Paramount theatre operatoins now, nor Paramount's own name is expected to attain any wide usage among the various operating partnerships, it was stated. The desire of both Paramount and its theatre partners appears to be to avoid, insofar as possible, the adoption of a national organization name in the face of the new order of localized operations.

## *Capitol Anticipates $60,000 With Gable*

Capitol Theatre executives anticipate a $60,000 week for the first seven days of "Men in White." The M-G-M film garnered $8,000 on the opening day and an anticipated $22,000 more over the week-end. The picture will go at least two and possibly three weeks. Last week, "Viva Villa" took $35,400.

The Roxy with "Now I'll Tell" garnered $14,400 on the second week. In its first week, the picture grossed $23,000.

## *Start Chicago Sales Meet This Morning*

CHICAGO, June 10.—Warners' midwest sales meet gets under way here Monday at the Drake with Gradwell Sears in charge.

The schedule here is practically identical with that followed in Atlantic City a week ago, but an additional speaker will be Sam Sax, Vitaphone production chief. The meeting closes Tuesday.

## *Mefferi in Tomorrow*

M. J. Mefferi, managing director for Paramount in Spain, arrives tomorrow on the *Ile de France.* He will attend the company's coast annual sales convention June 18-21.

# Seek U.K. Houses? Para., Hyams Deny

(*Continued from page* 1)

mingham; Scala, Dublin; Capitol, Cardiff, and Paramounts in Manchester, Newcastle and Leeds.

Astoria Cinemas, Ltd., operating theatres bearing the company name in London suburbs, including Brixton, Finsbury Park, Streatham and on Old Kent Road, are also Paramount-owned, although operating under their own corporate entity.

General denial of a deal to take over the H. and G. theatres is entered on all sides in New York. Phil Hyams of H. and G. enters a flat disclaimer. John C. Graham, general representative for Paramount in England, does likewise. John W. Hicks, general foreign manager for Paramount, is a third. Fourth is Earl St. John, who runs Paramount's British theatres. All of them are now in New York, having made the trip from London together on the *Aquitania.*

Hyams' presence here is explained as part of an American vacation and his first visit to this country. Nevertheless, he will attend the Paramount convention in Los Angeles beginning June 18.

## *Monogram Winds Up Last of 3 Regionals*

Monogram on Saturday wound up the third and last of its regional conventions with a banquet at the Park Central. Branch managers and salesmen from all eastern offices attended the one-day meeting presided over by W. Ray Johnston.

Other speakers included Edward Golden, general sales manager; H. J. Yates, Jr., Ralph Poucher, Edward Finney, Herman Rifkin, Pete Harrison, and Director Phil Rosen. Product highlights were the main topic.

Golden, in opening the morning session, said the type of pictures Monogram plans next season will get attention from first runs in key cities. He praised Johnston for his code work, declaring the Monogram head "has done more to let the little man stay in business than any other man because of his stand for fair play." Golden added the company will make all of the 28 productions promised this season.

## *Eastman Hits New High on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34 | 34 | 34 | — ½ | 200 |
| Consolidated Film Industries | 3¾ | 3½ | 3¾ | + ⅛ | 300 |
| Eastman Kodak | 98 | 97⅝ | 98 | + ½ | 400 |
| Fox Film "A" | 14⅞ | 14⅞ | 14⅞ | — ⅛ | 300 |
| Loew's, Inc | 33⅞ | 32¾ | 32¾ | — ¾ | 2,900 |
| Paramount Publix, cts | 5 | 4⅞ | 4⅞ | ..... | 1,900 |
| Pathe Exchange | 2⅞ | 2⅞ | 2⅞ | + ⅛ | 100 |
| Pathe Exchange "A" | 24 | 23¾ | 24 | ..... | 900 |
| RKO | 3 | 2¾ | 2¾ | — ¼ | 1,300 |
| Warner Bros | 6½ | 6⅜ | 6⅜ | ..... | 1,600 |

## *Technicolor Sets New High on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12 | 11 | 12 | +1 | 2,700 |

## *Warner Bonds Up One-Half*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¾ | 9¼ | 9¼ | + ¼ | 7 |
| General Theatre Equipment 6s '40, ctf | 9¼ | 8¾ | 9¼ | + ⅝ | 3 |
| Loew's 6s '41, ww deb rights | 101¼ | 100⅞ | 101¼ | ..... | 12 |
| Paramount Broadway 5½s '51 | 45¾ | 45⅛ | 45⅛ | + ⅝ | 3 |
| Paramount F. L. 6s '47 | 53 | 52½ | 52½ | + ⅜ | 7 |
| Paramount Publix 5½s '50 | 54 | 53⅝ | 54 | + ⅞ | 9 |
| Pathe 7s '37 ww | 98½ | 98½ | 98½ | + ¼ | 1 |
| Warner Bros. 6s '39 wd | 61½ | 61 | 61½ | + ½ | 21 |


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JOHN W. HEATH, *Manager*

# Cancellation Situation at U.A. Muddled

(Continued from page 1)

grievance board referred the complaint of the Egyptian, De Kalb, Ill., against U. A. to Campi for a ruling. The distributor, in this case, refused to cancel one of 20 pictures bought by the exhibitor early this season. The exhibitor was originally offered 21 films and bought all but one, it was pointed out.

At the hearing, Edward Raftery, U.A. counsel, told the board the company's pictures are sold on individual contracts and that it is impossible to cancel one-tenth of one or three pictures. Raftery then brought up what he said was an agreement with Rosenblatt, at the time of signing the code, that U.A. films were not to be included in the cancellation category because of the firm's selling policy.

Rosenblatt took issue with this statement, declaring he did not recall such a conversation with Raftery which involved the company's entire output. Rosenblatt, however, put into the record a discussion with Raftery centering around the selling policy of one Cantor and three Goldwyn pictures. It was admitted no one could figure out how it was possible to cancel one-tenth of one or three films.

### Refers to Letter

Rosenblatt then referred to an answer he made to a complaining exhibitor recently. The exhibitor said he could not buy a single U. A. film unless he bought all. The division administrator wrote the exhibitor and told him he was entitled to the cancellation. Rosenblatt also declared any company could start selling its product individually and get around the cancellation clause. He hinted that the word "license" may have to be made plural. A special hearing for reopening of the code on this subject may be held shortly.

Edward Golden, substituting for W. Ray Johnston, asked Raftery if product sold on franchises were not bulk deals. The U.A. counsel admitted most of them were, but not all. It was also brought out that 20th Century makes more than 10 pictures annually.

United Artists sales heads contend that, before completing sales, exhibitors are asked to make eliminations. They also declare no exhibitor need take all the product and that he is offered all, but takes as many as he likes. One contract is not binding on any other picture, it is held. Each film is sold on an individual agreement which specifically states, "this picture has nothing to do with any other."

It's still a moot question no matter how approached, but Campi will be referee in the matter.

Friday will tell the story.

## *Yamins Is Named to Campi Legal Board*

Nathan Yamins has been added to Campi's legal staff, which consists of Austin Keough, Willard McKay and J. Robert Rubin. This staff drafts the language incorporated in decisions handed down by Code Authority on appeals.

## *Gets Further Set to Handle Premium Vote*

PHILADELPHIA, June 10.—Two more zones have been set up by the code committee for premium votes. At the request of the Norris Amusement Co., Norristown, Bridgeton and Conchohocken were set up as a voting zone. At the request of the Victoria Theatre, Camden, the following South Jersey counties, Camden, Gloucester, Salem, Cumberland and Burlington, were established as a zone.

Two clearance cases were settled before the zoning board Friday. The Stonehurst, originally petitioning against a group of Stanley-Warner theatres in its neighborhood in West Philadelphia, reduced its claim to a seven days' clearance against the Landsdowne, also S-W, which request was granted by consent.

The Benson in southwest Philadelphia, recently reopened, sought to establish its clearance rights in a case against the Orient and Lindy of the Stanley-Warner chain. It was given a parity with the Benn, a S-W house in the neighborhood, and both houses were given seven days clearance over the Orient and Lindy.

## *Rulings on Lottery Flexible in Omaha*

(Continued from page 1)

Star. Both houses are independents, but the Star was giving away groceries.

Interesting is the decision of the board permitting the Muse to continue handing out groceries, on the other hand, because it was held the house had no competitors in its zone.

It was declared no code violation for the Columbus, Columbus, Neb., to give away free tickets with its newspaper advertising since it was demonstrated the newspaper there purchases such tickets and then distributes. The complaining house was the Swan.

## *Campi Checking on Impending Plaints*

(Continued from page 1)

to determine how many complaints are piling up each week.

All boards are being asked not to meet more than once every 10 days. Campi now is anxious to find out if the three-day difference from the former procedure will clutter calendars. If so, some means will be taken to expedite procedure.

The three-day additional grace between meetings was made because it was felt branch heads needed the time during selling seasons.

## *Nullify Cleveland Case*

CLEVELAND, June 10.—The case of the Cedar Lee vs. Loew's Ohio and Warner theatres playing first run duals, originally dismissed by the local clearance board, has been nullified by the body and set aside because Harry Horwitz, temporary member substituting for Martin Smith, was selected contrary to the code manual.

## *Labor Case Holds Over*

ALBANY, June 10.—The Court of Appeals recessed until July 3 without handing down a decision in the case of Sherman vs. Abeles, involving a controversy between the Independent Theatre Owners Ass'n. and Local 306, I. A. T. S. E.

## *Church Body to Help Rule on Films Asked*

(Continued from page 1)

pictures in this territory was made by Fred Wehrenberg, head of the M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois, at a conference with Archbishop John J. Glennon. Others at the conference were Louis Ansell of the Ritz and Harold W. Evens of Loew's State.

The purpose would be to help decide what pictures were objectionable. Wehrenberg, Ansell and Evens assured the prelate local exhibitors would be willing to cooperate to the utmost with such a body. Archbishop Glennon took the suggestion under advisement.

## Other Denominations With Chicago Catholics

CHICAGO, June 10.—Support of the Catholic movement against pictures from other denominations is seen locally, at least, in the published statements of the Rev. John Thompson, pastor of the First Methodist Chicago Temple, and Rabbi Solomon Goldman of Temple Anshe Emet, supporting Cardinal Mundelein's statement early last week. Clifford P. Morehouse, editor of the *Living Church* and a spokesman for the Episcopal clergy, also is on record in favor of the campaign.

Local exhibitors feel that there is little they can do about the matter. Their viewpoint is that, since they do not make pictures, any protest from them would appear awkward and be difficult of handling.

Cardinal Mundelein will not amplify his statement at this time, but further developments await a meeting to be held in Cincinnati June 20 with the committee of the Legion of Decency, headed by Archbishop John T. McNicholas.

## *O'Reilly, Bard Will Air Code Situation*

Following refusal by Lester F. Martin to discuss the Omaha code situation prior to his departure for the west Saturday, Charles L. O'Reilly leaves sometime this week for Omaha to confer with Calvin Bard, who has been appointed by the midwestern independent group to act as spokesman in the situation.

After conferences in Omaha, O'Reilly will return accompanied by Bard for further discussions before Campi. Martin will be in town again Friday on another appeal and it is expected all parties will be heard on objections to the code board setup in Omaha.

## *Offered Split, Plus Guaranty in St. Louis*

(Continued from page 1)

per cent of the gross and a weekly guarantee of $3,350, to be divided as follows: the Ambassador, $2,000; Missouri, $1,000; Grand Central, $350. Allen L. Snyder, representing F. & M., will post a cash guarantee of $105,000 to bind the leases.

Thomas N. Dysart, chairman of the committee, last week bought the properties at auction for $2,000,000. The lone opposing bid was $1,000,000, offered by Samuel B. Jeffries, Warner counsel here. Warners plan to oppose the sale when Judge Charles B. Davis is asked to approve it.

# End of Score Charges Seen In Pact Terms

(Continued from page 1)

distant date. The manifestation comes to exhibitor organizations that have been agitating for elimination of the charge for years as the first definite encouragement for the success of their fight.

The M. P. T. O. A. in particular has waged a campaign for elimination of the score charge and, at its recent annual convention at Los Angeles, adopted a resolution calling for continuation of efforts to achieve that end.

The provisions now being inserted by the distributors in the long-term contracts immediately follow the listed schedule of score charges. Provision is also made in the same section, however, for re-enforcement of the score charge schedule in the event the collections are put back into effect after a period of suspension.

## NRA Salary Report Viewed Sidetracked

(Continued from page 1)

cials have made little or no effort to complete the investigation required under the President's letter approving the film code. Faced with many other and more perplexing problems, the full efforts of the Administration have been devoted to questions of immediate importance and it has been impossible to prosecute the salary probe.

It is pointed out that the salary-study provision was inserted in the code largely to stave off any demand for an investigation which might have been made at the Capitol as a result of the disclosures at the time the film operations of the Chase National Bank and other New York banking firms came to light.

Observers here believe that the matter may be held in abeyance until such time as the code is reopened, possibly during the summer when this and other unnecessary provisions may be eliminated.

## *Wood Asks Ohioans To Put Off Buying*

(Continued from page 1)

territory to defer buying of new season product, asserting that it is reported Paramount's new selling policy will not demand preferred playing time and that all of the company's films will be sold on a flat rental basis. Wood's assumption, apparently, is that by deferring their buying exhibitors may obtain identical contract terms from other companies.

Paramount home office sales executives described the Cleveland report as "ridiculous" in the face of the fact that the company's new season sales policies have not been set and will not be until the annual sales convention at Los Angeles, June 18.

## *Billy LaHiff Buried*

Funeral services for Billy LaHiff, who died Thursday, were held Saturday morning with the celebration of a requiem high mass at St. Patrick's Cathedral. Burial was in Woodlawn.

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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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## English Talk Rental Cuts At Big Meet

### *Principal Topic Facing Blackpool Sessions*

By BRUCE ALLAN

BLACKPOOL, ENGLAND, June 11.—Efforts to hold a joint session with the Kinematograph Renters' Society (distributors) on a plan to effect a sliding scale downward on rentals, hinging on the number of pictures bought, already rejected, the Cinematograph Exhibitors' Ass'n. today opened its annual convention here at this seaside resort with rentals and what to do about them the outstanding topic for discussion.

Although the subject is not on the official program, the issue is timely

(*Continued on page 7*)

## See Little Chance For Cannon's Bill

WASHINGTON, June 11.—Bill of Representative Cannon of Wisconsin, who is sponsor of a House measure to ban interstate transportation of films with performers who have been convicted of moral turpitude, is expected to supply a basis for argument

(*Continued on page 7*)

## *Hearing Set on RKO Bankruptcy Appeal*

A Federal court hearing on RKO's petition to reorganize under the new bankruptcy laws was set for June 26 by U. S. District Court Judge Alfred C. Coxe yesterday. An answer to the petition must be filed by that date, and, if the petition is granted by the court, instructions will be issued then to file a plan of reorganization for RKO with the court within a certain time.

A trustee under the new bankruptcy laws will be appointed for RKO by Judge Coxe in the event the petition is granted. Indications are that Irving Trust Co., the present RKO receiver, will be made the trustee under the new statutes.

## *Features in Work Decline on Coast*

HOLLYWOOD, June 11.—Production activity last week showed a continued decline for number of features in work, though a slight increase in the short subject division.

Total features were 33 as against

(*Continued on page 7*)

## *Offer Cancellations to Stop Kansas City Duals*

KANSAS CITY, June 11.—Distributors have offered to cancel out product buys estimated at $35,000 in rentals if Kansas City suburbans will agree to ban double bills. To make it easier for exhibitors to establish fair competitive practices and go on the single feature standard, distributors have proposed to eliminate all product overbought at no cost to the exhibitors.

The proposal is the subject of a series of meetings of the I.T.O. and others. The dual bill ban is one of the conditions laid down by New York circuit heads in a proposed agreement, in return for which the first runs are pledged to raise prices. If approved, the agreement, including higher scales, will go into effect Aug. 3.

The current attempt at price stabilization, in which duals are an important factor, follows conferences in New York by Elmer C. Rhoden, Fox Midwest division manager, with cir-

(*Continued on page 6*)

## Frisco Split Into Factions On Clearance

SAN FRANCISCO, June 11.—Out of the welter and maneuvering of clashing factions before the clearance and zoning board there are emerging several belligerent camps.

Each has its own plan. A. M. Bowles, F. W. C. chief and a member of the board, holds clearances based on admissions should be as follows: Theatres charging 40c., 56 days' clearance; 50c., 75 days; 60c., 90 days.

Robert McNeil, head of the Golden State Circuit, has presented these recommendations: First runs, charging 60c., 56 days; 50c. to 59c., 49 days;

(*Continued on page 6*)

## Warners Say 10 to Cost Million Each

CHICAGO, June 11.—Ten features scaled at $1,000,000 each are set for the 1934-35 schedule, declared H. M. Warner at the opening of the third regional sales meet here today at the Drake.

Warner described the budget as "the largest figure ever set for a production schedule in the history of the

(*Continued on page 7*)

## *Para. Will Release 57 on Current List*

Paramount will release 57 of the announced schedule for the current season. Previously, it had been announced the company will have from 60 to 65.

Because of the three-week run of

(*Continued on page 3*)

## Horwitz Here To End Duals In Cleveland

Bringing with him signatures of 92 theatres on an agreement providing for single features only in Greater Cleveland after July 8, M. B. Horwitz, head of the Washington circuit in that city arrived in New York yesterday declaring that city's course on double features is now in the hands of Warners and Loew's. Horwitz is here as official representative of the Cleveland M. P. Exhibitors' Ass'n. on a commitment to carry back the necessary signatures representing those two circuits.

"The circuits have been yelling

(*Continued on page 6*)

## "U" Chicago Meet Stirs Up Optimism

CHICAGO, June 11.—Eighty Universal salesmen and bookers were given a glowing account of product for the new season at a regional meeting held by the company here today at the Drake Hotel. The men saw for themselves the heavy business being done at B. & K.'s Chicago on "Little Man, What Now?" The film, which opened

(*Continued on page 7*)

## *Chicago Picked for M-G-M's Sales Meet*

M-G-M has eliminated the proposed eastern division sales convention at Cleveland and will hold only one session at Chicago, June 21, 22 and 23. Exchange managers, salesmen and home office executives headed by Felix Feist will attend.

## Government Is Perturbed by Screen Crime

### *Justice, Labor Officials Said to Favor Curb*

WASHINGTON, June 11.—Because of its alleged refusals to cooperate in a campaign against crime by reducing the crime content of pictures, the film industry definitely is "in bad" with the Department of Justice and the Department of Labor, it was learned tonight from confidential sources.

The situation is such, it is said, that officials of both departments are ready to go to bat for anything which will put irons on the producers, and may be prominent in support of any legislation next session looking to Federal regulations or censorship.

High officials of the Department of

(*Continued on page 7*)

## Predict Appeal on Tri-Ergon Ruling

An appeal from the U. S. Circuit Court of Appeals ruling which held that American Tri-Ergon has a valid patent on a sound-on-film process and that the patent had been infringed by Paramount Publix will be taken to the U. S. Supreme Court next fall,

(*Continued on page 7*)

## *Code Cost Plan Is Sent to Washington*

Plans for allocating producers' and distributors' assessments under the code have been completed by the code committee and have been sent to Washington for approval by Division Administrator Sol A. Rosenblatt and Administrator Hugh S. Johnson.

Under the code the administrator must approve all assessment schedules before being put into effect. The exhibitor allocation of $180,000 was approved some time ago and the producer and distributor levy of like amount is expected to be given the NRA okay any day.

## *Assents Reopening Still in Committee*

WASHINGTON, June 11.—Division Administrator Sol A. Rosenblatt said today that the reopening of the assent date had not been referred to Washington. The matter is understood still to be in the hands of the committee appointed some time ago to investigate the situation.

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Roxy to Stay Open During the Summer

Despite the anticipated losses of the Roxy during summer operation, first mortgage bondholders will not close the house. At the hearing on Howard S. Cullman's report for the last six months before Federal Judge Francis G. Caffey last week, Carlos Israels, attorney for 65 per cent of the first mortgage bonds, recommended keeping the theatre open in order to maintain the good will.

A new scale of summer prices starts Friday. Admissions from opening to 2 P. M. will be 25 cents, from 2 P. M. to 7 P. M., 35 cents, and from 7 P. M. to closing 55 cents, including week-ends and holidays.

The board of directors met yesterday and decided to go ahead with its petition recently filed for reorganizing the corporation under the new bankruptcy law. A hearing on this is scheduled Thursday before Judge Caffey.

## Cohen Back on Coast

LOS ANGELES, June 11.—Louis Cohen, F. & M. real estate representative, has returned from Denver. He planned to go to New York, but was forced to cancel the trip.

## Jersey Allied to Shore

Allied of New Jersey will hold its annual convention in Atlantic City sometime in August, the date to be set shortly.

## "World" to Criterion

Fox's "The World Moves On" opens at the Criterion, June 28, on a

# Insiders' Outlook

MOTION PICTURE DAILY, May 22:

Gaumont British, powerful English producer, distributor and exhibitor, is understood making plans to invade the American market with its own exchanges in about 10 or 12 key cities. . . . Arthur Lee, American representative for the company, when queried yesterday, stated the move was logical. While not denying the current report, he failed to go beyond a partial confirmation.

▼

MOTION PICTURE DAILY, May 24:

Arthur A. Lee, vice-president of Gaumont British Corp. of America, who made no flat denial when MOTION PICTURE DAILY recently asked him regarding a report his company would open its own exchanges in America, became more emphatic yesterday and, in a statement, definitely denied any such move was in prospect "at the present time."

▼

Now, several weeks later, the word is getting around that it was Gaumont British who stepped out of Fox distribution in the States and not the reverse which appeared to be the case at the time of the Fox sales convention. If G. B. decided to forego the revenue, whatever it was, from four of its pictures through Fox distributing machine, why the decision? Simple enough. It all has to do with plans to market its own pictures through its own offices, handled by its own men, in this country. . . .

▼

The Blue Eagle will have to content itself with fewer screams timed at more generous intervals. Campi's decision authorizing meetings of clearance and grievance boards once in 10 days instead of once in seven is marked with much business sense. The idea is to give board members an opportunity to do that for which they were hired: sell film. They tell us that's an important function between now and the fall, this season or any other, NRA or no. . . .

▼

It's still going on, believe it or not. This has to do with the zone manager of a sizable national circuit, some of whose houses needed more comfort in their comfort stations. In other words, seats to sit on. New York sent word that, via the circuit's buying power, the necessary appurtenances could be bought more cheaply around Times Square. Headquarters actually sent along the samples. . . .

▼

Here's something that is earmarked with real significance: Word is around, cautiously and very closely held, that the flood of overbuying grievances, filed by independents against circuits — producer - affiliated and otherwise—will result in more split deals next season than have been on deck since producers decided they had to be big shots in exhibition. Distributors are reported the fellows who will swing this idea on the theory this is the only way to keep themselves out of code board hearings and on their normal job of marketing celluloid. . . .

▼

If this happens in any appreciable extent, immediately there will be created where they do not exist now a flock of new first runs. Many are the independent theatres, now subsequent runs, which equal circuit houses in location, equipment and furnishings. They stay subsequent runs because mass buying power gives many inferior theatres superior product, or whatever superior product is around, when it is fresh. The argument which this raises again over revenue, bulked from individual theatres buying individually, as against revenue, bulked from circuit houses buying in bulk, long has been a moot one with no final tally made so far as this column knows. . . .

▼

If this warm weather rumor develops something into which teeth can sink and retain their hold, the answer then might be told. It's a little too Utopian to imagine distributors proceeding on a policy which would split the product between circuits and independents. Several, undoubtedly, would like to, but have rarely developed the nerve. Yet there was a time when Metro failed to sell Warners in Philadelphia, dealt with the lone-handers around the Warner theatres, created new first runs for one season and caused much fuss. It worked out all right. So much so, Leo made his deal the following year with the Warnerites. Proving it can be done. . . . KANN

## Most Issues Off Slightly on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34 | 33½ | 33½ | — ½ | 300 |
| Consolidated Film Industries | 3½ | 3⅜ | 3⅜ | — ⅜ | 300 |
| Consolidated Film Industries, pfd | 15⅜ | 15⅜ | 15⅜ | — ⅝ | 300 |
| Eastman Kodak | 98½ | 97⅛ | 98½ | + ½ | 300 |
| Fox Film "A" | 14¾ | 14¼ | 14⅜ | — ½ | 400 |
| Loew's, Inc. | 32¾ | 32 | 32⅜ | — ⅜ | 3,100 |
| Loew's, Inc., pfd | 96½ | 96½ | 96½ | + ½ | 100 |
| Paramount Publix | 5 | 4¾ | 4¾ | — ⅛ | 7,400 |
| Pathe Exchange | 2⅞ | 2¾ | 2¾ | — ⅛ | 200 |
| Pathe Exchange "A" | 24 | 23¼ | 23⅞ | — ⅛ | 2,600 |
| RKO | 2⅞ | 2⅝ | 2¾ | ..... | 900 |
| Warner Bros. | 6¼ | 6 | 6⅛ | — ¼ | 1,600 |

## Technicolor Reaches New High on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12 | 11⅞ | 12 | ..... | 3,300 |
| Trans Lux | 1¾ | 1¾ | 1¾ | + ¼ | 200 |

## Paramount Publix Bonds Up One

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 9 | 9 | — ¼ | 10 |
| General Theatre Equipment 6s '40, ctf | 9 | 9 | 9 | — ¼ | 1 |
| Loew's 6s '41, ww deb rights | 101½ | 101¼ | 101½ | + ¼ | 2 |
| Paramount F. L. 6s '47 | 54 | 53⅞ | 54 | +1½ | 9 |
| Paramount Publix 5½s '50 | 55 | 53⅜ | 55 | +1 | 24 |
| Pathe 7s '37, ww | 98½ | 98¼ | 98½ | ..... | 4 |
| Warner Bros. 6s '39, wd | 60½ | 60¼ | 60½ | —1 | 2 |

## Purely Personal

JOHN MEEHAN, traveling representative for Amity, has returned from a series of conferences with L. F. BRITTON in Boston.

VERA BLUMBERG, accompanied by LOUIS and DODO, sail for California on the *President Garfield* Thursday. Case of wife and children walking out on NATE for an extended summer vacation.

ALINE MACMAHON, now at the Brooklyn Strand, left yesterday for Hollywood to resume work for First National in "Big Hearted Herbert."

J. WALTER RUBEN, Radio director, who arrives from the other side today, will submit himself to a cocktail party at the Waldorf this afternoon.

V. A. USIEVICH, head of the Soviet Film Trust, returns from a Chicago visit tomorrow and plans to leave for Moscow early next week.

MAJOR EDWARD BOWES celebrates another birthday on Thursday, which also happens to be Flag Day.

ELSIE FERGUSON and her husband, VICTOR EGAN, are bound for Los Angeles on the *Santa Rosa.*

AL LICHTMAN didn't get in from the coast yesterday as expected. He is slated to arrive today.

JOAN BENNETT, GENE MARKEY and JEAN FENWICK have returned from Europe.

ED KUYKENDALL has been suffering from a cold which settled in his eyes.

PEGGY HOPKINS JOYCE is aboard the *Conti di Savoia* Europe-bound.

GORDON WHITE, publicity head of Educational, is on a vacation trip.

J. H. HOFFBERG is on the high seas. It's a business trip to Europe.

JEAN ARTHUR is in from Hollywood.

ED HALPERIN is in from Hollywood.

# Federal Trade Body Receives Saenger Plan

WASHINGTON, June 11.—Plans for refinancing Saenger interests in Louisiana, Texas, Mississippi, Alabama and Florida, now in receivership, have been filed with the Federal Trade Commission under the securities act by protective committees for holders of three Saenger bond issues.

The statements filed cover certificates of deposit for bonds totaling $2,464,000, face value, or $1,436,500, market value, of Saenger Theatres, Inc., New Orleans, and Saenger Realty Corp., Inc., New Orleans. Two statements were filed by the committees for the realty corporation bondholders for issues secured by its New Orleans and Mobile theatres.

Reorganization of the two companies involves several claims of indebtedness, principal among which is that of Paramount Publix for $532,723.64, which claim is now owned by the Paramount trustees. Under the plan, it is proposed that this claim be assigned to the reorganized Saenger Theatres. Inc., together with capital stock of Arklamiss Theatres, Inc., which also has claims against Saenger. If the plan is adopted, it was stated, the Paramount trustees will cause Paramount Pictures Distributing Corp. to grant the company a film franchise and will make other considerations.

In turn, the Paramount trustees will receive from the reorganized Saenger company a compensatory amount of the latter's three-year six per cent notes, all of its capital stock, and other stock considerations.

The protective committee for holders of first mortgage and collateral trust sinking fund 6½ per cent gold bonds of Saenger Theatres, Inc., is calling for deposit of $1,550,000 (market value $775,000) of these bonds; a similar committee for holders of Saenger Realty Corp. bonds is calling for the deposit of $674,000 (market value $505,000) of first mortgage bonds of the Saenger Theatre, New Orleans, and a third committee is calling for $240,000 (market value $156,000) of first mortgage gold bonds of the realty company's Mobile theatre, it was said.

## *Mississippi Indies Discuss Association*

STARKVILLE, Miss., June 11.—Theatre owners from 15 North Mississippi cities gathered here to formulate plans for a statewide independent M. P. Ass'n. R. J. and A. L. Goodman, co-owners of the Rex, were hosts. Earl Elkins, owner of the Aberdeen, presided. Plans were set for a state meeting in Jackson within two weeks.

## *Kent in Hollywood*

HOLLYWOOD, June 11.—For the third time in less than two months, S. R. Kent, president of Fox, is in Hollywood again from New York. His wife's continued illness is the reported reason.

## *Runyon Signed by Fox*

Damon Runyon has signed a contract with Fox giving the company option for film adaptation on all his stories for the next year.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"She Learned About Sailors"*

(*Sol A. Wurtzel - Fox*)

HOLLYWOOD, June 11.—Comedy and romance hornpipe together with laughter holding both its sides as three gobs and a gal add tang to this love story.

At Shanghai, Lew Ayres, sailor, rushes Alice Faye, singer. They're in love as his boat leaves. Mitchell and Durant secretly write Ayres' heart missives, intercepting Miss Faye's responses to tie them in a love knot which is happily untied in Los Angeles as Miss Faye, ready to sign a contract with Don Jose Rubenstein (Harry Green) demurs on Ayre's motion.

The production is straightaway and the plot simply unfolded with happy characterizations.

Miss Faye is tailor-made with her song number "Key to My Heart" a honey. Ayres, as a nonchalant gob, makes a decided dent in a rollicking romantic part. Mitchell and Durant's knockabout eccentricities groove into the plot with hilarious hokum. They look permanent for pictures. Green's comicalities register neatly. George Marshall's direction, from Bill Counselman and Harry Johnson's screen play, is refreshing and deft. Sam Kaylin's music adds lilt. John Stone produced.

Because it is clean, smart entertainment with laughs and kisses this should hit. Running time, 80 minutes.

## *"Kiss and Make Up"*

(*B. P. Schulberg-Paramount*)

HOLLYWOOD, June 11.—Face lifting, reducing, cosmetics, diet and all the vagaries fair ladies pursue in beauty's quest are here pictured with light comedy and revelation contrasted in a meager story and light romance.

Cary Grant, a beauty doctor, runs a high pressure salon where come the frails for new allure. He remakes Genevieve Tobin, a married woman, as his masterpiece of curve and attractiveness much to the chagrin of her husband, Edward Everett Horton, who loved her despite her defects.

Oblivious to Helen Mack, his secretary, Grant follows his Galatea, Miss Tobin, marrying her after she is divorced from Horton. Miss Mack meets Horton and they go places together. Discovering that Miss Tobin eats little, swims less and retires with makeup and gloves, Grant, disillusioned like the sculptor Pygmalion, separates from Miss Tobin when a gigolo intrudes. In a comedy chase, Miss Mack accidentally disturbs Horton's toupee and she rushes to Grant.

The production is lavish, eye-filling and humorous and has a thin coating of heart interest. Harlan Thompson directed with shrewd appeal to feminine patronage.

Grant, Miss Mack and Miss Tobin with exploitable beauty angles plus introduction of the "Baby Stars" evaluate this as a good program film. Running time, 80 minutes.

## *Hollywood Personals*

**Hollywood, June 11.—Carl Brisson, Bill Frawley, Bob Woolsey; Ben Frank, the hotel man; and Countess de Frasso head East for the Carnera-Baer fight. . . . Joe Von Sternberg touring the Paramount lot in a classy Ford roadster. . . . Mae West and Al Kaufman at the fights. . . . Bing Crosby, landowner, buys additional acreage in Rancho Sante Fe and will build. . . . Vicki Baum back with Goldwyn. To do an original for Nana Sten, or is it Anna? . . . The Joe Brown back from the Orient. . . . Johnny Johnston due in from the "U" convention Wednesday. . . . Jack Ford has a new yacht. Calls it "Faith." . . . "Stu" Erwin to enter his Boston bull in the dog shows this summer. . . . Shirley Ross ticketed by Metro. She's out of night spots. . . . Ali Hubert taking out citizenship papers. . . . Daniela Parola, import for French version of "The Merry Widow," heads toward a long term contract. . . . Mrs. Colin Clive on the way from England to join her husband. . . . Columbia renews Ann Sothern contract. A month in advance, too. . . . Wally Beery airlines it to Minneapolis in a few days to attend a Shriners' convention. His own pilot, as usual. . . . Janet Gaynor goes abroad for six weeks when "Servants' Entrance" finishes. . . . May Robson touring the Redwoods. . . . Joe Thompson, 19 years a "prop" man on the Fox lot, got his assistant directorship this week. In the Frank Lloyd unit. . . . Sam Wood hurrying "Stamboul Quest." Wants to make the *Ile* from New York Saturday. . . .**

# Theatre Group To Join Para. Sales Session

In addition to sales personnel and 15 "100 Per Centers" attending the Paramount annual sales convention in Los Angeles, June 18-21, all theare affiliates will be on hand for the four-day meet.

Theatre partners going to the coast are: Barney and John Balaban; A. H. Blank, Ralph Branton, W. S. Butterfield; E. Beatty, C. R. Bamford, T. Bolnick, J. H. Cooper, J. Clemens, M. E. and M. B. Comerford, J. J. Friedl, J. J. Fitzgibbons, J. Ford, S. Gordon, N. Goldstein, Karl Hoblitzelle, W. K. Jenkins, P. K. Johnston, H. L. Kincey, C. E. Linz, A. Lucas, M. A. Lightman, Louis Marcus, Martin J. Mullin, E. V. McFaul, N. L. Nathanson, H. Nace, R. J. O'Donnell, S. Pinanski, H. Perry, J. J. Rubens, E. V. Richards, Edward Rowley, Harold Robb, E. J. Sparks, George Trendle, F. C. Walker and G. Zeppos.

Paramount International will be well represented. Among those from the foreign field scheduled are: J. C. Graham, managing director in the British Isles; Montague Goldman, general sales manager for the British Isles; Earl St. John, theatre director for Great Britain and Ireland; Carl York, Swedish general manager; M. J. Mefferi, managing director for Spain; John L. Day, South American general manager; J. E. Perkins, China manager; Vincent Faiso, Mexican manager.

From the home office executives personnel roster will be the following: Adolph Zukor, George Schaefer, John W. Hicks, Eugene Zukor, Neil Agnew, Joseph J. Unger, Stanley B. Waite, Charles Reagan, Robert Gillham, Russell Holman, Sam Dembow, Jr., L. S. Diamond, George Weltner, Leon Netter, G. B. S. Frawley, Don Velde, Albert Dean, Herman Lorber, Knox Haddow, Arthur Dunne, Fred LeRoy, Jack Roper and Larry Flynn.

The eastern forces leave for the west tomorrow.

## *Para. Will Release 57 on Current List*

(*Continued from page* 1)

"Little Miss Marker" and the possibility of "It Ain't No Sin" with Mae West running four weeks at the New York Paramount, the company is offering several pictures to other Broadway houses. "Private Scandal" is one of the films and has already been booked into the Mayfair. The Mae West picture opens June 29.

## *"Pongo Raid" for London*

LONDON, June 11.—One of the four pictures London Films will make next season will be "Pongo Raid," from the Edgar Wallace novel, "Sun Death of the River." The other three are "One Hundred Years to Come," "The Private Life of Don Juan" and "The Scarlet Pimpernel." U. A. will release the quartet in the United States.

## *Kelly Away Until Fall*

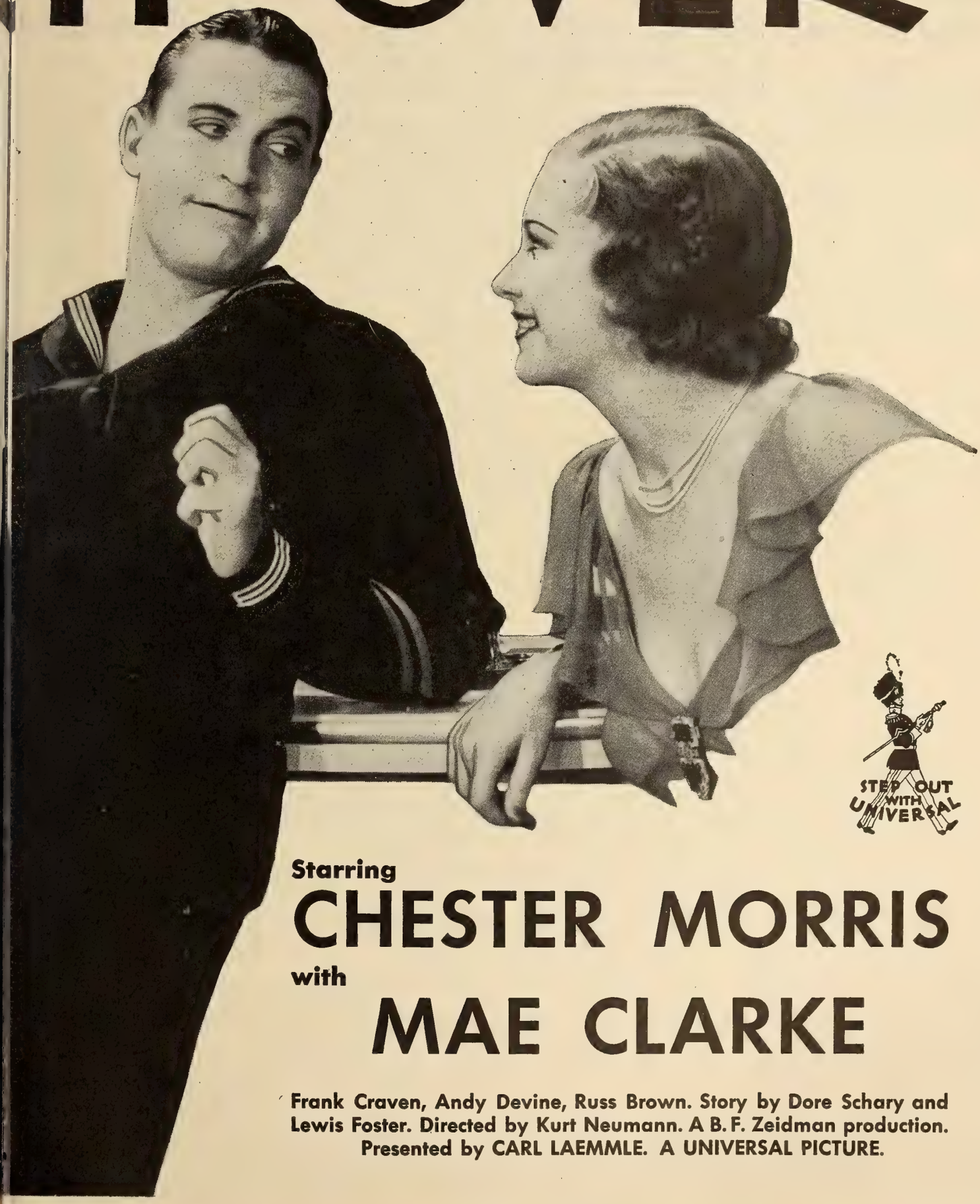
Arthur Kelly, head of United Artists foreign activities, will not return from the continent and Europe until late fall.

# LET'S TALK

**Whoopee! . . . The fleet's in—and the boys are rarin' to go! . . . And THIS time they get mixed up with the society set at Newport! . . . Great gobs of Laughter! . . . Great gobs of Drama! . . . Great gobs of Action, Romance, Deviltry—and just plain Fun! . . . A picture built for entertainment, that does a swell job. And look at that Box Office cast!**

**Watch for ROMANCE IN THE RAIN**

# IT OVER




Starring

## CHESTER MORRIS

with

## MAE CLARKE

Frank Craven, Andy Devine, Russ Brown. Story by Dore Schary and Lewis Foster. Directed by Kurt Neumann. A B. F. Zeidman production. Presented by CARL LAEMMLE. A UNIVERSAL PICTURE.

# Frisco Split Into Factions On Clearance

(Continued from page 1)

40c. to 49c., 35 days; 35c. to 39c., 28 days; 30c. to 34c., 14 days.

Nasser Brothers' plan is: First runs, 60c. and over, 49 days; 50c. to 59c., 42 days; 45c. to 49c., 35 days; 40c. to 44c., 28 days; 35c. to 39c., 21 days; under 35c., no clearance.

Charging that San Francisco is the only city of its size maintaining 56 days' clearance, Nasser Brothers submitted a brief saying only three cities maintain this length of time for first runs. The brief also insisted that the drop in first run scales from 65 cents in 1930 to 40 cents at present entitled following runs to relief. In this connection the brief read:

"At the present time the admission prices charged by first run theatres is practically on a par with subsequent runs. This is the first time in 18 years that the first runs have charged admission prices equal to that charged by subsequent runs."

In refutation of these contentions those championing the cause of the first runs point out that the first runs pay higher rentals, have a higher downtown overhead to meet and they must pioneer each first run with expensive advertising, all expenses saved by the second runs.

## Willentz at First Code Board Hearing

David T. Willentz, attorney general for New Jersey, yesterday made his bow before the New Jersey code advisory committee on behalf of the Allied unit. He made an instantaneous hit with his introductory remark when he said:

"I have mainly been representing fellows hit by trucks and not those hit by Warners."

Willentz acted as counsel for the Elwood, Newark, which protested clearance of Warners' Regent, Belleville, and Capitol, Newark. He also represented Thornton Kelly of the Grant Lee, Palisades, against four Skouras, four Warners, two Loew, one Paramount and one RKO house.

Joe Lee of Fox was chairman of the session which was held at the Astor because of alterations being made at local code quarters.

## Two Cases in Cleveland

CLEVELAND, June 11.—Local clearance and zoning board has two cases on file. E. E. Blair, Ohio theatre Uhrichsville, protests the protection granted Shea's houses in New Philadelphia and Dover over him. L. F. Eich, Elzane and Fenray theatres, Martin's Ferry, protests against the protection granted overlapping territories which include Martin's Ferry.

## Make First Run Ruling

ATLANTA, June 11.—Pictures played first run are to be classified for first run clearance no matter whether or not the theatre is usually in this division, according to a ruling of the clearance and zoning board. This means 60 days' clearance over any subsequent run.

# Offer Cancellations to Stop Kansas City Duals

(Continued from page 1)

cuit heads. Rhoden obtained a promise from the circuits they would hike the prevailing first run price of 25 cents to 40 cents minimum, provided the suburbans performed certain conditions.

These are that the suburbans eliminate 10-cent admissions, establishing 15 cents as the minimum, ban double billing, children's five-cent admissions and similar bargain offers.

Elimination of premiums and prizes, which was sought by the circuit in previous negotiations, is not mentioned, presumably on the premise that the referendum provided in the code will take care of these practices.

Exhibitors who held out for double billing and thus blocked successful negotiation of fair practice agreements attempted in the last year, are more amenable to the proposal since the distributors offer to take all excess product off their hands.

Rhoden has agreed to raise prices at Fox Midwest's Kansas City houses if the independents approve the conditions of the proposed agreement.

Independents demand 25 per cent cancellations on next season's contracts as a condition of acceptance of the agreement to raise prices and ban duals.

## Cincy and Columbus Protest Clearances

CINCINNATI, June 11.—A group protest against the existing schedule has been filed with the local clearance and zoning board by subsequents in the Greater Cincinnati territory. Columbus exhibitors, acting as a group, have filed similar protest.

C. F. Pfister, of the Mayflower and Jewel, Troy, O., has filed protest against priority for Greenville, O.

Protest also has been filed by G. T. Tynes, operating the Paramount, Ashland, Ky., against seven days' protection for Huntington, W. Va., a contiguous situation.

Arthur Frudenfeld, RKO division manager, substituted for Ike Libson, regular board member, when the Ashland-Huntington case was heard. Libson is interested in the Keith-Albee at Huntington.

All protests have been taken under advisement. Decisions are expected by time the new schedule is ready for release about July 1.

## Jacksonville First Runs' Clearance Cut

ATLANTA, June 11.—Sharply reducing the time between first and second runs, the clearance and zoning board, in the case of E. J. Sparks Enterprise, Inc., vs. M. C. Moore, of the Riverside, Jacksonville, made the maximum time between runs 60 days. First runs playing double features are given 30 days' protection over second runs playing single bills.

Moore claimed that in some instances he had had to wait six months to get features following the Sparks houses in the Jacksonville zone. Houses involved are the Florida, Imperial, Palace and Empress, Sparks houses, and the Riverside, a de luxe suburban, the Moore house.

The same action was taken with regard to the case of L. D. Joel, operating a second-run house in downtown Jacksonville, against the Sparks houses.

## Frisco Overbuying Case Won by FWC

SAN FRANCISCO, June 11.—F. W. C. has won an overbuying case before the grievance board. The board has dismissed a complaint filed by three Fresno theatre groups. The protestants were Gerald Hardy's Fresno, Wilson's State (first run) and the State and Kinema (second run).

A similar complaint against F. W. C. is on file from D. B. Levin of the Baywood, San Mateo.

The board has upheld James Beatty of the Libtrey, San Jose, in Beatty's complaint against Maurice Klein of the Victory over "bank nights." The board ordered Klein to stop the practice.

## Certifies Waukesha Case

MILWAUKEE, June 11.—The grievance board today certified to Campi the complaint of L. E. Thurwachter of Waukesha against United Artists on the 10 per cent cancellation privilege.

## Many Film Men Come In on Ile de France

The passenger list of the *Ile de France,* due to dock this morning, carries the names of one of the most imposing group of film men to arrive in New York on a single liner in several years.

Aboard are David O. Selznick, M-G-M associate producer; George Cukor, M-G-M director; Fritz Lang, M-G-M director; Hugh Walpole, novelist recently signed by M-G-M; Howard Estabrook, M-G-M scenarist; Bernard Natan, head of Pathe-Natan; Karl David, general manager of Pathe-Natan studios in Paris; J. C. Bernhard, French producer; Clayton Sheehan, Fox general foreign manager; George White, M. J. Mefferi, Paramount managing director in Spain, and Myron Selznick of Joyce-Selznick, Ltd.

## Capital Case Dismissed

WASHINGTON, June 11.—The grievance board has dismissed the case of Louis Tunick of the Brooklyn, Baltimore, against Al Kahn of the Pennington, the same city, charging price-reducing practices.

## O'Reilly to Washington

Charles L. O'Reilly leaves today for Washington to attend the open hearing before Division Administrator Sol A. Rosenblatt on amending the code as it pertains to the word "employe." O'Reilly is chairman of the code labor committee.

## Vanderbilt to Africa

George Vanderbilt leaves tonight on the *Bremen* for Africa to produce another expedition film. He will also get specimens for the Philadelphia museum.

# Horwitz Here To End Duals In Cleveland

(Continued from page 1)

about the evils of double features. All right, I'm here now with every Cleveland exhibitor's name. Doubles are out when these two circuits sign."

Horwitz conferred with Moe Silver, district manager for Warner Theatres, and I. Levinson of the legal department yesterday and later in the day met Joe Vogel of Loew's, Inc., with the outcome not determined last night.

The agreement, reduced to one typewritten page, covers all theatres in Cleveland, Cleveland Heights, East Cleveland and Lakewood, and is designed to become operative from and after July 8 to continue for the remainder of the 1933-34 and through the 1934-35 seasons. It bans double features, does not preclude the use of vaudeville and defines a feature as one "containing more than 4,000 feet of film."

Horwitz has with him an opinion of the plan prepared by Hartshorn, Thomas and Abele, Cleveland attorneys, who declare the plan would not violate either the Federal or Ohio anti-trust laws. "While there is a certain small amount of restraint of trade contained in the agreement, it is very limited in scope and entirely reasonable," the opinion holds.

In Cleveland, Warners are double featuring at the Lake downtown and the Uptown and Variety uptown. Loew's is doing likewise at the Stillman downtown and at the neighborhood Park and Granada the last half of each week.

## S. & C. Overbuying Case Set for Today

The second overbuying complaint against Springer and Cocalis will come up today before the New York grievance board when the complaint of Jacob Grossman of the Roslyn, Roselle Park, N. J., against the Park, same city, will be heard at the Astor.

The complainant states he cannot get any first run or splits of product from M-G-M, Universal, Columbia, United Artists, Warners, RKO, Fox and Paramount.

## First Major Charge Filed on the Coast

LOS ANGELES, June 11.—Vitagraph, Inc., has filed a claim with the local grievance board against A. R. Baldwin, operating the Baldwin, claiming the theatre was transferred under an alleged false pretense to get out of a contract with the exchange. This is the first case filed by a major company against an independent one. All previous claims have been filed against the majors by the independents.

## Milwaukee's Zoning Plan Up on June 19

MILWAUKEE, June 11.—A general meeting of Milwaukee county exhibitors has been called by Ben Koenig, secretary of the code boards, for June 19 for the purpose of adopting a clearance and zoning schedule.

# Government Is Perturbed by Screen Crime

(Continued from page 1)

Justice are said to be more perturbed than ever over the glorification of crime in certain newspapers and films. They attach less blame to the papers, however, believing them to be more likely to listen to appeals for cooperation, but efforts which are said to have been made to have the soft pedal put on crime pictures are said also to have been flat failures.

Not only have the newsreel companies been approached, it is understood, but leading producers have been asked to minimize crime pictures without result. Officials of the department are said to figure that while the industry may claim the purpose of its pictures is to show that crime does not pay, the average adolescent who sees crime pictures is little interested in eventual reward, but is engaged by the easy life which the criminal is supposed to lead to the final reel.

Shoulder to shoulder with the Department of Justice stands the Department of Labor, which is said to be wrought up over the effect of current productions on children and which claims that child delinquency is largely a result of improper film diet.

# See Little Chance For Cannon's Bill

(Continued from page 1)

by reform factions, but has no chance of becoming law at this rapidly-closing session of Congress.

Preparing to adjourn the end of the week, Congress is interested only in those measures which President Roosevelt has said must be enacted. Leaders in both Senate and House will fight clear of any highly controversial bills not on the "must" program.

Cannon's bill also would ban pictures which are "suggestive and morally objectionable." Either offense he would make punishable with a $5,000 fine or five years' imprisonment or both.

While the measure is expected to be sidetracked, sentiment against indecent films is rapidly gaining headway and films are expected to come in for sharp criticism at a conference of Catholic, Protestant and Jewish religious leaders here late this week to consider pictures and how they affect morals.

## *Spokane Catholics Join in Film Drive*

SPOKANE, June 11.—Ninety-four Catholic churches here and inland have launched a drive on objectionable films under the leadership of Bishop Charles D. White by asking for pledges to the "Legion of Decency." Charging producers with violation of the Hays code of morals, the prelate asserts "we are heartily in favor of entertainment that is wholesome."

"Exhibitors," he adds, "should be just as interested as are their patrons in promoting the campaign for decency. If the present system of booking pictures makes it difficult for exhibitors to avoid immoral films, they should see to it, by united effort if need be, that the system is changed."

PHILADELPHIA, June 11.—The effect of the first reading of Cardinal Dougherty's pastoral letter in Catholic churches here yesterday is not noticeable as yet, although exhibitors, and those with neighborhood houses in particular, are much concerned with the prelate's "positive commands" to boycott certain pictures as a protest "against immoral and indecent films."

# Predict Appeal on Tri-Ergon Ruling

(Continued from page 1)

it was stated yesterday by attorneys for Paramount.

The circuit court's ruling, handed down here last week, came as a reversal of a decision by U. S. District Court Judge M. B. Campbell, of the eastern district, Brooklyn. The higher court's decision was not unanimous. Written by Judge Martin Manton, it was concurred in by Judge Harrie Chase, with Judge Thomas Swan dissenting. The two-to-one decision, it is believed, assures the case of a review by the Supreme Court when the petition is filed after the court's summer recess.

In its suit, American Tri-Ergon, of which William Fox is president, claims exclusive patent rights to a double print sound-on-film recording process which, it alleges, is being infringed by Paramount. The plaintiff asks a permanent injunction restraining Paramount from using the process and for damages in an amount equal to whatever profits have been made by Paramount through use of the process and whatever loss American Tri-Ergon has sustained.

**Erpi Defending Para.**

Erpi, which is made a defendant in a similar action brought by American Tri-Ergon, is defending Paramount in the present action and its attorneys will carry the appeal to the Supreme Court.

The Circuit Court's decision holding that the Tri-Ergon patent is valid and had been infringed by Paramount stated that "while it might be said that superficially the positives" . . . produced by the Tri-Ergon process. . ."are similar to positives produced by single film processes, still the function and effect is different and in the practical art that difference has been demonstrated. Combining steps of the double film system and steps of the single film system, the inventors have made a combination and a process for achieving a new result which has been effective and enduring and has become the standard practice in the industry."

Distinguishing the Tri-Ergon process, the decision says, is the uniformity of quality photographic records and quality sound records, each made on a separate negative, but transferred in the product to a single positive. Other processes, the decision states, result in either distorted photography or distorted sound when made on, and reproduced from, a single film.

"There is no material difference between the purpose for which the appellee (Paramount) uses the process and that described in the (Tri-Ergon) patent," the decision concludes. "In any case, the appellee uses the process of the patent and achieves the results intended by the patentees. The patent is valid and infringed."

# Warners Say 10 to Cost Million Each

(Continued from page 1)

affiliated companies." Among the features listed for special handling he listed "Anthony Adverse," "Gold Diggers of 1935," "Black Hell," "Lafayette Escadrille," "Captain Blood," "Casino de Paree," a musical starring Ruby Keeler and Dick Powell and "Sweet Adeline."

Enthusiasm marked the opening of the session. New season plans were discussed by Gradwell Sears, western and southern distribution head. Albert L. Warner was also present.

The meeting was switched later in the day to the Medinah Club by S. Charles Einfeld, advertising and publicity director, who was dissatisfied with arrangements at the hotel.

Among those scheduled to speak are: Joseph Bernhard, theatre head; Dave Weshner, Warner zone manager with headquarters in Milwaukee; Nat Wolf, zone manager in Cleveland; Howard Waugh, theatre advertising and publicity in Memphis, and James Coston, Chicago zone manager. Sessions continue tomorrow.

## *Features in Work Decline on Coast*

(Continued from page 1)

34 for the preceding week. Twelve shorts were in work as against nine for the previous week. Both totals were 75 per cent of normal activity.

M-G-M led the field with eight features in work, two preparing and 13 editing; Paramount had five, three and four; Warners, five, two and eight; Fox, four, three and four; Universal, two, one and two; Columbia, one, three and five; Radio, one, four and seven, while the independents reported a total of seven working, six preparing and seven editing.

In the short subject division M-G-M also led the field with three in work, four preparing and four editing; Roach had two, three and three; Warners, one, one and zero; Radio, one, zero and one; Columbia, zero, two and three; Universal, zero, zero and one, while the independents had five, six and eight.

## *Film Shipment Cut Extended for Year*

KANSAS CITY, June 11.—The 25 per cent reduction in express rates on film shipments granted exhibitors by Railway Express Agency a year ago has been extended another year. The Interstate Commerce Commission has authorized the extension.

The reduction has resulted in gradual increase of film shipments by express, it was said.

Complaint filed with the I. C. C. by the Ass'n. of National Film Carriers, Inc., charging discrimination by the Railway Express Agency in lowering the rate, is still pending.

## *Breen Due Tomorrow*

HOLLYWOOD, June 11.—Joseph I. Breen, executive assistant to Will H. Hays on the coast, is en route to New York.

Breen arrives here tomorrow for conferences with Will H. Hays.

# English Talk Rental Cuts At Big Meet

(Continued from page 1)

and mass exhibitor opinion throughout the nation may result in forcing through a national policy on the issue. This is apt to develop when the open sessions are reached Wednesday.

A minor sensation was created today when organ makers informed Phonographic Performances, Ltd., they must pay a five-guinea license to play organ records, although the latter assert such performances are by way of trade demonstration, not for entertainment.

Handmaiden to the rental problem is the question of overbuilding which has champions on both sides. Sam Eckman, managing director of MGM, is slated for an address in which he will point out how too many theatre seats have damaged the American industry.

The convention promises to break all previous ones in point of attendance. Four hundred and twenty exhibitors already are registered at the Imperial and over 100 at the Metropole while several additional hundred are scattered in other hotels. It is expected total registration will reach 800. Tonight there was a mayor's reception and a dance at the Winter Garden followed by a special showing of "20th Century."

# "U" Chicago Meet Stirs Up Optimism

(Continued from page 1)

Friday with a take of $4,700, may jump the house's gross for the week to nearly $40,000, it is estimated.

At the conclusion of the meeting James R. Grainger, general manager of distribution for Universal, said there exist very definite indications that general business is improving on a slow but sound basis.

## *Poe Tales Combined*

HOLLYWOOD, June 11.—Universal's scenario department is combining into one script Edgar Allan Poe's work, "The Raven" and "The Gold Bug," and will use the former title for release. The studio will again team Boris Karloff and Bela Lugosi as a horror duo.

## *"U" Signs O'Connell*

HOLLYWOOD, June 11.—Hugh O'Connell, New York stage actor, has been written in for a long-term contract by Universal. He arrives in July, but as yet has no definite assignment.

## *Fiddes Succeeds Bostick*

WINNIPEG, June 11.—John T. Fiddes, veteran Winnipeg exhibitor, has been appointed manager of Universal's three theatres here. He succeeds E. D. Bostick, who died recently.

## *Capitol Beats Rivoli*

The Capitol baseball nine beat the Rivoli sluggers by a score of 13 to 12. "Windy" Stern, an usher at the Capitol, struck out 14 Rivoli men during the game.

# Capital Dull With "Villa" Leading Draw

WASHINGTON, June 11.—Spring apathy continues with a total estimated gross of $57,100 on seven theatres.

The Gayety, which on the close of its burlesque season on May 26 went into two weeks of sex pictures, closed Saturday for the summer.

RKO-Keith's continues to juggle opening days, a four-day run of "Strictly Dynamite" closing on Saturday, June 2, followed by a full week (ending this evening) of "Where Sinners Meet." The subjoined report, however, covers only the theatre week, ending June 7.

"Viva Villa," with Abe Lyman and his own revue as the stage attraction, topped the town at Loew's Fox with $18,800. The Earle was a poor second at $14,900, with "Merry Wives of Reno" and Gracie Barrie, Britt Wood, Large & Morgner, and Paul Tisen & Gypsy Girl Orchestra on the stage.

"Manhattan Melodrama" at Loew's Palace did a satisfactory second week at $6,600.

While not a gold mine, "Keep 'Em Rolling" did a better than average week with $4,300. By special permission, the Metropolitan was able to screen the picture under the original title of "Rodney," the name with which many Washingtonians were familiar, due to the filming at Fort Myer, last fall. It was this fact that may have accounted for the somewhat better percentage business here than in some other locations.

Estimated takings for the week ending June 7:

**"MERRY WIVES OF RENO" (Warners)**
EARLE—(2,218), 25c-77c, 7 days. Stage show. **Gross:** $14,900.

**"CHILDREN OF THE SUN" (Public Welfare)**
GAYETY—(1,200), 25c-35c, 2 days. Stage show. **Gross:** $350.

**"GIRLS FOR SALE" (Samuel Cummings)**
GAYETY—Five days, to complete week of above. **Gross:** $1,650.

**"3 ON A HONEYMOON" (Fox)**
LOEW'S COLUMBIA—(1,232), 25c-40c, 7 days. **Gross:** $3,200.

**"VIVA VILLA" (M-G-M)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage show. **Gross:** $18,800.

**"MANHATTAN MELODRAMA" (M-G-M)**
LOEW'S PALACE—(2,363), 35c-77c, 7 days, 2nd week. **Gross:** $6,600.

**"KEEP 'EM ROLLING" (Radio)**
METROPOLITAN—(1,600), 25c-40c, 7 days. **Gross:** $4,300.

**"STRICTLY DYNAMITE" (Radio)**
RKO-KEITH'S—(1,832), 25c-55c, 2 days. **Gross:** $2,800.

**"WHERE SINNERS MEET" (Radio)**
RKO-KEITH'S—5 days, to complete week of above. **Gross:** $4,500. (Total, theatre week, 7 days, $7,300)

## *U. A. Stays at Aldine*

PHILADELPHIA, June 11.—The Aldine, and not Keith's as previously reported, will definitely remain as the United Artists outlet in the Stanley-Warner circuit next year.

Keith's, however, will be operated as a S-W house next year, the deal having been recently consummated. For the last two seasons, it has been operated by Principal Theatres.

## *Arthur to St. Louis*

Harry C. Arthur left last night for St. Louis to confer with Harry Koplar and Allen Snyder in connection with their deal for acquisition of the Ambassador, Missouri and Grand Central in that city.

# "Doctor" and Show $6,800, Portland

PORTLAND, June 11.—Olsen & Johnson and their "Take a Chance" unit were the big money getters of the week, at Hamrick's Music Box, augmented by "The Crime Doctor," grossing $6,800, which is $3,800 over normal.

"20th Century" and "Call It Luck" at Paramount secured a take of $5,600, or $600 over nomal.

Total first run grosses were $26,100. Average is $23,000.

Estimated takings for the week ending June 7:

**"A VERY HONORABLE GUY" (F. N.)**
**"LAUGHING BOY" (M-G-M)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,700. (Average, $6,000)

**"CRIME DOCTOR" (Radio)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-50c, 7 days. Olsen & Johnson and stage show. **Gross:** $6,800. (Average, $3,000)

**"SING AND LIKE IT" (Radio)**
**"MODERN HERO" (Warners)**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,700. (Average, $2,000)

**"ALL QUIET ON THE WESTERN FRONT" (Univ.)**
PANTAGES—(1,700), 15c-25c, 7 days. Stage show. **Gross:** $2,000. (Average, $2,000)

**"20TH CENTURY" (Col.)**
**"CALL IT LUCK" (Fox)**
PARAMOUNT—(3,000), 25c-35c-40c, 7 days. **Gross:** $5,600. (Average, $5,000)

**"TARZAN AND HIS MATE" (M-G-M)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

# "Moments" Is Frisco Draw With a Show

SAN FRANCISCO, June 11.—"Embarrassing Moments" ran up a fine $12,000 at the Orpheum last week, with Olsen and Johnson and "Take a Chance" on the stage. Average is $9,000.

"Finishing School," also with a stage show, was $3,000 up with $16,000 at the Golden Gate.

Total first run business was $74,500. Average is $75,000.

Estimated takings:

***Week Ending May 29:***

**"FINISHING SCHOOL" (Radio)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, vaudeville, band. **Gross:** $16,000. (Average, $13,000)

***Week Ending May 30:***

**"EMBARRASSING MOMENTS" (Univ.)**
ORPHEUM—(3,000), 15c-25c-35c, 7 days. Stage: Olsen and Johnson, "Take a Chance.' **Gross:** $12,000. (Average, $9,000)

**"A MODERN HERO" (Warners)**
UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $4,500. (Average, $8,000)

***Week Ending May 31:***

**"SISTERS UNDER THE SKIN" (Col.)**
**"MONEY MEANS NOTHING" (Monogram)**
FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage, vaudeville. **Gross.** $8,500. (Average, $9,000)

**"THIRTY DAY PRINCESS" (Para.)**
**"UPPERWORLD" (Warners)**
PARAMOUNT—(2,670), 15c-35c-40c-65c, 7 days. **Gross:** $9,000. (Average, $12,000)

**"VIVA VILLA" (M-G-M)**
ST. FRANCIS—(1,400), 25c-35c-40c. 7 days, 3rd week. **Gross:** $4,500. (Average, $5,000)

**"MANHATTAN MELODRAMA" (M-G-M)**
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, vaudeville, band. **Gross:** $20,000. (Average, $19,000)

## *M-G-M Color Shorts Set*

HOLLYWOOD, June 11.—Six two-reel musicals in three-color Technicolor process are definitely slated on M-G-M's schedule next season.

# "Party," Calloway Providence Smash

PROVIDENCE, June 11.—Loew's State had another cleanup week with "Hollywood Party" and Cab Calloway, garnering $16,000, $4,000 over average. This was the only house, however, to hit par, practically all of the business going there. Fay's caught $6,500 with "The Black Cat" and Johnny Marvin on the stage.

Total first run business was $37,900. Average is $40,500.

Estimated takings for the week ending June 7:

**"MURDER AT THE VANITIES" (Para.)**
**"STOLEN SWEETS" (Monogram)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $5,800. (Average, $6,500)

**"THE BLACK CAT" (Univ.)**
FAY'S—(1,600), 15c-40c, 7 days. Stage: Johnny Marvin. **Gross:** $6,500. (Average, $7,000)

**"CHANGE OF HEART" (Fox)**
**"SPRINGTIME FOR HENRY" (Fox)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

**"HOLLYWOOD PARTY" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Cab Calloway. **Gross:** $16,000. (Average, $12,000)

**"MOST PRECIOUS THING IN LIFE" (Col.)**
**"LOVE CAPTIVE" (Univ.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $3,500. (Average, $7,000)

**"LET'S BE RITZY" (Univ.)**
**"WOMAN UNAFRAID" (Monogram)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

# "Heart" Top In Montreal With $9,500

MONTREAL, June 11.—This city got its first heat wave of the season and box-office figures felt the strain. "Change of Heart" put the Capitol above par, however, at $9,500, while a good run was experienced at the Princess with "20th Century" with a take of $6,500—also above the line. The revival of "All Quiet on the Western Front" at His Majesty's brought $3,000, while two British features, "Jack Ahoy" and "The Lost Chord," were good for $7,000.

Total business was $34,500. Average is $39,500.

Estimated takings for the week ending June 2:

**"CHANGE OF HEART" (Fox)**
**"I BELIEVED IN YOU" (Fox)**
CCAPITOL—(2,472), 25c-35c-50c-65c, 7 days. **Gross:** $9,500. (Average, $9,000.)

**"ALL QUIET ON THE WESTERN FRONT" (Univ.)**
HIS MAJESTY'S—(1,600), 25c-50c-75c, 7 days. **Gross:** $3,000. (Average, $3,000.)

**"JACK AHOY" (British)**
**"THE LOST CHORD" (British)**
LOEW'S—(3,115), 25c-35c-50c-60c, 7 days. **Gross:** $7,000. (Average, $10,500.)

**"20 MILLION SWEETHEARTS" (F. N.)**
**"THE SECRETS OF A REGISTERED NURSE" (British)**
PALACE—(2,600), 25c-35c-50c-65c, 7 days. **Gross:** $8,500. (Average, $11,000.)

**"20TH CENTURY" (Col.)**
**"ONE IS GUILTY" (Col.)**
PRINCESS—(2,272), 25c-35c-50c-60c, 7 days. **Gross:** $6,500. (Average, $6,000.)

## *Mooring to Hollywood*

LONDON, June 11.—W. H. Mooring has resigned as publicity director of British International, effective July 6, and will settle in Hollywood by the end of the month as correspondent for British press interests including English Newspapers, Ltd., publishers of *Film Weekly*, a fan magazine.

# "Murder" and 'Enemies' Get $7,500, K. C.

KANSAS CITY, June 11.—"Murder at the Vanities" and "All Men Are Enemies," on a dual bill, grabbed $7,500, up by $1,500, at the Newman last week.

It was the only strong attraction in town. "Easy to Love," with a vaudeville bill, reached $5,100 at the Tower, but business elsewhere was off.

The Fox Uptown inaugurated its 25-cent price on Memorial Day with "The Black Cat," giving the picture a four-day run.

"Finishing School" and "The Crime Doctor" went five days at the RKO Mainstreet.

Sizzling weather drove Kansas Citizens outdoors.

Total for the week was $27,000. Average is $30,900.

Estimated takings:

***Week Ending May 29:***

**"FINISHING SCHOOL" (Radio)**
**"THE CRIME DOCTOR" (Radio)**
MAINSTREET—(3,049), 25c, 5 days, plus Saturday late show. **Gross:** $4,000. (Average, 5 days, $4,500)

**"CHANGE OF HEART" (Fox)**
UPTOWN—(2,000), 25c-40c, 4 days, 2nd week. **Gross:** $1,800. (Average, 4 days, $2,200)

***Week Ending May 31:***

**"MURDER AT THE VANITIES" (Para.)**
**"ALL MEN ARE ENEMIES" (Fox)**
NEWMAN—(1,800), 25c, 7 days, plus Saturday late show. **Gross:** $7,500. (Average, $6,000)

**"EASY TO LOVE" (Warners)**
TOWER—(2,200), 25c, 7 days, plus Saturday late show. Stage: "Country Club Follies," featuring Jones & Rooney, Miss "Chic" Kennedy, Audre and Chas. Howard, 3 Beverly Sisters, Clarence Stroud, Clarence Rand. **Gross:** $5,100. (Average, $5,000)

***Week Ending June 1:***

**"HOLLYWOOD PARTY" (M-G-M)**
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $6,400. (Average, $11,000)

***Week Ending June 2:***

**"THE BLACK CAT" (Univ.)**
UPTOWN—(2,000), 25c, 4 days. **Gross:** $2,200. (Average, 4 days, $2,200)

## *Weeks Changes Plans*

HOLLYWOOD, June 11.—George Weeks has abandoned his plan to return to independent production in association with Harry Frazer and will confine his activities to western representaion for Gaumont British.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 137 | NEW YORK, WEDNESDAY, JUNE 13, 1934 | TEN CENTS

## Poor Quality Quota Films Worry British

### *C. E. A. Convention Airs Exhibitor Protests*

By BRUCE ALLAN

BLACKPOOL, Eng., June 12.—British exhibitors are disturbed over the quota act and the lack of quality in pictures which they maintain is evidencing itself in product made under that law.

The general council of the Cinematograph Exhibitors' Ass'n. considered the act today on the basis of widespread complaints made by theatremen

(*Continued on page 7*)

### *Tax Cut Lost*

**London, June 12.—Efforts to reduce the entertainment tax via the Webb amendment lost out today by a vote of 221 against and 64 for, in the House of Commons.**

## "Sane, Reasonable," N. Y. Censors' Rule

SYRACUSE, June 12.—New York censors have endeavored to give a "sane and reasonable construction to the law and its application to pictures," declared Irwin Esmond, head of the Motion Picture Division of the State

(*Continued on page 10*)

### *Pathe Board to Take Up New Finance Plan*

Directors of Pathe Exchange, Inc., will meet tomorrow to organize a plan to clear up accumulations on the preferred and Class A stocks and to

(*Continued on page 10*)

### *No Progress: Horwitz*

**M. B. Horwitz who states he has agreements of 92 theatres in Cleveland for elimination of duals, said yesterday no progress had been made as yet with the circuits. He expects to hold further conferences with Loew's and Warners to discuss the situation.**

## *Rosenblatt Denies Dropping Of Picture Salary Inquiry*

**Washington, June 12.—Denying there has been any abandonment of the investigation of film salaries, Division Administrator Sol A. Rosenblatt today declared the questionnaires sent out some months ago are now being analyzed and a report will be made before July 7.**

**Rumors that the study had been slowed down resulted from reports from New York that unnamed members of the Code Authority had expressed the opinion nothing would be done on the investigation.**

**"There will be a report by July 7 definitely," Rosenblatt asserted.**

## Film Morals May Feature Capital Meet

WASHINGTON, June 12.—Motion picture morals are expected to be an outstanding subject of discussion at a meeting of religious leaders of all denominations to be held here June 14, under the auspices of the National Committee for Church and Welfare Recovery.

Announced merely as a conference on a "cooperative educational program of stewardship in the interests of all religious, philanthropic, charity, cultural and character-building agencies" for a "deepening of spiritual life

(*Continued on page 7*)

### *Bill Seeks U. S. Body To Protect Industry*

WASHINGTON, June 12.—Representative Culkin of New York today introduced in the House a bill to create a Federal motion picture commission, which, it was set forth, would be for the protection of the industry against unfair trade practices and monopoly.

The bill provides for just settlement of complaints of unfair dealing and is designed to encourage the manufacture of wholesome pictures by control at the source of production.

## Showmanship Para.'s Aim, States Zukor

Showmanship will be the keynote of next season's Paramount product, declared Adolph Zukor yesterday as he prepared to depart with the rest of the Paramount sales and home office contingent for the coast. The group will go out on a special section of the Iroquois Limited tonight.

"The varied type of actor, writer and director on Paramount's contract list at the moment is ample indication of the type of product the company will make," said the Paramount president. "As has been the company's

(*Continued on page 8*)

### *Warners Set Three Films as Roadshows*

CHICAGO, June 12.—"Anthony Adverse," "Gold Diggers of 1935" and "Sweet Adeline" were designated as roadshow attractions for the 1934-35 season by unanimous vote here today at the closing session of the third of four Warner regional meetings.

Harry M. Warner left for New York today, while tonight Albert Warner was on his way to the coast by plane for a production conference

(*Continued on page 10*)

## *Selznick Sees Americans Filming More in England*

Aside from quota regulations which compel British production handled directly or through financing extended local companies, the American industry, sooner or later, will find it good business to extend studio activities to England, declared David O. Selznick, a vice-president and associate producer for M-G-M, upon his arrival to New York yesterday aboard the *Ile de France*.

"The grosses possible there and in this country as well from pictures as good as 'Henry VIII' are the principal factors," he added. "It demon-

(*Continued on page 7*)

## K. C. Indies Now Ask 25% Cancellation

### *Make Demand in Deal for Price Rise, Dual Ban*

KANSAS CITY, June 12.—Independents are demanding 25 per cent product cancellations on next season's contract as a condition of their acceptance of a city wide agreement for raising prices and banning duals.

This is in addition to the distributors' offer to eliminate all excess product on this season's contracts if duals are banned.

A committee headed by Jay Means, I.T.O. president, is conferring privately with individual exhibitors in an attempt to obtain unanimous consent. It is believed that the agreement has

(*Continued on page 8*)

## Crime Scenes Like News, Reels Reply

"News is news" was the general reply of newsreel editors yesterday in answer to a MOTION PICTURE DAILY exclusive from Washington that the Departments of Justice and Labor were annoyed by the amount of crime footage appearing in newsreels. Editors admitted having received such

(*Continued on page 8*)

### *Fox to Produce 14 In Europe—Sheehan*

Fox will produce eight pictures in France and six in Germany, Clayton Sheehan, head of the company's foreign activities, stated yesterday on his return from Europe. The company will continue to "dub" Italian versions

(*Continued on page 7*)

### *Cleveland Clearance Seen Endangered*

CLEVELAND, June 12.—The present clearance schedules are in danger, despite the agreement which expires

(*Continued on page 8*)

### *Will Float Issue*

**London, June 12.—Impending deal for purchase of the H. and G. Kinemas, Ltd.—the Hyams and Gale theatres—by Paramount will be followed by a stock flotation of from $3,000,000 to $4,000,000.**

# MOTION PICTURE DAILY

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *Samuelson to Make Western Trip Soon*

Sidney Samuelson, president of Allied, plans to leave for the west the end of the month. The trip will be in connection with the organization's expansion plans.

Samuelson yesterday conferred with Louis Blumenthal and Harry Brandt of the I.T.O.A. Both Samuelson and Blumenthal refused to comment on the meeting. Samuelson did say, however, nothing is new on Allied's production-distribution plans.

## *Lewen Pizor in Town*

Lewen Pizor, president of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware, was in New York yesterday with a group of Philadelphians. He visited Campi quarters, but refused to talk on the purpose of his trip.

## *Columbia Wins Game*

The Columbia baseball team is victor, seven to three, in a ball game with the Rockefeller Center team played at the George Washington High School oval.

## *Peabody as Roxy M. C.*

Eddie Peabody, the banjoist, will serve as master of ceremonies at the Roxy for one week, beginning Friday.

## *To Close in Bridgeport*

Loew will close the Globe, Bridgeport, Conn., on Friday. A few other closings for the summer are scheduled, but not definitely set.

# "Bystanders" Hit by Church Move—Allied

Independent theatres are the "innocent bystanders" in the church fight for clean films, according to the latest Allied bulletin from Washington.

Independents should petition leaders of the Legion of Decency to have the boycott of objectionable films press harder on affiliated theatres than independents, the bulletin reads. The text follows:

"The independent theatre owners respectfully petition the prelates, the leaders of the League of Decency, and the heads of the various organizations seeking motion picture reform to take into account their peculiar and helpless situation and to spare them as much as possible in the boycott campaign.

**Want Clean Films Recommended**

"Of course, the independent exhibitors cannot and do not ask that the leaders of the movement recommend attendance at the forced showing of salacious pictures in their theatres. The independent exhibitors do ask, however, that the producer-owned and producer-controlled theatres be made the primary objects of the boycott and that attendance upon good pictures when shown in independent theatres be recommended and encouraged as an offset to the reduced attendance at the forced showing of salacious pictures."

In another section of the bulletin Will H. Hays is blamed for the boycott.

"Responsibility for the serious boycott of motion pictures being put into operation throughout the country," the bulletin reads, "rests squarely on Hays' shoulders. If he had done the job it was represented to the country he would do, the industry would not now be in such sorry plight. Even though, as is now apparent, Hays did not have the authority to control production in the interests of decency, he allowed the public to understand and believe that he had such authority. And when the public became suspicious, after he had been on the job several years without working noticeable improvement on the screen, he brought forth his morality code which was adopted by the producers with a fanfare of trumpets. Several times since its first adoption, the morality code has been trotted out to silence criticism when the going has been rough."

This topic will highlight the two-day national board of directors meet which gets under way at the Warwick today. In addition, discussions will be held on the production and distribution plan and reopening of code assents. Sidney Samuelson, president, yesterday would not discuss the compliance situation. Neither would he talk on Allied's policy on duals.

Attending today's session will be about 35, among whom will be: Samuelson, Abram F. Myers, Nathan Yamins, Walter B. Littlefield, M. B. Horwitz, Edward Ansin, Ray Branch, Bennie Berger, Al Steffes, H. M. Ritchey, Abe Stone, William Smalley, Chester Didsbury, Frank Hornig, Herman Blum, Arthur Price, Ruben Frels and Fred Herrington. In addition, numerous other representatives from Allied units will be on hand.

## Three Allied Units Are Started in N. E.

Three new Allied units have been formed in New England and are functioning as part of the national's organization. The units and officers are:

Allied Theatre Owners of Rhode Island, Martin Tuohey, president; Abe Spitz, vice-president; John Findlay, secretary; Charles Williams, treasurer. Trustees are: Messrs. Stanzler, Gould, Bomes, Nelson and Romano.

Allied Theatre Owners of Vermont, E. R. Hutchinson, president; C. S. Cray, vice-president; Andrew Tegu, secretary; Charles Williams, treasurer. Trustees: G. A. Valley, H. P. Boardman, Fred Bedard, P. S. Murray, Ray Kiniry and Charles Ross.

Allied Theatre Owners of New Hampshire, Inc., A. C. Barwood, president; Peter Gagne, vice-president; E. J. Charboneau, secretary; Warren Nichols, treasurer. Trustees: George Riel, A. C. Chadwick, H. A. Graves, Peter Latchis, J. B. Eames and Ansil Sanborn.

## *Brenner Reaches London*

LONDON, June 12.—Bill Brenner of National Screen Service is here from New York on an annual business trip.

## *"U" Rises One on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Picturest, vtc | 33½ | 33½ | 33½ | ..... | 100 |
| Consolidated Film Industries | 3½ | 3⅜ | 3½ | + ⅛ | 200 |
| Eastman Kodak | 100¼ | 98½ | 99⅛ | + ⅝ | 2,300 |
| Fox Film "A" | 14¾ | 14⅜ | 14¾ | + ⅜ | 600 |
| Loew's, Inc. | 33⅛ | 32½ | 32⅝ | + ¼ | 2,200 |
| Paramount Publix, cts | 4¾ | 4½ | 4¾ | ..... | 900 |
| Pathe Exchange | 2⅞ | 2⅜ | 2¾ | ..... | 900 |
| Pathe Exchange "A" | 24¾ | 23⅜ | 24 | + ⅛ | 5,700 |
| RKO | 2⅞ | 2⅝ | 2⅝ | — ⅛ | 500 |
| Universal Pictures, pfd | 39 | 39 | 39 | +1 | 10 |
| Warner Bros. | 6¼ | 6⅛ | 6⅛ | ..... | 900 |

## *Columbia Drops One-Half on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 32 | 32 | 32 | — ½ | 100 |
| Technicolor | 12¼ | 12 | 12 | ..... | 1,200 |
| Trans Lux | 1¾ | 1¾ | 1¾ | ..... | 200 |

## *Bond Market Moves Upward*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10¼ | 9 | 10 | +1 | 104 |
| General Theatre Equipment 6s '40, ctf | 10 | 9 | 9¾ | + ¾ | 71 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 102 | 101½ | 102 | + ½ | 8 |
| Paramount Broadway 5½s '51 | 46 | 45¾ | 46 | + ⅞ | 19 |
| Paramount F. L. 6s '47 | 54½ | 54 | 54½ | + ½ | 12 |
| Paramount Publix 5½s '50 | 53¼ | 52½ | 53¼ | +1¼ | 31 |
| Pathe 7s '37, ww | 99⅝ | 99½ | 99⅝ | + ⅛ | 9 |
| Warner Bros. 6s '39, wd | 60¾ | 60 | 60¾ | + ¾ | 7 |

# *Purely Personal*

WOLFE KAUFMAN, *Variety's* foreign editor, arrived on the *Ile de France* from a European vacation. He says half of the boat was loaded with film people.

FRANK BORZAGE, here directing "Flirtation Walk" at West Point, is living in town at the Warwick. Says he likes the scenery on the drives in and out of town.

DAVID O. SELZNICK did two things at once upon his arrival from London yesterday. One: had his bunions treated. Two: got an American haircut.

ETHAN ALYEA, member of the Paramount Publix trustees' legal staff, is recuperating at home this week from a tonsil jerking.

LEON GARGANOFF, general manager of Lianofilm, Ltd., and producer of "The Battle," in which Charles Boyer is featured, is in town.

EVELYN HERBERT and JOHN HALLIDAY are among those pulling out for Europe today on the *Lafayette*.

J. H. HOFFBERG is not on his way to Europe, but on his way home on the *Manhattan*, due here tomorrow.

LESLIE HOWARD is an expected arrival. He plans to sail from England not later than June 19.

WALTER FLEISHMAN, formerly with Norman D. Waters Co., has joined the Blackstone Advertising Co.

KAY FRANCIS, a vacation in Naples being of the moment, arrives here shortly on the way.

JANE FROMAN and WILL MAHONEY are booked into the Capitol following Leo Carrillo.

RALPH BELLAMY has been signed to work in "Women in the Dark" at the Biograph studio.

JOE LEE, Fox exchange manager, is talking bass since his throat operation.

VIC HALPERIN is also in town with Brother ED.

## *Giannini Advocates More Liberal Credit*

LOS ANGELES, June 12.—Easier credit to business as an aid to the nation was urged today by A. H. Giannini of the Bank of America, National Ass'n., at the annual convention of the National Ass'n. of Credit Men at the Biltmore.

He said:

"A shrewd and daring search for sound credit openings by our credit agencies and the ready extension of credit are more essential to a recovery program, to the restoration of the morale of business and to the salvage of our economic institutions than any other service which may reasonably be demanded of us."

## *Al Lichtman Returns*

Al Lichtman returned from Hollywood yesterday and closeted himself in his office at U. A. in an effort to clear away business which had accumulated in his absence.

## *Joe Michaels Married*

HOLLYWOOD, June 12.—Joe Michaels of the M-G-M publicity department is a benedict.

*Certainly*

FOX is proud of its new 1934-35 product...

*but*

FOX is just as proud of its *current* releases...

THE PICTURES YOU PLAY *now*...

# Dates

# that will stand out in your theatre's history!

## BABY, TAKE A BOW

with

## SHIRLEY TEMPLE

### JAMES DUNN

### CLAIRE TREVOR

**Alan Dinehart**

**Produced by John Stone**

**Directed by Harry Lachman**

Based on a play by James P. Judge

Screen play by Philip Klein and E. E. Paramore, Jr.

Released June 22nd

## CHARLIE CHAN'S COURAGE

with

## WARNER OLAND

### Drue Leyton  Donald Woods

Based on the novel, "The Chinese Parrot," by Earl Derr Biggers

**Produced by John Stone**

**Directed by George Hadden**

Screen play by Seton I. Miller

Released June 29th

# SHE LEARNED ABOUT SAILORS

Released July 6th

with

## LEW AYRES
## ALICE FAYE

HARRY GREEN
Frank MITCHELL & Jack DURANT

Produced by John Stone
Directed by George Marshall

Screen play by William Conselman and Henry Johnson. Based on the story by Randall H. Faye

# WARNER BAXTER

in

# GRAND CANARY

with

MADGE EVANS
Marjorie Rambeau  Zita Johann
Roger Imhof  H. B. Warner

A Jesse L. Lasky Production
Directed by Irving Cummings

From the novel by A. J. Cronin
Screen play by Ernest Pascal

Released July 13th

# SHE WAS A LADY

with

## HELEN TWELVETREES

DONALD WOODS
RALPH MORGAN

Produced by Al Rockett
Directed by Hamilton MacFadden

Story by Elizabeth Cobb
Adaptation by Gertrude Purcell

Released July 20th

# WILL ROGERS

in

# HANDY ANDY

with

PEGGY WOOD

Conchita Montenegro  Mary Carlisle
Roger Imhof  Robert Taylor

Produced by Sol M. Wurtzel

Based on "Merry Andrew" by Lewis Beach. Screen play by William Conselman and Henry Johnson. Adaptation by Kubec Glasmon.

Directed by David Butler

Released July 27th

FOX

*again...*

# FOX comes through with the

*winning finish*

**Consistently**... month in, month out... FOX has delivered you pictures packed with box office wallop . . .

**Now** at the season's close... FOX actually **tops** its high, year-'round average . . .

**Names** like Lew Ayres, Warner Baxter, James Dunn, Madge Evans, Alice Faye, Warner Oland, Will Rogers, Shirley Temple, Claire Trevor, Helen Twelvetrees . . . lead its great casts . . .

**No wonder** the FOX contract is the most sought-after in this industry!

# Rely on FOX

Your Most **Dependable** Profit Source

# Film Morals May Feature Capital Meet

(Continued from page 1)

and strengthening of moral purpose upon which any enduring civilization must be founded," recently inaugurated campaigns against so-called "indecent" pictures are bound to bring the subject before the meeting.

Leaders in the movement are reluctant to discuss their plans in advance of the meeting, but it is pointed out that films are accepted as one of the leading cultural mediums of the day, and that, therefore, it would be but natural for them to be considered in relation to the church program.

It is expected that the campaign of Catholic organizations, joined last week by Protestant leaders, will be brought before the conference with a view to giving it national sanction by all creeds. This campaign is intended to clean up pictures by slapping the box-office, but may next winter develop into a demand for censorship. In that event, the movement will have support from the government itself, in the shape of the Departments of Justice and Labor, both of which are more than a little irritated over the refusal of producers to cut down on their crime content.

## *Fox to Produce 14 In Europe—Sheehan*

(Continued from page 1)

in Rome. Thirty are planned next season.

Fox's Spanish output will continue to be made in Hollywood. Ten originals and 25 "dubbed" pictures are planned for 1934-35. While abroad, Sheehan signed Rosita Diaz for Spanish pictures. She will arrive from Spain Oct. 21.

Sheehan said Fox is represented throughout the world with exchanges, except in Russia, where, it is hoped, the company will be represented shortly. He also stated Fox business in Europe is "very satisfactory" and conditions are on the upgrade.

## *Report Columbia to Produce in England*

London, June 12.—Reports afloat here have it Columbia will abandon practice of purchasing quota pictures and make its own. This probably will be one of the matters discussed with Joe Friedman, British representative, when J. H. Seidelman arrives here shortly.

Joseph H. Seidelman, Columbia's foreign sales manager, sails for the Continent Saturday.

## *Will Meet at Waldorf*

The Waldorf will be scene of the Columbia sales convention, date so far undetermined but believed to be within the next two weeks. The New York meeting may be followed by a second in another section of the country.

## *Cohn at Commencement*

Jack Cohn is at Ithaca to attend the graduation of his son from Cornell.

# *Selznick Sees Americans Filming More in England*

(Continued from page 1)

strates what can be done on both sides of the ocean."

His visit to England had to do with preparation for "David Copperfield." Thousands of photographs shot on the scenes described in the Dickens novel were made while Selznick and his party toured by auto the locales described on the printed page. Returning with him were Hugh Walpole, well known British novelist and an expert on Dickens. He is vice-president of the Dickens Fellowship of London and will collaborate on the film with Selznick and Howard Estabrook who finished the script on the boat.

In the M-G-M party also was George Cukor, who will direct, and Fritz Lang, German director, who has "Siegfried" and "Metropolis" to his credit and now is under contract to M-G-M.

Selznick signed Peter Trent, young Englishman and member of the Royal Academy of Dramatic Art, while abroad. Six other British actors and actresses were signed for "David Copperfield" in which Trent may be assigned a role. The group arrives here in a few weeks en route to the coast.

The M-G-M producer was enthused over Antoinette Cellier who was given a contract, and Leontine Sagan, woman director who made "Maedchen in Uniform." Assignments for them have not been determined.

Asked about the impending deal with David Lloyd George, British war-time prime minister, Selznick said:

"We are working on a deal. The picture, if set, will deal with the war behind the lines. It will not include a single war scene, but show how diplomats, sitting around the dinner table, fashioned the course of the World War. The picture will be non-fiction. Lloyd George will not appear, but his part, as well as other internationally known figures, will be impersonated by actors. There will be no effort whatsoever to write a story around the Lloyd George memoirs."

## Natan, David, Berger To Study Production

Bernard Natan, head of Pathe-Natan of Paris, was another arrival on the *Ile de France* yesterday. He is here on what he describes as a vacation and tour of inspection. With him are Henri Diamant Berger, well known French producer and director, and Karl David, general manager of the Pathe-Natan studio. They brought with them two pictures. "Amok," one of them, was shown on the boat on the way over and the other is a new version of "Les Miserables." This party leaves for Hollywod on Friday and sails on the return to Paris July 7.

J. C. Bernhard, French producer, who was scheduled to sail, did not make the boat.

## Britishers Advance, Declares Estabrook

Three English producers are stepping ahead of the entire British market, Howard Estabrook, scenarist, said yesterday upon his return from Europe where he visited the locale of Charles Dickens' settings in "David Copperfield." Estabrook says the producers are Gaumont British, Alexander Korda and Basil Dean in the order named.

Estabrook gives as his reason for not making the entire Dickens picture abroad, the fact that "all good technicians are tied up by British producers. If we wanted to go ahead, we would have to take an entire unit from Hollywood and it wouldn't pay for one picture."

Many shots of original backgrounds were taken and numerous tests were made for character parts. Estabrook considers the trip very profitable inasmuch as much has been learned in the lore of Dickens and all that remains to complete the picture is the exterior shots.

### *Hollywood Speaks*

**George Cukor, on his arrival yesterday from England, said that he may have to go to Boston to finish casting "David Copperfield."**

**"Boston is the only place outside of England where English is spoken," he said.**

## Messeri Brings Cheery Word of Spanish Trade

Spanish conditions are on the upgrade, according to M. J. Messeri, Paramount managing director in Spain, who arrived here yesterday on the *Ile de France* along with one of the most imposing contingents of film men to dock here in a number of years.

There are several Spanish studios engaged in active production, Messeri said, but only one of importance, located in Madrid. Its output is so small, he continued, that it is of practically no account and American films are still the greatest in demand.

Messeri leaves for the coast tonight to attend the Paramount convention in Los Angeles June 18, after which he will return here. He plans to sail the first week in July.

## Swedish Theatres Doing Well, Declares York

"Theatre conditions in Sweden are better than ever," said Carl York, Paramount's general manager for Scandinavia who arrived here yesterday on the *Drottingholm*. "Conditions throughout Scandinavia are improving from day to day," he continued.

York leaves here for the coast tonight to attend the convention next week and will return around the end of the month. He plans to return to Sweden July 7.

## *Ruben Another Arrival*

J. Walter Ruben, Radio director, returned yesterday from three months in England where he directed "Java Head" for Associated Talking Pictures at Ealing. He leaves for the coast in a day or two to resume work for RKO.

The company gave him a cocktail party at the Waldorf late yesterday. George Cukor, who crossed on the same boat, dropped in. Which prompted Ruben to remark:

"I'm giving the party for Cukor."

# Poor Quality Quota Films Worry British

(Continued from page 1)

throughout the country. It is possible action of some nature may develop before the exhibitor convention closes the end of the week.

The general plaint is that exhibitors at large have been complying with the letter and spirit of the law while certain distributors have complied merely with the letter. It is argued distributors should be made to produce and to handle product which would be a credit to the English producing industry and not a discredit which is the way many exhibitors now view the situation. The quota act, it is maintained, was designed to further the percentage of domestically-made product, but not on the basis of a "pound-a-foot quickies."

Exhibitors declare distributors no longer now are satisfied with shelving poor quota films, as some of them did when the law was young, but are now compelling exhibitors to take them in order to book some of the better American product.

Theatre operators declare many of the quota pictures are "insults."

The general council referred its deliberations to a committee for a subsequent report.

## *Mayer, Strickling Will Go to Chicago*

Hollywood, June 12.—Louis B. Mayer and Howard Strickling will fly to Chicago next Wednesday to attend the M-G-M convention. Mayer will be one of the principal speakers. Strickling, now in New York, will return to the coast by plane the end of the week.

## *White Back from Abroad*

George White returned from abroad yesterday on the *Ile de France*. He is scheduled to make one more picture for Fox, but efforts to reach him yesterday for a statement were unsuccessful.

## *Myron Selznick Back*

Myron Selznick of the Selznick-Joyce agency, is back from a trip abroad. He leaves for the coast with the returned M-G-M party, headed by his brother, David O., Friday.

## *Strickling Flies Here*

Howard Strickling, publicity head at the M-G-M studios, and Milly Lou Mobley, secretary to Myron Selznick, flew in from the Coast to be on hand when the *Ile de France* docked yesterday with the M-G-M production personalities. Marcelle Bennett, David Selznick's secretary, has been here for the past month, and all return to Hollywood Friday.

# Showmanship Para.'s Aim, States Zukor

(Continued from page 1)

policy in the past, the scope will be wide enough in appeal to cover the entire field.

"I returned from Hollywood less than two weeks ago, after an inspection of the studios, and am in a position to say that the production organization is now, as never before in its history, geared to handle any type and size of film product."

Zukor named personalities and varied types among the players under contract and also said the company was developing new directors. Among these he mentioned Alexander Hall.

The special section of the Iroquois Limited will carry delegates and home office personnel out of New York tonight at 10:30 P. M., standard time.

Additional delegates will be picked up along the route at Buffalo, Detroit, Chicago, Kansas City, and LaJunta, Colo. The party will comprise about 115 members when the train, which will be a special section of the Santa Fe's California Limited out of Chicago, reaches Los Angeles.

**Contingent Leaving Tonight**

Those departing from New York this evening include:

N. F. Agnew, E. H. Bell, P. A. Bloch, B. P. Brooks, M. B. Comerford, Bobby Crawford, J. Day, A. Deane, Sam Dembow, Jr., Lou Diamond, A. J. Dunne, Max Fleischer, L. Flynn, G. B. J. Frawley, R. M. Gillham, Montague Goldman (London), John C. Graham (London), G. K. Haddow, John Hicks, Perry Hunter, A. M. Kane, M. S. Kusell, E. A. Leroy, I. Lesser, H. J. Lorber, M. J. Messeri (Spain), Leon Netter, L. Phillips, H. Randel, C. M. Reagan, J. Roper, Earl St. John (London), M. Sattler, George J. Schaefer, W. Schneider, Ulrik Smith, E. W. Sweigert, J. J. Unger, D. Velde, S. B. Waite, G. Weltner, Carl York (Stockholm), Adolph Zukor, E. J. Zukor, J. E. Perkins (China) and Phil Hyams (London).

Those being picked up at Buffalo include:

C. G. Eastman, W. H. Erbb, Nate Goldstein, L. Hughes, J. Moore, K. G. Robinson, E. Ruff and J. H. Stevens.

At Detroit C. V. Bell and O. W. Bolle will be added to the group.

The Chicago delegation includes:

E. M. Adams, Barney Balaban, John Balaban, E. J. Barnard, M. Brown, W. F. Bugie, S. E. Chestnutt, M. R. Clark, T. Dowbiggan, W. Esch, J. E. Fontaine, J. B. Gardner, H. H. Goldstein, John Himmelein, P. J. Hogan, H. Hunter, J. Hunter, J. O. Kent, D. Kimmelman, H. L. Kincey, J. Kirby, L. C. Lowe, M. A. Milligan, N. L. Nathanson, W. J. O'Neill, J. J. Oulahan, David Prince, Jules Rubens, G. A. Smith, Allan Usher, H. F. Wilkes, G. Zeppos and W. K. Jenkins.

At Kansas City:

A. R. Anderson, A. H. Blank, Ben Blotcky, Ralph Branton, A. H. Cole, R. M. Copeland, J. Curry, J. B. Dugger, John J. Friedl, C. E. House, P. K. Johnston, R. C. LiBeau, A. Mendenhall, Oscar A. Morgan, L. M. Palmquist, H. E. Pickett, P. W. Robbins, M. Schweitzer, S. R. Simpson and W. D. Woods.

H. W. Braly, J. E. Manfre and W. P. Wiens will join at La Junta.

In addition to the above, the following will leave directly from their home cities, joining the convention at the Ambassador:

C. Bamford, J. M. Bettencourt, D. Brickman, M. C. Burles, F. C. Clark, J. Clemmens, J. J. Donahue, H. N. East, C. G. Epperson, W. Hansher, G. H. Haviland, Karl P. Hoblitzelle, W. O. Kelly, M. H. Lewis, M. A. Lightman, C. E. Linz, A. Lucas, Louis Marcus, H. Nace, R. J. O'Donnell, C. N. Peacock, E. V. Richards, Harold Robb, Ed. Rowley, F. Smith and R. B. Wilby.

# Crime Scenes Like News, Reels Reply

(Continued from page 1)

complaints on the amount of screen time devoted to the Dillinger hunt.

"States have veered away from censorship of newsreels on the theory that they perform the same function as the press," said one editor who refused to allow his name used. "Are departmental suggestions as to what we should not use to be construed as commands?"

It is understood the Labor Department's interest centered around recent riot scenes.

## *Rich, Calm, Argues S. & C. Code Cases*

Comparatively calm in contrast to his former objections against members of the New York grievance board, Benjamin Rich, attorney for Springer and Cocalis, appeared before the local group yesterday to defend his client in the overbuying complaint by the Roslyn, Roselle Park, N. J.

During the two previous sessions, Rich vociferously denounced the board as biased and vehemently protested against Louis Geller as prejudiced and George F. Thompson as having no right to give orders and sit as chairman. At yesterday's session Rich just noted his objections against the same men for the record and went on with his defense.

Of the nine cases on the calendar, eight were grievances filed by Loew against the following theatres for premature advertising and reduced admissions: Adelphi, Granada, Terminal, National, Stoddard, Symphony, Bunny and Heights. Decisions will be rendered today.

## *Back from "U" Regional*

J. R. Grainger, general manager of distribution for Universal; E. T. Gomersall, western sales manager; Sydney Singerman, assistant western sales manager, and Edward Bonns, short subject sales manager, return today from Chicago, where they attended the company's regional sales meeting.

## *Hull on Coast July 5*

Henry Hull, who quits the cast of "Tobacco Road" on June 16, will report to Universal on July 5 for his first role under his contract with the company, which will be in "Great Expectations," the Charles Dickens tale.

HOLLYWOOD, June 12.—John Harkrider and John V. A. Weaver have arrived from New York to work for Universal. The former, long an associate of the late Florenz Ziegfeld, will lend a hand with "The Great Ziegfeld."

## *Sullavan to Do Play*

HOLLYWOOD, June 12.—Margaret Sullavan, now in New York, will appear in a play in Mt. Kisco, N. Y., before returning to Hollywood for her next picture, "Good Fairy," at Universal.

## *Universal Pays Dividend*

Universal Chain Theatres yesterday paid a liquidation dividend of $2.50 a share on the eight per cent preferred stock of May 15.

## *Limit Code Notes*

**No stenographer may take a record of the minutes of the New York code boards until he, or she, is approved by the body. Whoever takes the minutes must submit a copy of them for the board to pass on before they can be used for future purposes, usually appeals.**

## *Cleaning Firm Hits Amendment to Code*

WASHINGTON, June 12.—A hearing before Division Administrator Sol A. Rosenblatt today uncovered a lone objector to the proposed amendment for the definition of labor in the code.

The objector was Joseph R. Berger, attorney representing the American Building Maintenance Co., who asserted the amendment would affect chiefly concerns which have maintenance contracts with theatres. Berger said the company, now operating on a 48-hour week with a minimum wage of 30 cents per hour under the President's reemployment agreement, would have to amend its operations to provide for a 40-hour week and a 35-cent hourly wage if covered under the film code.

As a result of agitation, it was represented, a number of theatres in New York have canceled their contracts with the company, and inclusion of this branch of its work in the film code, Berger said, would probably result in the loss of practically all other contracts it now has with theatres.

## *"Bank Night" Group Files Patent Suit*

DENVER, June 12.—Whether the "Bank Night" plan is entitled to copyright and patent protection hinges on the outcome of a suit filed by Affiliated Enterprises, Inc., with headquarters here, against C. W. McFarling, Jr., owner of the Grand at Tulia, Tex.

The case, filed in the U. S. District Court for the northern district of Texas, asks for $10,000 damages for alleged breach of contract and asks for an injunction to prevent McFarling from using a plan similar to "bank night."

Affiliated Enterprises, Inc., claim that McFarling contracted for the use of Bank Night at a weekly cost of $10 and 50 per cent of the gross above $75, and that after using the plan for about six weeks he refused to pay further, and started using a plan of his own, but similar.

The petition points out that the plan is registered in Texas, and patents and registration rights have been applied for in Washington.

## *Approval of Extra Terms Likely Soon*

WASHINGTON, June 12.—Recommendations of the extra players' committee, submitted to Washington some time ago with the approval of Campi, will probably be given final approval shortly, it was said today at the Recovery Administration.

It was also disclosed that a representative of the Administration will go to New York within a day or two to investigate labor conditions with a view to the coordination of operators' and stage hands' pay scales.

# K. C. Indies Now Ask 25% Cancellation

(Continued from page 1)

an even chance for acceptance by independent suburbans.

A few object, it is said, mainly on the ground that they must have assurance not only that low scales will be hiked, but that the increases will be general.

When the committee has obtained sufficient assents a general exhibitor meeting will be called to approve the agreement.

One small group of independents has raised questions as to the legality of the proposed agreement.

W. D. Fulton, who operates three theatres and whose opinions carry weight with some small exhibitors, is willing to subscribe to the agreement, although he questions its legality. This is a reversal of his attitude in the past, when his efforts were blamed for defeat of previous attempts at arriving at standards of fair practice and price stabilization.

## *Cleveland Clearance Seen Endangered*

(Continued from page 1)

Dec. 31, 1934. Approximately 20 independent exhibitors have filed protests with the local clearance and zoning board objecting to the present schedule.

A general meeting is expected to be held Friday as a result. M. B. Horwitz, now in New York on the elimination of duals and also attending the Allied directors' meeting, filed six of the 20 complaints.

Exhibitors were given until June 10 to file protests for a general hearing for reclassification of existing clearance and zoning schedules. The local men just met the deadlines.

## *Seek Roxy Trustee Under the New Law*

Application has been made in Federal Court by the Roxy Theatres Corp. for appointment of a temporary trustee to conduct the proposed reorganization under the new bankruptcy law signed last week. It is understood that Howard S. Cullman, receiver, is satisfactory to the principal creditors for the appointment.

Carlos L. Israels, counsel for the bondholders, says the next move is for the court to sign an order making the appointment and then a reorganization plan can be started.

## *Maps Recuperative Plans*

HOLLYWOOD, June 12.—S. R. Kent, in from New York because of his wife's illness, is making plans either to take her to the mountains or back to New York for recuperation. He would have remained here if the recent sales convention had not made a return east necessary.

## *Set Boat Ride and Picnic*

RKO and its affiliated picture and theatre companies will hold a boat ride and picnic at Indian Point on June 18 and 25 for home office employes.

# NEW YORK AND CHICAGO AGREE!

***A Hit at the Radio City Music Hall, New York:***

"Miss Sullavan and Mr. Montgomery give admirable performances in the leading roles. *It is a picture which deserves applause,* for it is a relief after the tawdry, silly effusions which seem to have predominated on Broadway screens recently."

—*New York Times*

***A Hit at Balaban & Katz Beautiful Chicago Theatre:***

"A human, touching and finely acted picture... Universal's fascinating young star, Margaret Sullavan, who did such beautiful work in 'Only Yesterday,' achieves a repeat triumph as Lammchen. She has a freshness, spontaneity, and sincerity that are all her own."

—*Chicago Tribune*

## MARGARET SULLAVAN

With DOUGLASS MONTGOMERY

in FRANK BORZAGE'S INSPIRED PRODUCTION OF

# LITTLE MAN, WHAT NOW?

A UNIVERSAL PICTURE PROUDLY PRESENTED BY CARL LAEMMLE

## "Thin Man," "Half Sinner" Omaha Top

OMAHA, June 12.—"The Thin Man" and "Half a Sinner" set up what is claimed as a house record at the Orpheum, $8,500.

"Love Captive" and "House of Rothschild" were also strong on a dual bill at the World, grabbing $4,250 for nine days. "Change of Heart" took a good $6,800 at the Paramount.

Total first run business was $23,850. Average is $22,550.

Estimated takings:

***Week Ending June 6:***

**"CHANGE OF HEART" (Fox)**
PARAMOUNT—(2,900), 25c-35c-40c, 8 days. **Gross:** $6,800. (Average, $6,750)

**"LOVE CAPTIVE" (Univ.)**
**"HOUSE OF ROTHSCHILD" (U. A.**
WORLD—(2,200), 25c-35c, 9 days. **Gross:** $4,250. (Average, $4,000)

**"STRICTLY DYNAMITE" (Radio)**
**"FOG OVER FRISCO" (F. N.)**
BRANDEIS—(1,500), 25c-35c, 6 days. **Gross:** $2,900. (Average week, $4,000)

**"MOST PRECIOUS THING IN LIFE" (Columbia)**
**"HELL CAT" (Col.)**
BRANDEIS—(1,500), 25c-35c, 3 days. **Gross:** $1,400.

***Week Ending June 7:***

**"THE THIN MAN" (M-G-M)**
**"HALF A SINNER" (Univ.)**
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $8,500. (Average, $7,800)

## *New L. A. Zoning in Effect in September*

LOS ANGELES, June 12.—The local zoning board has voted to notify distributors in this area the new clearance schedules now being prepared by it will become effective with the first release of the new season. The board has sent out word that to avoid any possible confusion distributors and exhibitors should make their contracts for the new product conform with the new schedules, which will go into effect around September 1.

## *Bankruptcy Petition Filed Against GTE*

WILMINGTON, June 12.—George F. Snyder of Washington, D. C., Irving L. Wilson of Philadelphia, J. Louis Rome of Baltimore and the Colonial Mortgage Investment Co., Baltimore, all creditors of General Theatres Equipment, have filed a petition in bankruptcy against the corporation in U. S. District Court here.

## *Warners Set Three Films as Roadshows*

(*Continued from page* 1)

to be held June 20. S. Charles Einfeld, director of advertising and publicity, and Gradwell Sears, in charge of western and southern distribution, will sit in at the conference. They left for San Francisco tonight. Harry M. Warner will join the group about July 1.

## *Omaha Holdup Foiled*

OMAHA, June 12.—Bandits failed in an attempted holdup of the Paramount here at closing time. The men escaped.

## *Carr Faces Operation*

HOLLYWOOD, June 12.—Trem Carr will enter the Cedars of Lebanon Hospital Thursday for a major operation.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"We're Rich Again"*

(*Radio*)

HOLLYWOOD, June 12.—This farce depicts the chills and fever of a once rich, but now poor, family still in luxurious surroundings and about to marry off the daughter to a rich broker, with a country cousin upsetting the apple cart.

Billie Burke and Grant Mitchell are the frantic parents. Joan Marsh is the daughter. Reginald Denny is the prospective groom. Marian Nixon is the country cousin. Edna May Oliver is Miss Marsh's polo-playing grandma. Buster Crabbe, talking little, and Miss Marsh's sister, Gloria Shea, always talking, barge in and out in bathing suits and finally elope. Edgar Kennedy is a funny process server and a Jap valet is witty.

The comedy is based on the reactions of the crazy quilt household beset by the depression, but putting up a false front. The story is well chosen and has a good premise with screen values emerging humorously with laughter intermittent and characterizations unsympathetic. William A. Seiter's direction is effective with the technical procedure okay.

This film, lacking draw names, should please in neighborhoods as a programmer. Running time, 75 minutes.

# *Looking 'Em Over*

## *"Heart Song"*

(*Ufa-Gaumont British-Fox*)

Ufa and Gaumont British have joined hands in fashioning this highly satisfactory musical romance. It is a worthwhile effort full of wholesome fun, tuneful music, sparkling lines, gay charm and capable acting. The production has been given expensive and tasteful settings.

The cast contains a trio of names that ought to prove helpful in putting the picture across. They are Lilian Harvey, Charles Boyer and Mady Christians. Boyer is now on the coast under contract to Fox. Their work is first-rate, with Miss Harvey captivating in the role of maid to a queen.

The plot is one of those light-hearted affairs. Miss Harvey sets Boyer's heart palpitating when she sings to him as he lies in a soldiers' barrack with a bandage over his eyes, near death from a fall off a horse. Boyer, a duke, sets out to discover the possessor of the voice when he is recovered. One day he hears the voice in the royal palace. He thinks it belongs to the queen, with whom he believes himself in love.

The mistaken identity leads to considerable merriment. Miss Harvey is in love with Boyer, but simply allows herself to suffer on in silence; that is, until the closing footage, when the duke learns the voice belonged to her.

Erich Pommer produced. Other players are Maurice Evans and Ernest Thesiger. Friedrich Hollaender directed. Running time, 81 minutes.

## *"Voice in the Night"*

(*Columbia*)

Tim McCoy fans will find their favorite just as virile a hero as ever in "Voice in the Night," a fast bit of entertainment filled with many exciting moments. The kids particularly will revel in the physical encounters and the automobile pursuits in this picture.

McCoy, the son of the head of a telephone company, goes to work under an assumed name for a rival outfit with the intention principally of disproving that his father's concern is responsible for the violence and destruction being perpetrated against the competitor. Another thing that draws him to the job is the pretty daughter of the president.

Tim starts a vigorous campaign to discover those at the bottom of the dirty business. This he succeeds in doing, but not before a number of pretty close shaves with those responsible for the villainy. The aim of the guilty persons was to force the company out of business by disrupting its service and so causing it to lose its charter. Tim is just as successful in courting the boss's daughter.

That the plot is more than a bit strained will probably mean nothing to McCoy's fans. Supporting the star are Billie Seward, who plays the heart-throbber; Ward Bond, Joseph Crehan, Kane Richmond, Frank Layton, Guy Usher, Francis McDonald and Alphonz Ethier. Charles C. Coleman directed. Running time, 59 minutes.

## "Sane, Reasonable," N. Y. Censors' Rule

(*Continued from page* 1)

Department of Education, known in the trade as the censor board.

Esmond spoke before the *Syracuse Herald* Cinema Critics Club.

"During the past few months, and at the present time, special efforts are being made, as you know," he said, "by churches and other welfare organizations to obtain a better appreciation of good pictures and to discourage the making of salacious and improper pictures.

"As I view the situation, legal censorship is a first line of defense against pictures that may tend to corrupt morals or incite to crime. It may not accomplish all that may seem desirable, and the efforts of the churches and welfare organizations are valuable, jus as is the exercise of discretion on the part of parents as to what pictures they will permit their children to see. No one expects that all pictures will be made for children or that the production of legitimate drama will be hampered unreasonably through the exercise of legislative regulation. We all want clean pictures. So far as our reviewing board is concerned, it has been our effort to give a sane and reasonable construction to the law and its application to pictures."

## *Pathe Board to Take Up New Finance Plan*

(*Continued from page* 1)

simplify the capital structure, if a quorum can be arranged.

It is also reported the new proposal would involve the creation of a new common and a new preferred issue to be issued in exchange for the present common, "A" and preferred, the accumulations to be paid off in common shares.

Back dividends on the 8,043 shares of eight per cent preferred total $50 a share, while accumulations on the 242,823 shares of $4 Class A totals $26 a share. There are in addition $2,065,500 of seven per cent bonds, due in 1937, and 948,581 shares of common stock outstanding.

Control at present is in the hands of S. W. Webb, president, and associates, who bought out the holdings of Joseph P. Kennedy in April last year.

## *RCA to Revamp Its British Recording*

LONDON, June 12.—RCA Photophone, Ltd., is preparing to revamp its recording equipment at British studios for High Fidelity sound.

Van Ness Phillip, export manager for RCA Victor, in confirming the above cable yesterday declared many of the original contracts with British studios were for three-year periods and that, in discussing renewals, such producers were preparing to modernize their recording apparatus to embrace High Fidelity sound.

He said the work will be undertaken by the British organization as part of its routine and will not necessitate sending engineers from New York.

## *Takes Over Tampa House*

TAMPA, June 12.—James L. Raulersen has taken over the Prince and has renamed it the Orpheum.

# "Thin Man" Is Good on Loop With $35,000

CHICAGO, June 12.—Business was on the upgrade last week in the Loop. The Chicago ran up to $35,000 on "The Thin Man" and a stage show.

Others were somewhat below average, but showed a better trend than in recent weeks. "Sadie McKee" reached $16,500 at the United Artists.

Total first run business was $114,010. Average is $137,000.

Estimated takings:

***Week Ending June 5:***

**"THE THIN MAN" (M-G-M)**
CHICAGO—(4,000), 35c-50c-68c, 9 days. B. & K. stage show. **Gross:** $35,000. (Average, $34,600.)

**"SADIE McKEE" (M-G-M)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $16,500. (Average, $17,000.)

**"CHANGE OF HEART" (Fox)**
McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $9,500. (Average, $13,000.)

**"HE WAS HER MAN" (Warner)**
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $11,000.)

***Week Ending June 6:***

**"I'LL TELL THE WORLD" (Univ.)**
ORIENTAL—(3,940), 25c-40c, 8 days. Stage: Kackie Merkle, Paul Sydell, Sid Marion & Co., Russ, Elmer & Armstrong. **Gross:** $13,000. (Average, $15,000.)

***Week Ending June 7:***

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Phil Harris & orchestra, Lucille, Page, Ken Murray & others. **Gross:** $18,000. (Average, $22,000.)

***Week Ending June 9:***

**"WHIRLPOOL"**
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Jackie Heller, Charlie Foy and others. **Gross:** $11,000. (Average, $15,000.

# Buffalo Theatres Hard Hit by Heat

BUFFALO, June 12.—Five days of temperature around 90 drove nearly everyone to the beaches. This was followed by two days of almost chilly weather and all grosses were away off. There has been virtually no rain here since April.

Total take was $29,000. Normal is $35,600.

Estimated takings for the week ending June 8:

**"LITTLE MISS MARKER" (Para.)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Georgie Price; M;rie MacQurrie Harpists; Collette Carlay; Davy Kraft; the De Espeys. **Gross:** $11,900. Average, $14,300.)

**"SHE MADE HER BED" (Para.)**
**"MURDER IN TRINDAD" (Fox)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,100. (Average, $6,000.)

**"VIVA VILLA" (M-G-M)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,200. (Average, $8,000.)

**"THE GHOUL" (Gaumont British)**
**"ORDERS IS ORDERS" (Gaumont British)**
HOLLYWOOD—(300), 25c-40c, 7 days. **Gross:** $800. (Average, $800.)

**"I'LL TELL THE WORLD" (Univ.)**
**"GLAMOUR" (Univ.)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,000. (Average, $6,500.)

## *Todd Replacing Knight*

HOLLYWOOD, June 12.—Universal is negotiating with Thelma Todd to replace June Knight in "Romance in the Rain." June has been forced to give up the role because of her illness.

# "McKee" Only Money-Maker In Pittsburgh

PITTSBURGH, June 12.—Business again last week, except in one or two spots, was way off, with the unusually hot weather once more the alibi.

At the Penn, "Sadie McKee" rolled up the best gross of the week, getting around $14,500. The only other house to better average was the Warner, where the combination of "Strictly Dynamite" and "Upper World" attracted around $5,800.

"Hollywood Party" was one of the season's major disappointments, doing only $2,600 at the Fulton, the worst at this house in some time, while the Pitt, in its last week before closing for the summer, got a weak $5,000 with "Woman's Man" and the "Broadway to Rio" unit. The Regent did its usual $1,500 with "Finishing School" and "Curtain at Eight."

Total grosses in six first run houses were $35,600. Average is $38,500.

Estimated takings for the week ending June 9:

**"HOLLYWOOD PARTY" (M-G-M)**
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $2,600. (Average, $4,500)

**"SADIE McKEE" (M-G-M)**
PENN—(3,300), 25c-50c, 6 days. **Gross:** $14,000. (Average, $12,000.

**"WOMAN'S MAN" (Monogram)**
PITT — (1,600), 15c-40c, 6 days. Stage: "Broadway to Rio" unit with Vanessi. **Gross:** $5,000. (Average, $6,500)

**"FINISHING SCHOOL" (Radio)**
**"CURTAIN AT EIGHT" (Majesic)**
REGENT—(900), 25c-35c, 6 days. **Gross:** $1,500. (Average, $1,500)

**"STINGAREE" (Radio)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $6,200. (Average, $9,000)

**"STRICTLY DYNAMITE" (Radio)**
**"UPPER WORLD" (Warners)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $5,800. (Average, $5,000)

## *Marks Assigned First*

HOLLYWOOD, June 12. — Clarence Marks' first picture as an associate producer at Universal will be "Weather Permitting," based on a story idea by Ferdinand Schumann-Heink, Kurt Neumann, and Earl Snell. Neumann will direct.

## *Open in Mexico City*

MEXICO CITY, June 12.—Cine Maximo, the city's biggest house, seating 6,000 and equipped with all the latest luxuries, has been opened. It is operated by Manual Cava. This brings the total of theatres to 52, all of which are operating.

## *Defer Chicago Variety*

CHICAGO, June 12.—Formation of a local Variety Club has been deferred until fall, according to Clyde Eckhardt of Fox, temporary chairman. It was believed that hot weather might interfere with attendance. The club plans will be carried out later.

## *Stern Back in Pittsburgh*

PITTSBURGH, June 12.—Tony Stern, until recently manager of the Court, Wheeling, has been brought back to Pittsburgh and assigned to the Cameraphone, East Liberty. He replaces George Daransoll, resigned. Acting-manager Edward Segal has been sent back to his old post at the Harris-Etna as assistant.

## *Signs Hunter, Kimmins*

LONDON, June 12. — Fox Film (British) has placed T. Hayes Hunter and Anthony Kimmins under long-term directorial contracts.

## *Renew on Todd, Kelly*

HOLLYWOOD, June 12.—Hal Roach has renewed Thelma Todd's and Patsy Kelly's contracts for eight shorts on the new program.

## *Re-Sign Buster Keaton*

Educational has re-signed Buster Keaton who will make four comedies for the company's lineup for the new season.

## *Rube Melcher Joins U. A.*

KANSAS CITY, June 12.—Rube Melcher, until recently with Warners, has joined the United Artists sales staff here, replacing Guy Bradford, resigned.

## *Para. Signs Carl Buss*

HOLLYWOOD, June 12.—Carl Buss, former radio script writer for NBC, has been signed by Paramount to collaborate on "Wagon Wheels" with Charles Logue and Jack Cunningham.

## *Columbia Signs Lorre*

LONDON, June 12.—Peter Lorre, who had a featured part in Fritz Lang's production, "M," has been signed to a five-year contract by Columbia Pictures.

## *Lund Variety Secretary*

PITTSBURGH, June 12.—Harold Lund, of the Ross Federal Checking Service here, has just been appointed secretary of the National Variety Clubs. He succeeds Jack Flynn of Detroit, who resigned.

## *Delay Perelman Suit*

PHILADELPHIA, June 12.—The date now set for the suit of Harry Perelman, exhibitor, against six distributors on the double feature question is June 15 in the U. S. District Court. Judge Walsh will preside.

## *Form Producing Unit*

HOLLYWOOD, June 12.—Herman A. Wohl and C. F. Kimball have formed California Pictures, Inc., and have taken over the California Studios for the production of eight action features for the states right market.

## *Allied of N. D. Has Meet*

VALLEY CITY, N. D., June 12.—Sunday shows and taxes were the main problems up for discussion at the annual convention of Allied of N. D. John Pillar, local exhibitor, presided.

## *FitzPatrick Starts For West Next Week*

James A. FitzPatrick leaves for the coast next week, stopping at Chicago to attend the M-G-M three-day convention. He plans to show the first of his eight new traveltalk color shorts, "Tulip Time in Holland," to conventionites.

From Chicago FitzPatrick will go to the coast, where he will make a travel subject on Hollywood. Mrs. FitzPatrick, now in England, has left Plymouth on the *Champlain* for New York, arriving here June 20.

# "Returns" and Show Get Big Take in L. A.

LOS ANGELES, June 12.—"Many Happy Returns," in combination with F. & M.'s. "The Student Prince" at the Paramount turned out to be the big money-maker of the week. The $23,795 gross topped par by $5,795.

Elsewhere business fell off. "House of Rothschild" was down to $13,240 in its ninth week at Grauman's Chinese. "Queen Christina" failed to make a showing at Loew's State, the take being $8,688. "He Was Her Man" managed to get $20,000 playing day and date at Warners' Hollywood and Downtown.

Total first run business was $75,423. Average without the Pantages is $82,650.

Estimated takings for the week ending June 6:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 7 days, 9th week. Sid Grauman prologue. **Gross:** $13,240. (Average, $14,000.)

**"NO GREATER GLORY" (Col.)**
FILMARTE—(900), 40c-50c, 7 days. **Gross:** $1,000. (Average, $2,650.)

**"QUEEN CHRISTINA" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $8,688. (Average, $14,000.)

**"MANY HAPPY RETURNS" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M.'s "The Student Prince." **Gross:** $23,795. (Average, $18,000.)

**"20TH CENTURY" (Col.)**
RKO—(2,700), 25c-40c, 2nd week, 7 days. **Gross:** $6,100. (Average, $8,000.)

**"HE WAS HER MAN" (Warners)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-55c, 7 days. **Gross:** $11,000. (Average, $14,000.)

**"HE WAS HER MAN" (Warners)**
WARNER BROS. (DOWNTOWN)—(3,400), 25c-55c, 7 days. **Gross:** $9,000. (Average, $12,000.)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
**"EMBARRASSING MOMENTS" (Univ.)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $2,600.

## *Statewide Sues for Return of a Deposit*

MILWAUKEE, June 12.—Suit against the Grand & Sixth Building Co. to recover a $52,642 deposit fund on behalf of Statewide creditors has been filed by the trustee in the Federal Court here. The contention is that the fund, given by Midwesco to guarantee the 1932 Wisconsin Theatre rental, should revert to Statewide as an asset of all creditors instead of being kept to adjust the building company claim against Statewide.

## *Shea's Will Probated*

BUFFALO, June 12.—The widow and daughter of Michael Shea are chief beneficiaries under his will, probated in Erie County Surrogate Court recently. The widow, Mrs. Josephine Carr Shea, receives two-thirds of the income for life of a trust comprised of Shea's holdings in the MacNaughton Realty Co., owners of the Buffalo, Hippodrome and Court Street theatres and other business property.

Mrs. Mary Shea Giffoniello, the only daughter, receives the remaining one-third income from the trust fund. In event of Mrs. Shea's death, the daughter receives the entire income for life. Mrs. Shea is appointed executor and trustee of the estate with Thomas D. Powell, personal attorney for Shea.

Adolph Zukor presents MAE WEST in "IT AIN'T NO SIN" with Roger Pryor
John Mack Brown · Duke Ellington & Band · A Paramount Picture · Directed by Leo McCarey

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 138 | NEW YORK, THURSDAY, JUNE 14, 1934 | TEN CENTS

## Allied Heads Study Joint Buying Plan

### *Would Supplant Proposed Producing Venture*

A plan for marshaling independent exhibitor buying power nationally is being considered by Allied States directors in session at the Warwick Hotel, it was learned yesterday. The plan provides for booking arrangements through Allied field offices of the product of cooperating distributors and, if approved by the organization, would supplant its earlier plans for sponsoring its own productions, according to report.

An Allied official denied yesterday that Allied's producing plan was dead now. It was reported, however, that

(*Continued on page* 6)

## President for Power To End Labor Rows

WASHINGTON, June 13.—Legislation designed primarily to avert the threatened strike in the steel industry, but applicable generally was today asked of Congress by the President and will be rushed through before the end of the week.

The proposed measure provides that "to further the policy of the NRA," the President may establish a board, or boards, to investigate issues, facts, practices and activities of employers

(*Continued on page* 4)

## Review Refused on Para.-F. W. C. Deal

A petition for review of Referee Oscar W. Ehrhorn's order approving the plan of settlement of Paramount's claims against Fox West Coast was denied yesterday by Judge Alfred C. Coxe in U. S. District Court here.

The petition attacking the plan was brought by Samuel Zirn, attorney for

(*Continued on page* 5)

## *Phila. Business Hit By Church Boycott*

PHILADELPHIA, June 13.—The Catholic ban on objectionable film, which has the support of the Methodist Church, has spread gloom among local showmen.

Grosses in the downtown houses have been off. Part of this slump is

(*Continued on page* 8)

## Both Foreign, Domestic Set In U. A. Move

### *Mundus, Subsidiary, to Have Varied Product*

Mundus Pictures, impending United Artists' distributing subsidiary, will include foreign pictures, other than British, and some American product as well, Joseph M. Schenck told MOTION PICTURE DAILY yesterday.

"There are some pictures which we feel do not measure up to the United Artists standard. Yet they are worthy of release. Our deals with circuits also had a bearing on decision to form Mundus. For instance, the Loew circuit will take 18 from

(*Continued on page* 8)

## *Seek More Deposits Of Paramount Stock*

Paramount stockholders were advised yesterday by the protective committee of which Duncan A. Holmes is chairman that under the provisions of the new Federal bankruptcy laws a reorganization of Paramount "will require the affirmative consent

(*Continued on page* 5)

## *Southern Indies Go In New Association*

ATLANTA, June 13.—Independent theatre owners of the Atlanta territory, comprising Georgia, Florida, east Tennessee and north Alabama, have organized the G. F. T. A. Independent Theatres' Ass'n. A convention will be held here July 8 and 9. In

(*Continued on page* 6)

### *London, the Base*

**One of the purposes of Joseph M. Schenck's trip abroad is to concentrate headquarters activities of United Artists on the Continent in London under Maurice Silverstone, managing director of United Artists Corp., Ltd. Paris is now the operating base for Continental activities.**

**Changes in the political situation and nationalistic trade restrictions aimed at American films are reported the reasons for the proposed shift. Schenck and Silverstone sail on the *Ile de France* Saturday.**

## Stanley Waite Dies Suddenly In His Office

Stanley B. Waite, Paramount divisional sales manager, died suddenly in his 12th floor office in the Paramount Bldg. at noon yesterday. Death was attributed to an attack of acute indigestion.

Stanley B. Waite

Waite was to have left last night for the Paramount annual sales convention, which opens in Los Angeles on

(*Continued on page* 6)

## *Eckman Urges Britain to Avoid Overbuying Urge*

By BRUCE ALLAN

BLACKPOOL, ENGLAND, June 13.—Citing the dangers of overbuilding, Sam Eckman, Jr., managing director of M-G-M in England, today urged the Cinematograph Exhibitors' Ass'n., in annual convention here, to set up machinery to avoid the pitfalls of overexpansion. His address was one of the significant developments at the sessions.

Detailing America's experience where he said the results had been "disastrous," Eckman said:

"During the latter days of my presidency of the Kinematograph Renters' Society (distributors), I was approached by an executive of the C. E. A. to lend my support to a plan setting up a committee to pass on all

(*Continued on page* 8)

### *For British Hays*

**Blackpool, England, June 13.—A Will Hays of the British industry is required, J. Davies told the C.E.A. convention here today.**

## First B'way Pool Set by Capitol-Para.

### *Former Drops Shows and Gets Pick of Films*

Broadway's first theatre pool and one of the most significant to date anywhere was consummated yesterday when the Paramount and Capitol merged operations with June 29 as the effective date.

The theatres will be individually maintained, the deal covering a profit and-loss arrangement arising out of new policies determined for each house. Available for the Capitol will be M-G-M, as usual, and first call on Paramount. The theatre will drop its orchestra, its line of girls and its stage shows and switch to an all-sound policy.

The Paramount will continue stage

(*Continued on page* 8)

## GTE Creditor Move Is Under New Act

The petition entered against General Theatres Equipment by the Colonial Mortgage Investment Co. in U. S. District Court in Wilmington Tuesday was filed under the new bankruptcy law, it was stated yesterday by Otto Koegel of Hughes, Schurman & Dwight, counsel for the equipment company.

Under the new statute creditors and

(*Continued on page* 5)

## *Lilian Harvey and Fox Drop Contract*

HOLLYWOOD, June 13.—Lilian Harvey and Fox today terminated her contract by mutual agreement. She will leave for Germany to resume work for Ufa. Three pictures had been lined up for her for next season, the first of which was "Serenade." The company will substitute "Pat" Patterson in this.

## *Cincy Board Orders 10c. Scale Stopped*

CINCINNATI, June 13.—The grievance board has ordered A. Macci to discontinue 10-cent admissions in connection with merchants' tickets at the Wayne, Greenville, O. Regular scale is 25 cents.

The complainant was Phil Chakeres, operating the State, Greenville, who

(*Continued on page* 4)

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *Council Elects Members*

Mrs. William Barclay Parsons, Jr., and Arthur Butler Graham, both of New York, have been elected to membership of the National Board of the M. P. Research Council.

## *Farrow Sails Saturday*

HOLLYWOOD, June 13.—John Farrow sails Saturday for Hawaii to make a four-reel subject in Technicolor. Harry Rapf is producing it for M-G-M.

## *Final Ampa Meet Today*

The Ampa holds its final meeting of the season today at the M. P. Club.


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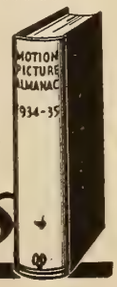



# *Insiders' Outlook*

JOE SCHENCK is unworried over what's in the offing for the immediate future if (1) admissions are raised generally throughout the country and (2) some sort of a brake is applied to what he terms the "recklessness" of double features. In a long talk with him yesterday, these thoughts on his mind, as well as some others, he unloaded. His argument on admission hikes is that producers won't be able to afford further expensive negatives unless the returns from exhibition support their judgment by swelling their returns. . . .

▼

"It seems simple to me," he continued, "that the Capitol Theatre, for example, charging 50 cents, single feature, is entitled to protection over the house around the corner that charges 15 cents, double feature. What about stage shows, you ask? They don't mean a thing unless the theatres can get names. How many names are there and how many houses running stage shows or presentations anyway? It's all in the film. That's where the protection should come in." . . . He might have added that's where the amusement comes in, too. . . .

▼

As if in direct answer to his slant on presentations, which have been pretty bad along Broadway, developed the yarn on the operating pool between the Capitol, which Schenck spoke about, and the Paramount. Battle scarred and financially dented by their own competitive bidding for "names," the necessary individuals at Loew's and Paramount first discussed the pros and cons of a pool a year ago. Difficult to arrange at best, nothing came of the idea. . . .

▼

Five weeks ago and because grosses were what they were, the seed took root again. Last night and immediately prior to the departure west of the Paramount home office group, saddened by the untimely death of Stan Waite, the detail was washed up and the booking gents at Paramount instructed to rearrange their dates—with film we mean. What does it mean? For the Paramount: No more stage show competition and second choice on M-G-M and Paramount product. For the Capitol: An all-sound policy, with product selected from the cream of both companies' crop. . . . For vaudevillians: One booking where two prevailed and less competition, for their services. For Boris Morros: Loss of "It Ain't No Sin" to Edward Bowes.

▼

Offspring of the New York Central Vanderbilts, George of that illustrious name is Europe-bound to make a picture. He likes to dabble with cameras and celluloid, "Devil's Playground" being his maiden effort. If he sticks to his hobby up to and including September a year hence, it may result in a new film bankroll. For then George walks into a $10,000,000 heritage and also his majority, in point of years. . . . Cullman-to-KAO, a potential move which the Banking Lehmans know about but nobody else, if everybody else is to be taken at face value, may begin to pop when David Sarnoff gets accustomed to these shores after a Continental jaunt. Which will be shortly now. . . .

▼

Around the Columbia office. *Jack Cohn*: "That's what I've been telling you. You can't analyze doubles." *Nat Spingold*: "For God's sake, that's what I've been telling you for six months. This double feature situation——" *Cohn*: "I don't mean pictures. I'm talking about bridge." . . . M-G-M paid copy, under a photo of Edwin C. Hill, reads:

On May 22 the trade press printed the announcement that Edwin C. Hill, the Magic Voice, was signed by Hearst Metrotone News.

Thanks for the compliment, Si Seadler. MOTION PICTURE DAILY carried the yarn alone on that day. . . . KANN

## *K-A-O Pfd. Jumps 5 on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 33½ | 33 | 33 | — ½ | 300 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | ..... | 100 |
| Consolidated Film Industries, pfd | 15¾ | 15⅝ | 15⅝ | + ¼ | 200 |
| Eastman Kodak | 99½ | 99 | 99½ | + ⅜ | 300 |
| Eastman Kodak, pfd | 144 | 144 | 144 | +2 | 20 |
| Fox Film "A" | 15 | 14½ | 14½ | — ¼ | 800 |
| Keith-Albee-Orpheum, pfd | 35 | 35 | 35 | +5 | 100 |
| Loew's, Inc. | 33⅛ | 32⅛ | 32½ | — ⅛ | 1,900 |
| Loew's, Inc., pfd | 97¼ | 97¼ | 97¼ | + ¾ | 100 |
| Paramount Publix | 4¾ | 4⅜ | 4½ | — ¼ | 8,800 |
| Pathe Exchange | 2¾ | 2½ | 2½ | — ¼ | 300 |
| Pathe Exchange "A" | 24⅜ | 23⅜ | 23¾ | — ¼ | 900 |
| RKO | 2⅞ | 2¾ | 2⅞ | + ¼ | 700 |
| Universal Pictures, pfd | 38 | 38 | 38 | —1 | 10 |
| Warner Bros. | 6¼ | 6⅛ | 6⅛ | ..... | 900 |

## *Technicolor Hits New High on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | ..... | 300 |
| Technicolor | 12½ | 12⅛ | 12½ | + ½ | 1,200 |

## *Trading Light in Bond Market*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10 | 9½ | 9½ | — ½ | 13 |
| Loew's 6s '41, ww deb rights | 102⅛ | 102 | 102 | ..... | 3 |
| Paramount F. L. 6s '47 | 54¼ | 54 | 54¼ | — ¼ | 5 |
| Paramount Publix 5½s '50 | 54¾ | 54¾ | 54¾ | — ¾ | 11 |
| Pathe 7s '37, ww | 99½ | 99½ | 99½ | — ⅛ | 4 |
| Warner Bros. 6s '39, wd | 61 | 60½ | 60⅞ | + ⅜ | 11 |

## *Purely Personal*

BESS MEREDYTH is due in from Hollywood today en route to London to do the script for "Wellington," the GEORGE ARLISS picture for Gaumont British. She returns to the coast in August to start a new contract with 20th Century.

HOWARD CULLMAN claims that he is not superstitious, merely took yesterday afternoon off to keep a golf date with AL SMITH.

MRS. LESLIE HOWARD and MRS. WILLIAM GARGAN are on their way here for a vacation. LESLIE HOWARD is expected the end of the week.

J. WALTER RUBEN leaves for the coast tomorrow, but will stop over in Chicago on the way to attend the Radio convention Monday.

CHARLES ROSENZWEIG is on a tour of First Division exchanges. He's now in Cincinnati.

CHARLES ROSENSWEIG has left for the midwest on a tour of First Division exchanges.

EDWARD G. and MRS. ROBINSON leave tomorrow for the coast after spending the last three weeks here.

CHARLES W. BUNN, Erpi sales manager, was appointed a Kentucky colonel yesterday.

## *Robert McNeill Here*

Robert McNeill, president of United California Theatres, Inc., is in town from San Francisco. He is the biggest independent in his territory.


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NEW YORK HOLLYWOOD

## Giveaways Stopped; Film Ban Is Ended

San Francisco, June 13.—On their promise to comply with code provisions prohibiting giveaways, two Oakland theatre corporations will now receive film product from San Francisco exchanges, it was stated yesterday by Rowena Foley, secretary of the code boards.

The exhibitors are Monarch Theatre Corp., operating the Granada, and the Foothill Boulevard Amusement Co., operating the Capitol.

Testimony was completed today in the hearing before the zoning board of the Nasser brothers' protest for shorter clearance.

Two appeals to Campi have been filed, one by Maurice Klein of the Victory, San Jose, who was ordered to stop "bank nights," the other by Gerald Hardy of Fresno, whose charge of overbooking against Fox West Coast was dismissed.

W. F. Cooney of the Plaza, Oakland, was victorious in his charge Aaron Wagnon of the Rialto, the same city, was printing advance bookings two months ahead.

## K. C. Board Frees Fox on 2 Plaints

Kansas City, June 13.—First complaints involving Fox Midwest were considered today by the grievance board, which dismissed two charges of reduced admissions on proof that the Fox houses did not run the pictures cited in the complaints. In a third complaint on the same charge Fox was found guilty of running "Sons of the Desert" at the Isis for 15 cents in a 25-cent spot.

While absolving L. M. Robinson of the charge he bought up product in Bethany, Mo., without having a theatre there in order to deprive I. W. Maple of films, the board adjudged him guilty of violating the code by unduly interfering with the complainant's negotiations for a lease on a new house.

## Admissions Govern In Memphis Zoning

Memphis, June 13.—Admission prices will be the dominant factor in the new zoning schedule which probably will be completed today. After two days of hearings it is understood that, in spite of a seven-day cut in the schedule as presented for argument, downtown houses will get greater clearance over local neighborhoods than they have had in the past.

Downtown theatres had complained against non-theatrical showings like the Hotel Peabody, Memphis Country Club and the Lake Forest resort, but withdrew the complaint during the second day of hearing without giving any reason.

## Rule on "Bank Nights"

Oklahoma City, June 13.—In its first decision the grievance board has ruled that "bank nights" are not violations of the code if the exhibitor advertises in advance that ticket holders are not required to buy admissions to theatres. The case was a complaint of A. B. Momand, owner of the Odeon, Shawnee, against the Griffith Amusement Co., operating the Bison, Criterion and Rex, Shawnee.

# Washington Board Hears Four of Six Clearances

Washington, June 13.—Four of the six cases on the local clearance and zoning board's docket have been heard to a conclusion. The two not heard are scheduled to come up before the board June 19.

The first case heard was that of Sam Tabor, operating the Lyceum, Sparrow's Point, Md., protesting against the clearance now afforded Frank Durkee's Grand Highland, Baltimore. Tabor claimed that 10 miles between the two houses made the present clearance of 14 days unreasonable. Durkee replied that due to his extensive advertising and mailing list the protection should be maintained. The Board decided that the present clearance was fair and reasonable.

After suffering two adverse decisions on the same situation here and in Norfolk, A. E. Lichtman won his case against the White Theatres of Richmond, operated by Loew and Wilmer-Vincent interests. Lichtman charged that the present clearance of 47 days was unreasonable and unfair. The board decided that the Booker T., the Lichtman house involved, was entitled to product 28 days following the last first run playdate in Richmond.

Hunter Perry, operating the Paramount and James, Newport News, protested the clearance enjoyed by Loew and Wilmer-Vincent houses in Norfolk and asked the elimination of all protection now afforded the Norfolk houses. The board decided that the clearance of the first run Norfolk houses over Newport News first runs was unreasonable and that none at all should exist.

William S. Wilder, operating the Gates, Portsmouth, filed a complaint against the first run theatres of Norfolk. But before the case was called and officially opened, Wilder proposed to Joseph Eagan and Carter T. Barron, attorneys for the Norfolk houses, that they agree not to exhibit pictures second run until Portsmouth had played them first run. Eagan and Barron accepted the agreement and the case was withdrawn. The original protest had provided for this arrangement with a clearance of seven day to be enjoyed by Norfolk.

## N. O. Board Adopts Clearance Changes

New Orleans, June 13.—New clearances have been adopted by the clearance and zoning board.

First runs operated by Saenger get 60 days, with Lazarus houses in the commercial area waiting 90 days. First subsequent runs, generally sold to United Theatres, get 60 days after first run; second subsequent runs, 120 days; third, 150 days. First runs sold to Loew's are identical except for the second run, which is 45 days after first run.

Orpheum first runs get 30 days over second, or first subsequent run, 60 days over Lazarus commercial area houses, 90 days over second subsequent run and 120 over third subsequent run. St. Charles and Liberty are identical, but for the Lazarus houses, which get product 30 days instead of 60 days after. Zoning areas are to be adopted soon and will probably conform to the zoning now used by the major exchanges selling Saenger and Loew. Protests will be heard on these schedules.

## Clearance Hearings Given in Portland

Portland, June 13.—At the weekly meeting of the clearance and zoning board today the cases of Geller vs. Paramount Distributing Co. and Paramount Theatre, and the William Cutts vs. Radio, Warner-F. N., Universal and Fox complaint. Both were on questions of clearance.

The board took under advisement the question of re-zoning the city.

The grievance board heard a complaint of Cutts against the C. B. Hudson Colonial covering admission prices and decided in favor of Cutts.

## Buying Up in Charlotte

Charlotte, June 13.—One overbuying complaint is scheduled to come before the grievance board June 15.

## Clearances Are Set By St. Louis Board

St. Louis, June 13.—The clearance and zoning board has declined to grant the Publix Great State Theatres, Inc., request that their first run houses in Springfield, Ill., should be given clearance over theatres in Jacksonville, Ill. The applicant was willing that the Jacksonville houses should play immediately behind Springfield, but the board decided they were not entitled to any clearance.

The Publix-Great States and Fox first run houses in Springfield were granted 35-day clearance over the subsequent runs in Springfield.

In another group of cases involving the Publix-Great States Theatres, Inc., first run houses in Alton, Ill., those houses were given 30 days over Wood River, Ill., a prior run over Hardin, Ill., provided that the pictures are played within 28 days of availability in Alton, 45 days over East Alton and Upper Alton, instead of the 60 days asked, and 30 days over the Temple in Alton. The board declined to grant any clearance for Alton over Edwardsville.

Walter A. Thimmig of the McNair Theatre has asked the clearance and zoning board to re-hear a case decided against him in favor of the Cinderella and Gravois. He claims Louis Ansell should not have sat on the board when David Nelson, an exhibitor in his classification, was available.

Ansell sat after Fred Wehrenberg, owner of the Cinderella, had disqualified himself. Thimmig wants Wehrenberg's 42-day clearance cut.

## Charles Crockett Dies

Hollywood, June 13.—Charles B. Crockett, 62, stage and screen actor, died today of a kidney ailment. Surviving are his widow, father and two sons.

## President for Power To End Labor Rows

(Continued from page 1)

and employes in any controversy, such board, or boards, being empowered to order and conduct secret elections by employes to choose the representatives through whom they will bargain with employers. The proposed boards would have the power to order the production of documents and the appearance of witnesses for purposes of investigation.

Any order issued by the board may be enforced in the same manner as an order of the Federal Trade Commission by any United States court of proper jurisdiction.

The board, with the approval of the President, may prescribe rules and regulations, any violation of which, or any attempt to impede or interfere with the execution of which, may be punishable by a fine of $1,000 or imprisonment for one year, or both.

## Thompson Quits Job On the Review Board

Washington, June 13.—Charging the National Recovery Administration with aiming at Fascism, W. O. Thompson of Chicago today resigned from the National Recovery Review Board.

With the board scheduled to dissolve before the end of the month, Thompson's resignation is purely a gesture to emphasize his disapproval of the recovery administration. His action is not entirely unexpected, as it has been known he had refused to sign the report made public by the board yesterday, covering 14 industries.

Thompson, in leaving the board, assumed full responsibility for the "supplemental" report which accompanied the report on the film and seven other industries last month, in which he said the country was faced with a choice between government fostered monopoly and socialization of industry.

## Cincy Board Orders 10c. Scale Stopped

(Continued from page 1)

also charged that Macci admitted high school students free at a showing of "Henry the VIII." Chakeres did not appear. He was represented by Louis Martin, attorney.

Chakeres recently was ordered to discontinue a similar practice. The complainant in that case was I. N. Wingert, Grand, Union City.

## First Denver Appeal Up

Denver, June 13.—The first appeal from a decision of the grievance board has been taken by Thomas Sullivan, owner of the Gothic at Englewood. He had been ordered to stop two-for-ones in a case brought by Fred Lind, owner of the Grand at Littleton, 10 miles from Denver.

## Inderbitzen to Appeal

Buffalo, June 13.—Notice of appeal will be filed with Campi by Byron Inderbitzen, proprietor of the Roxy, from the grievance board's order to stop giving away groceries.

## Paul Martin Quits Fox

Hollywood, June 13.—Paul Martin, director, has left Fox. He has directed only one film since being brought to this country, "Orient Express."

## Review Refused on Para.-F. W. C. Deal

(Continued from page 1)

a group of Paramount Publix bondholders, and asserted that the Paramount trustees, particularly Charles E. Richardson and Eugene W. Leake, were disqualified from acting in the settlement because of old associations with Fox Film and Film Securities Corp. Leake was president of the latter organization which was set up to take over the Fox interest in Loew's a number of years ago.

Counsel for the Paramount trustees pointed out that Richardson, a former treasurer of Fox, had taken no part in the West Coast settlement because of his former association. Judge Coxe denied Zirn's petition from the bench.

The Paramount-F. W. C. settlement, approved by Referee Ehrhorn several weeks ago, was a complex agreement providing for new leases to be taken by Fox West Coast on a number of Paramount theatres at San Francisco, Oakland, Portland and Seattle, and for the payment of back rent to Paramount on a number of the defaulted leases. F. W. C. had repudiated the leases, contending that Paramount had defaulted on the original agreements, made in 1930.

### *Jaffe Quits Columbia*

HOLLYWOOD, June 13.—Sam Jaffe has resigned as associate producer at Columbia, effective June 28. He will leave for Europe and will return in about three months. He may do a picture in England.

## *Seek More Deposits Of Paramount Stock*

(Continued from page 1)

of a majority of the outstanding capital stock of the corporation."

The committee urges stockholders who have not deposited their shares to do so at once, in view of the filing of a petition last week for the reorganization of Paramount under the new laws. The committee represents 44 per cent of the outstanding shares.

### *"Rothschild" Heads Herald's Champions*

"The House of Rothschild" heads *Motion Picture Herald's* box-office champions for May. The other selections for the month are "Viva Villa!" "Stand Up and Cheer," "We're Not Dressing," "Twentieth Century," "Manhattan Melodrama" and "Countess of Monte Cristo."

### *K. C. Scale Up for Band*

KANSAS CITY, June 13.—The RKO Mainstreet will advance its 25-cent price to 50 cents top for Ted Lewis and his band, set for seven days beginning Friday. Scale for the week will be 35 cents matinees and in the balcony at night, 50 cents lower floor nights, including tax.

### *"U" Promotes James*

HOLLYWOOD, June 13.—Rian James, writer, has been promoted to an associate producership at Universal, and Russ Columbo has been signed to a new starring contract.

## *Current Radio List Finished This Week*

Radio will complete the 1933-34 production schedule this week, with only "Hat, Coat and Glove" to be finished.

Nine of the 1933-34 features are now ready for release this month and during July. These are:

"The Life of Vergie Winters," "Cockeyed Cavaliers," "Let's Try Again," "Murder on the Blackboard," "We're Rich Again," "Of Human Bondage," "Down to Their Last Yacht," "Bachelor Bait" and "Afterwards."

### *Depinet on Hays Board*

Ned E. Depinet, president of RKO Distributing Corp., yesterday was elected a member of the board of the Hays organization. This is an addition, the action taking place at the organization's quarterly meeting.

### *Off for Radio Meeting*

HOLLYWOOD, June 13.—J. R. McDonough, B. B. Kahane, Lee Marcus and Eddie Eckels will represent the studio at the Radio convention in Chicago. They leave Hollywood Thursday.

### *To Attend Warner Meet*

HOLLYWOOD, June 13.—Ed Selzer, Joe E. Brown and Harry Seymour leave for San Francisco Sunday night to attend the fourth and final Warner regional there.

### *Midland Shifts Opening*

KANSAS CITY, June 13.—Beginning this week, Loew's Midland goes to Friday opening instead of Saturday.

## New RKO Bankrupt Move in Baltimore

BALTIMORE, June 13.—A petition for the reorganization of RKO under the new bankruptcy laws has been filed in U. S. District Court here by a group of RKO bondholder creditors. The petition is similar to that filed by RKO in Federal District Court at New York last week. RKO is expected to file an answer to the bondholders' petition here within the next few days.

The new Federal bankruptcy laws require corporations to file answers within 10 days to petitions instituted by creditors for reorganization of the corporations under the new statutes. The petition in U. S. District Court here was filed by RKO itself on approval of its board of directors, hence no answer to that petition is required.

## GTE Creditor Move Is Under New Act

(Continued from page 1)

security holders may file a petition to reorganize a distressed firm, but before the court names a trustee 75 per cent of creditors or security holders must approve. The mortgage firm alleges it holds $225,000 of 10-year six per cent debenture bonds of General Theatres which are in default in interest.

General Theatres is now in receivership.


**The Carnera-Baer picture. The greatest box-office attraction since the Dempsey-Firpo fight has been booked solid by RKO in New York State opening on Friday, June 15th, at the following theatres:**

THE PALACE
ROXY RKO CENTER THEATRE
81st STREET THEATRE
23rd STREET THEATRE
58th STREET THEATRE
86th STREET THEATRE
REGENT
125th STREET
HAMILTON
COLISEUM
FORDHAM
FRANKLIN
ROYAL
CHESTER
FLUSHING
YONKERS
MT. VERNON
NEW ROCHELLE
WHITE PLAINS
COLONIAL
JEFFERSON
STRAND
EMPIRE
ACADEMY
CROTONA
PARK PLAZA
AUDUBON
VALENTINE
BROOKLYN ALBEE
KENMORE
PROSPECT
GREENPOINT
BUSHWICK
TILYOU
MADISON
RICHMOND HILL
DYKER
ORPHEUM
FAR ROCKAWAY
ROCKAWAY PARK
ROCKVILLE CENTRE
KINGSWAY
PALACE—ALBANY, N. Y.
PROCTORS—TROY, N. Y.
PROCTORS—SCHENECTADY, N. Y.
KEITHS—SYRACUSE, N. Y.
KEITHS—ROCHESTER, N. Y.

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# Allied Heads Study Joint Buying Plan

(Continued from page 1)

the organization had definitely abandoned the plan for this season, at least, due to the short length of time which remains before exhibitors will be required to book new season's product. Allied, it was said, could not have its proposed product lineup in definite enough form to meet the buying deadlines of a large number of exhibitors. Under the organization's "recommended booking" plan, co-operative arrangements would be made with any distributor who agreed to a playing term basis to be outlined by Allied.

National Screen Service established headquarters in the Warwick for the period of the meeting and is cooperating with Allied in the latter organization's opposition to producer-made trailers, a subject also on tap for the directors' attention. Church and civic campaigns against "indecent" films, code subjects and Allied's plans for expanding organization in new territories are also under discussion. The meeting continues throughout today and may be extended into Friday if action lags on the numerous subjects up for discussion.

Sidney Samuelson, Allied president, is presiding at the sessions. In attendance are: Abram F. Myers, general counsel; Nathan Yamins, Walter B. Littlefield, W. A. Steffes, H. M. Richey, M. B. Horwitz, Ray Branch, Edward Ansin, Ben Berger, Fred Herrington, Herman Blum, Arthur Price, Ruben Frels, William Smalley, Chester Didsbury, Frank Hornig and Abe Stone.

## Southern Indies Go In New Association

(Continued from page 1)

the meantime organization details will be worked out.

Officers are: Ike Katz, Montgomery, president; Earle E. Griggs, secretary; C. A. Coart, Atlanta, treasurer; C. D. Swint, Atlanta; Mrs. Fay Ellis, Miami; N. H. Waters, Birmingham, and Ben Borisky, Chattanooga, vice-presidents. John Gillooly, St. Petersburg; L. J. Duncan, Lanette, Ala.; Sam Borisky, Chattanooga, and Alpha Fowler, Atlanta, are directors, with the officers.

Approximately 70 theatres were represented at the first meeting, all signers signifying they were in no way affiliated with producers or distributors.

## "Drood" Leads Selected

HOLLYWOOD, June 13.—Universal is combining Charles Laughton, Heather Angel and Boris Karloff in the Charles Dickens story, "Mystery of Edwin Drood."

Leopold Atlas and Bradley King are working on the adaptation.

## Roach Restarts "Babes"

HOLLYWOOD, June 13.—After postponements for three months, Hal Roach will put "Babes in Toyland" back into production July 15 with Laurel and Hardy. Ray McCarey will direct.

# Looking 'Em Over

## "Are We Civilized?"

*(Raspin)*

Those who think the screen has a message to deliver, some function to perform in solving the world's problems probably will like this. Those who put down their quarters for straight entertainment are apt to resent it, unless they happen to be among those who argue as to whether Hitler is right or wrong.

Harold Sherman, author of the story, apparently has set up the thesis that human happiness can be obtained only by subduing national rivalries and spreading the gospel of universal brotherhood. To get his views across he takes a wisp of a story—a father who returns to his native country, presumably Germany, to find his editor son the victim of all kinds of censorship, but at the same time engaged to the censor's daughter. At a dinner in his honor he criticizes the government.

Police burn the son's library, the boy is attacked, the girl rescues him, and finally the father is killed by a mob. Between the riot scenes William Farnum talks almost continuously expounding the views of the author. He dies for his frankness.

To illustrate Farnum's monologue World War scenes, naval battles, the Civil War, riots, peace parades and other stock shots are introduced.

The picture is well staged. All the principals, Farnum, Frank McGlynn, Oscar Apfel, Anita Louise, Leroy Mason and Stuart Holmes are adequate, but the film can't be classified as entertainment. Edwin Carewe produced. Running time, 60 minutes.

## "Randy Rides Alone"

*(Monogram)*

A fast moving, exciting western that should not only appeal to kids but to adults as well, for besides the routine shots of the hero dashing about on a white horse followed by the rest of the cast on black ones, there are plausible situations and mature dialogue.

John Wayne arrives at the Halfway House to find the proprietor and several guests murdered. He is about to leave when Earl Dwire, the sheriff, arrives with his posse, led by George Hayes, the town storekeeper, and arrests him. Wayne is allowed to escape by Alberta Vaughn, niece of the slain proprietor, and falls in with the gang that did the killing, only to find that Hayes is their leader. Wayne then leaves the gang after it captures Miss Vaughn, removes the money it is seeking and substitutes dynamite in its place. He then leads the sheriff and his posse to the bandits' hideout. Hayes escapes in the ensuing battle, but is killed by dynamite when he tries to get the money. Wayne is then disclosed as a secret agent of an express company and the fadeout finds him and Miss Vaughn in each other's arms.

The cast also includes Yakima Canutt, Tex Phelps and Arthur Ortega. Harry Fraser directed. Running time, 53 minutes.

*"Private Scandal," tonight's preview at the Mayfair, was viewed by wire from Hollywood on April 25.*

*"The Life of Vergie Winters," today's opener at the Radio City Music Hall, was reviewed by wire from Hollywood on May 25.*

## Court Refuses Ban On K. C. Auditorium

KANSAS CITY, June 13.—The Kansas Supreme Court has denied the appeal of Kansas City Kan., exhibitors on a petition for an injunction to restrain the trustees of the Soldiers' and Sailors' Memorial building in that city from leasing the auditorium to the local American Legion post for wrestling and other athletic events.

The original suit, in the Wyandotte County District Court, was in the name of Paul F. Rodenbeck, a taxpayer, contending the memorial was built and maintained by taxpayers and its use for commercial enterprises was unfair competition.

## Bijou Fernandez East

HOLLYWOOD, June 13.—Bijou Fernandez is eastbound on a talent scouting expedition for Fox. She will concentrate on summer stock companies in the Middle West and New England.

## Carroll Working on Films as Stage Aid

Experiments to revivify the stage through the medium of the screen are being conducted by Earl Carroll at the Eastern Service studios in Astoria. The producer believes that by use of rear projection in color a play can be given greater continuity and added realism. In this way off-stage happenings and effects need not be imagined by the audience. The film portions would be shot with the same players appearing in the play, according to Carroll.

## Ward H. Johnson Dead

CONNEAUT, O., June 13.—Ward H. Johnson, 47, operator of three theatres in northeastern Ohio, is dead following a long illness of heart disease. Johnson was co-owner and manager of the State here, Palace in Ashtabula and Shea's Playhouse at Geneva.

# Stanley Waite Dies Suddenly In His Office

(Continued from page 1)

Monday. He had appeared at his office as usual yesterday morning, apparently in good health. Toward noon he was seized with pains which became increasingly severe. While a physician was being summoned, he lost consciousness and died soon after.

Waite was 44 years old. He became associated with Paramount in 1927 as sales manager of short subjects and the newsreel. He continued to occupy this post until the realignment of the Paramount sales organization in 1931, when it was given its present three-division setup. He was manager of division No. 2, which included Boston, New Haven, Maine, Atlanta, Memphis, Charlotte, Jacksonville, New Orleans, Dallas and San Antonio.

**Started With Pathe**

He entered the industry as branch manager for Pathe at Boston, in which post he remained for two years. Thereafter he was advanced to central division manager for Pathe and later became home office sales representative for the company, the post he occupied just prior to joining Paramount.

Waite was born in Menominee, Mich., and studied at Yale and the University of Michigan. On leaving school he went to South America, where he managed a fibre plantation for two years. He returned to the States and engaged in selling for a machinery manufacturer. During the World War he served as a first lieutenant in the Second Division for three years and participated in all major engagements in which that division figured.

His home was in Bronxville. He is survived by his widow and a nine-year-old daughter.

Funeral arrangements had not been completed up to late yesterday.

"We have lost a fine man and a most capable, young executive," Adolph Zukor, Paramount president, commented.

"He was one of the men I could depend upon in any emergency," said George Schaefer, general manager. "I feel the loss more deeply than I can express."

"We who worked with him know the extent of the loss and the gap in Paramount ranks his passing leaves," said Neil Agnew, general sales manager.

## William Wilby Killed

ATLANTA, June 13.—William Wilby, father of R. B. Wilby, president of the Wilby-Kincey Theatres, Inc., was killed in an auto accident near Kingsport, Tenn., last week. He was buried at Selma, Ala., the family home. He was en route home from a plumbers' code conference.

## Adolph Samuels Passes

ATLANTA, June 13.—Adolph Samuels, pioneer exhibitor, died suddenly from a heart attack. He was entering his office at the Alamo. He had operated the house for more than two decades. He was 66 years old.

*Life Members*

Jacob P. Adler *
Belle Baker
A. J. Balaban
Leonard Bergman
Irving Berlin
Nat Bernard
Sam Bernard *
Wm. Block
Paul Block
Paul Block, Jr.
Frederick Brown
David Bernstein
Eddie Cantor
Jimmie Cooper
Henry Dazian
Felix F. Feist
Leo Feist *
Donald Flamm
H. B. Franklin
Samuel Forrest
Wm. Fox
Daniel Frohman
I. J. Fox
Morris Gest
A. S. Gilbert
Francis Gilbert
I. N. Gilbert
Sallie S. Goldsmith
Maurice Goodman
Bessie Gottlieb
Abraham Greenberg
Samuel H. Golding
Nan Halperin
Sam H. Harris
Marcus Heiman
Fanny Henning *
Houdini *
Mrs. Harry Houdini
Arthur H. Jacobs
Al Jolson
Nathan H. Jonas
Aaron J. Jones
Otto H. Kahn *
Sam Katz
Wm. Klein
Eugene B. Kline
Joe Leblang *
Benny Leonard
Asher Levy
Ted Lewis
Hamilton Loeb
Jacob Loeb
David L. Loew
Marcus Loew *
Mrs. Marcus Loew
Louis B. Mayer
William Morris *
B. S. Moss
George E. Price
Molly Picon
Adolph Ramish
Walter Reade
Hugo Riesenfeld
Rose Rosoff
Jos. M. Schenck
E. A. Schiller
Lillian Shaw
Chas. Zig Shye
Geo. Sydney
Mrs. Sime Silverman
Max D. Steuer
Mrs. Max D. Steuer
Oscar S. Strauss *
Louis Sterling
Sophie Tucker
Sol Tekulsky
Billy Watson
Mrs. Billy Watson
Mrs. Wm. Degen Weinberger
Benjamin Winter
Al H. Woods
Ed. Wynn
Bella N. Zilberman

* Deceased

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Mail both
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***We co-operate with the activities of The Actors Fund of America; National Variety Artists; Catholic Actors Guild; and Episcopal Actors Guild.***

# Both Foreign, Domestic Set In U. A. Move

(Continued from page 1)

United Artists while we may be distributing 24. Immediately the four which do not play Loew time are hurt with other exhibitors, who assume the product is inferior. By handling that type of picture through a separate distributing company, we hope the situation will be met from our point of view."

Schenck pointed out U. A. has deals with both London Films and British and Dominion for release yearly of a limited number of pictures. Recently Maurice Silverstone, British managing director for U. A., declared the company would handle two from B. & D. here next season. However, B. & D. are making 12, thereby leaving a possible 10 for American distribution through Mundus, if the parties of both parts can get together on terms.

## *Phila. Business Hit By Church Boycott*

(Continued from page 1)

normal but a good percentage of it has been attributed to the boycott. With the neighborhoods the squawk is louder. Theatres in strong Catholic parishes have felt a definite reaction. Worrying showmen is the fact that the full strength of the boycott hasn't been felt yet. They look for its full force next week.

## *Era of Cleaner Film Foreseen by Skinner*

COLUMBUS, June 13.—Dr. Beverly O. Skinner, state director of education and ex-officio head of the censor board, predicts an era when there will be less objectionable material in films.

"I am thoroughly in sympathy with the general movement among both Catholics and Protestants to arouse public sentiment against indecent films." he says. "The cooperation of these groups has been very helpful to the board, which is doing the best it can under the circumstances."

## *Second Boycott List Appears in Buffalo*

BUFFALO, June 13.—The second monthly list of pictures being boycotted by the Catholic Legion of Decency in Buffalo has just been made public. It includes: "Laughing Boy," "He Was Her Man," "Murder at the Vanities," "Dr. Monica," "The Life of Vergie Winters."

The list has been compiled by the Rev. Daniel A. Lord, of St. Louis, editor of the Catholic publication *America*.

## *Here on Dual Bills*

Meyer Fine, Max Lefkowitz and Sam Specker, Cleveland independents, are here to join M. B. Horwitz in the move to eliminate duals in their city. Signatures of Loew's and Warners, so far missing, are necessary to make the pact completely operative.

# *Eckman Urges Britain to Avoid Overbuying Urge*

(Continued from page 1)

applications for new theatres. I was and still am in favor of some such plan."

Emphasizing that he was speaking for himself alone, Eckman said the plan had failed "because of what I consider a mistaken belief renters would be relinquishing their privilege of transacting their own business with whom they pleased."

He cited such a committee in his opinion would be a safeguard against three types guilty of overexpansion. One, he described as exhibitors, more ambitious than judicious, who need the advice of representative exhibitors and renters. The second, he viewed as investors from other fields who were misinformed on theatre possibilities. The third, he said, were speculators who build only for a sale to competitors.

Eckman argued a clearing house such as he suggested would prove a deterrent to all new projects except those viewed as necessary in the opinion of all branches of the industry. He concluded with an outspoken appeal to John Maxwell, president of British International and Eckman's successor to the presidency of the K. R. S.

"I appeal, as an exhibitor and a renter, to the president of the K. R. S. to use his great influence in exhibition and renting circles to assist in the establishment of some curbing influence either through a plan propounded by the C. E. A. with modifications or some other plan."

The M-G-M official, who rates high in British trade circles, traced the course of overbuilding in America and blamed its start on the disintegration of the original First National through the purchase of its franchise holders' interests by Paramount.

### Delegates Are Stirred

His speech created a stir among delegates, many of whom expressed their fear over a repetition here of the troubles which beset the American industry. Sidney Bernstein, London theatre operator, made the statement insurance companies were putting "loose money" into theatres and added he looked forward to the day when there would be a merger of mortgagees. "Too many people are trying to grasp quick profits," he stated.

J. Davies argued for a governing body for the industry to save it from what he described as "the degradation of wholesale bankruptcy."

Maxwell, speaking as a producer, went on record in favor of less dialogue and more left to the imagination of the public. He discussed a formula which would provide films with greater universal appeal and concluded this might prove the answer. Hollywood had been successful in putting over snappy dialogue, he added, and commented this met the taste of the British public. Declaring the great mass of the public was "starved of music," Maxwell concluded here was a great field. He said B. I. P.'s experience with musicals had been successful, placing that type of picture, plus farces, at the head of the list in the public's favor.

Blunt language on the rentals situation was another highlight of today's session. Vice-President Dooner pleaded for an elastic, sliding scale varying with the grade of product concerned. He argued that exhibitors should be permitted to retain the greater portion of grosses and to agree to percentage splits with distributors only after theatre overhead was met.

Arthur Dent of Wardour Films took the stand that when films were plentiful exhibitors had no consideration for either producers or distributors. He said the advent of talkers had marked a decline in the profits of producers and charged exhibitors were "squealing" now that distributors were trying to get better prices.

It is not possible to standardize rentals any more than such a move could be possible with production, he continued. He pointed out that there must be free competition and that distributors could not be expected to perpetuate what he described as "the dead hand of the past." He further declared he saw no reason why they should grant concessions to meet overcapitalized theatre ventures.

A resolution expressing disappointment over the defeat met by the Webb amendment which sought reductions in the entertainment tax was passed and a determination expressed not to rest until relief is achieved.

## *Brown Joins Columbia*

HOLLYWOOD, June 13.—Columbia gets John Mack Brown for a series of eight starring action pictures.

# First B'way Pool Set by Capitol-Para.

(Continued from page 1)

shows, signed through its own booking resources as well as those of the Loew Booking Office and pick product from M-G-M and Paramount releases which the Capitol, as the impending "ace" house, rejects. Edward Bowes continues in charge of the Capitol and Boris Morros in charge of the Paramount.

Under the arrangement, the first M-G-M release to go into the Paramount will be "The Rear Car," with Charles Ruggles. The first Paramount to play the Capitol will be "It Ain't No Sin," the long-awaited Mae West vehicle. The Paramount thus becomes the only major first run on the street to continue with pictures and stage shows. Cut-throat competition for "name" acts waged by both houses long has been viewed as ruinous by many Times Square theatremen.

## *Spigelgass' First Named*

HOLLYWOOD, June 13.—Leonard Spigelgass' first as an associate producer at Universal will be "Princess O'Hara," the Damon Runyon story.

## *M-G-M Signs Sloane*

HOLLYWOOD, June 13.—Paul Sloane has been signed by M-G-M to direct "Four Walls."


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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 139 | NEW YORK, FRIDAY, JUNE 15, 1934 | TEN CENTS

# Stiffer Pre-Censoring, Church's Reply—Schenck

## Cancellation Jumps Not in Allied Policy

### *Directors Say They Want Block Booking Ended*

Allied States is making no effort to obtain an increase in the cancellation percentage as established in the code but is endorsing the Darrow review board's report which recommended abolition of block booking, it was stated yesterday at the meeting of Allied directors here.

Local efforts of independent exhibitor units to obtain 15 and 25 per cent cancellation privileges, particularly in sections where moves are under way to increase admissions and abolish double featuring, were described at the national directors' meeting as of "purely local significance."

It was also indicated at the meeting that Allied will withdraw quietly from

(*Continued on page* 15)

### *Whitney to Defend Campi in ITOA Case*

William Whitney of the law firm of Cravath, de Gersdorff, Swaine and Wood has been retained by the legal committee of Campi to defend Code Authority and local boards in the suit filed by the I.T.O.A. to force the boards to accept complaints submitted by non-assentors.

The case comes up this morning before Judge John C. Knox in the U. S. District Court. William C. Weisman is attorney for the exhibitor organization.

### *New RKO Bankrupt Move Gets Approval*

RKO's petition for reorganization under the new bankruptcy laws has been approved by Judge Alfred C. Coxe in U. S. District Court here and Irving Trust Co., receiver for the company, is being continued in its administrative capacity pending the creditors' hearing which has been set for June 26. Indications are that Irving Trust will be named RKO trustee under the new bankruptcy laws at that time.

### *World Wide Out of Fox; to State Right*

Twenty-one World Wide features, distributed by Educational prior to the latter's five-year distribution deal with Fox, have been withdrawn from the latter's selling setup and will be

(*Continued on page* 15)

### *Worry Over Trade Restraint*

**Loew's and Warner theatre executives are awaiting legal interpretation of the proposed pact to eliminate duals in Cleveland after July 8 on the premise that the agreement, as drawn, smacks of restraint of trade.**

**Declaring privately they would welcome the move, it is this angle which is holding up clearance of the agreement which M. B. Horwitz, representing the Cleveland M. P. Exhibitors' Ass'n, brought east Monday signatured by 92, or all of the theatremen in Greater Cleveland, sans the two missing circuits.**

## Radio Advance Guard Off to Chicago Meet

Radio's first home office contingent will pull out for Chicago tonight to get a look at the World's Fair before starting the two-day sales convention at the Hotel Drake on Monday. Another group will leave tomorrow night.

About 250 salesmen, branch managers, district managers, and studio and home office executives as well as foreign managers will attend. All the

(*Continued on page* 25)

### *Berman Made Unit Producer at Radio*

HOLLYWOOD, June 14.—Pandro S. Berman has resigned as executive producer of Radio to become a unit producer, it was stated by B. B. Kahane, president, today. Berman will produce 13 on the company's 1934-35 program, including "The Little

(*Continued on page* 25)

## Major Pacts Not to Have Ban on Duals

No general ban on double features appears likely to be imposed by major distributors through new season contract restrictions, it was learned yesterday.

This became evident from replies received from sales executives of all large distributors to a communication sent them recently by the M. P. T. O. A. urging them to devise means at their annual sales conventions of

(*Continued on page* 22)

### *Culkin Hits Films In Congress Record*

WASHINGTON, June 14.—With the House busy on the President's recovery legislation in its closing days, Congressman Culkin of New York has shot a hot attack on films into

(*Continued on page* 22)

## *Laemmle Favors One Nation Boycott to Defeat Quotas*

By RED KANN

Disturbed, as are all American distributors, by the constantly increasing pressure brought to bear by foreign legislation cramping distribution of American pictures on the Continent, Carl Laemmle believes complete withdrawal from one of those markets by the industry—all of it—would deliver an object lesson and a deterrent to similar activities in other parts of Europe.

The Universal president yesterday expounded his theory, which is merely that—at least, so far:

"It so happens American pictures

(*Continued on page* 25)

### *More Rigid Control to Meet Critics Nears, Says U. A. Head*

Declaring it to be a fact that "we—referring to producers—have overstepped the line from time to time" and adding that the industry is anxious to avoid estrangement from any church group, Joseph M. Schenck told MOTION PICTURE DAILY yesterday the industry's method of answering the campaign against objectionable pictures probably would be solved by adding more teeth to the pre-censorship formula now in use in Hollywood.

J. M. Schenck

"The problem, I think, can best be handled from within the industry," he declared. "The machinery will be

(*Continued on page* 15)

### *Mayer's Exhibitor Tour Is Called Off*

Louis B. Mayer has called off his proposed tour to discuss before exhibitor groups the problems confronting producers and a plea for elimination of duals. Mayer never definitely scheduled the cross-country trip, but

(*Continued on page* 15)

### *Garbo Is Understood Set for 2 Next Year*

HOLLYWOOD, June 14.—Greta Garbo is understood set to make two for M-G-M next season. Next week she starts in "The Painted Veil," second of two on the current year's schedule. "Queen Christina" was the first.

Official announcement that Garbo will continue on the M-G-M roster

(*Continued on page* 15)

### *Pathe Expansion in Indie Field Studied*

HOLLYWOOD, June 14.—Arthur Poole, Pathe treasurer, leaves for New York tonight to make a survey of the possibilities of affiliating with some laboratory here, or of erecting a new one

(*Continued on page* 25)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## *Waite Services Today*

Funeral services for Stanley Waite, Paramount divisional sales manager who died Wednesday in his office in the Paramount Bldg., will be held at 2:30 P. M. today at his home, 17 Elm Lane, Bronxville.

## *To Do Film on Caruso*

HOLLYWOOD, June 14.—Warners will produce a picture based on the life of Enrico Caruso, with Enrico Caruso, Jr., portraying his father.

## *Koenig on Coast Again*

HOLLYWOOD, June 14. — William Koenig is back from Europe.

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# *Insiders' Outlook*

INFINITESIMAL, of course, by comparison with the $22,645,000,000 lost by the nation in foreign trade in the last 38 years, it is, nevertheless, true that films supplied part of that shrinkage. The reasons are several. One has been the lure which has dazzled several of the majors into maintaining distributing points in generally non-productive territory, principally because it sounds swell to have the globe dotted with their own offices. Second has been the rising tide of nationalism on the Continent and now in South America where Brazil the other day enacted a quota law. This has thrown barriers—many of them—in the path of American operations thereby making their year-by-year experience a precarious one. . . .

▼

The larger companies today are committed to a policy which keeps them in any territory where a dollar may be earned. Earning it, however, doesn't always mean getting it into New York, for the countries which have banned transfer of cash over their borders are greater than the normal total of fingers and toes. A question, difficult to determine, however, is whether the shriveled profits from countries like Germany rate the effort when matched against the investment tied up and the intangible computation of what might be done with similar amounts of capital diverted to enterprises where travail is less and operations lesser. . . .

▼

In the meantime, the curious attitude of the American Treasury Department, as reflected in its policy, continues to sweeten the efforts of foreign producers and importers angling for a break in this market. The latest along such lines is the decision of a judge of the customs court who, by ruling, makes it possible to bring in films without import duty, to have as many prints struck off as may be desired so long as the original is shipped back to its source six months after arrival in any port in this land. . . .

▼

The situation which thus pieces itself together is as simple as it is confounding. British quotas, French, Italian, German, Brazilian and others rest on the statute books of those governments. Import taxes of various descriptions have been conceived to dwarf the commercial progress of American pictures in world markets. Yet in defense of a major industry, the American government plays along with its competitors. Whose country is this, anyway? . . .

▼

The bugaboo angle that it may prove restraint of trade is stopping Loew's and Warners from signaturing the Cleveland pact to eliminate duals after July 8. Circuit officials are hanging on lawyers' words. Moe Horwitz, fiery Cleveland independent here with 92 brother independents ready to go along, is sizzling. Says the circuits talk about duals, wring their hands because the practice is so difficult to eliminate and now hedge when they get their chance. . . .

▼

Some there were yesterday who read significance into the first M-G-M to reach the Paramount under its pool with the Capitol. "The Rear Car" is the opus. Radioites, thinking affectionately of their Music Hall, view the deal eliminating the stage show from the Capitol swell. Say they're ready to send letters of thanks to both Loew's and Paramount. . . . Filmdom was scattered all over the Bowl in Long Island City last night to see Baer capture the heavyweight championship of the world from Carnera by a technical knockout.

▼

The break between Fox and Lilian Harvey is hardly a surprise. The tip that all was not well has been around on both coasts for months. . . . Title jam over "The World in Revolt" and "The World at War" was Hays-adjudicated the other day in favor of the former. Fox objected, claiming its Laurence Stallings-edited picture of the World War faced encroachment by the Mentone edition of world revolutions, 1914-1934 style. . . .

K.

## *Mrs. Zukor Loses Gems*

Chicago, June 14.—Mrs. Adolph Zukor reported to the police here today that she had been robbed of $86,075 in cash and jewelry while a guest at the Blackstone Hotel last night. Among the stolen articles were a pearl necklace valued at $75,000 and a cluster diamond ring valued at $8,000. Mrs. Zukor has been here for the past week waiting to join her husband on his way to the coast from New York.

## *Will Show French Films*

A French feature and two shorts will be shown tonight on the *Ile de France* by John S. Tapernoux. The feature is "Crainquebille" and the shorts are "Paris Music Hall" and "Les Petits Metiers de Paris."

## *Change Equipment Name*

DOVER, Del., June 14.—Theatre Equipment Acceptance Corp., a Delaware corporation, has changed its name to Theatre Equipment Contracts Corp., New York.

## *Blumenstock to Seashore*

ATLANTIC CITY, June 14.—Sid Blumenstock has been appointed publicity and advertising manager for the Seashore Amusement Co., here, and takes up his duties immediately.

## *Columbia Up One on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 33 | 33 | 33 | +1 | 400 |
| Eastman Kodak | 98½ | 96⅝ | 96⅝ | —2⅞ | 1,400 |
| Eastman Kodak, pfd | 144 | 144 | 144 | ..... | 10 |
| Fox Film "A" | 14⅞ | 14½ | 14⅞ | + ⅜ | 100 |
| Loew's, Inc. | 32 | 31¼ | 31¼ | —1 | 3,200 |
| Loew's, Inc., pfd | 96¾ | 96¾ | 96¾ | — ½ | 100 |
| Paramount Publix | 4⅝ | 4½ | 4½ | ..... | 1,500 |
| Pathe Exchange | 2⅝ | 2½ | 2⅝ | + ⅛ | 200 |
| Pathe Exchange "A" | 24 | 22⅝ | 23¼ | — ½ | 2,100 |
| RKO | 2¼ | 2¼ | 2¼ | — ⅛ | 200 |
| Warner Bros. | 6 | 6 | 6 | — ⅛ | 300 |

## *Technicolor Continues Climb on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¾ | 12⅜ | 13⅛ | + ⅝ | 1,900 |
| Trans Lux | 1¾ | 1¾ | 1¾ | ..... | 100 |

## *Keith Bonds Only One to Gain*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅝ | 9¼ | 9¼ | — ¼ | 11 |
| General Theatre Equipment 6s '40, ctf | 9 | 9 | 9 | — ½ | 1 |
| Keith B. F. 6s '46 | 69 | 68⅛ | 69 | +1 | 12 |
| Loew's 6s '41, ww deb rights | 102 | 102 | 102 | ..... | 6 |
| Paramount F. L. 6s '47 | 54 | 54 | 51 | — ¼ | 3 |
| Paramount Publix 5½s '50 | 53¾ | 53¾ | 53¾ | —1 | 3 |
| Warner Bros. 6s '39, wd | 60¾ | 60 | 60 | — ½ | 4 |

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"LAFAYETTE ESCADRILLE"
"CAPTAIN BLOOD" by SABATINI
AL JOLSON in "CASINO DE PAREE"
A KEELER and POWELL MUSICAL
"FAREWELL TO SHANGHAI"
"SWEET ADELINE"
"A LOST LADY"—"BABBITT"

Vitagraph, Inc., Distributors

# Stiffer Pre-Censorship Is Church Reply

(Continued from page 1)

set up for it. Joe Breen is doing an excellent job, but it's a question if this isn't too big a job for any one man to handle. Perhaps we will not only tighten the existing machinery, but add to it as well."

This slant developed in a discussion with Schenck in which the president of United Artists was asked how he regarded the rising tide of church opposition against objectionable films, led largely by the Catholic Church.

"The Catholic Church has been liberal," he stated. "I believe the current agitation against pictures, however, develops largely from the fact that prelates and bishops do not see pictures. There can be no question that the tone of the product today is better than the tone of the product, let's say, four or five years ago.

"I think most pictures today are fine. Certainly, many of them do good. But what happens to the good? Nobody argues for them because they are good. That seems to be taken for granted, but the bad are singled out.

### Deplores "Obstacles"

"It is true we have overstepped the line from time to time. But isn't it a fact that we must deal with life as it is? The public demands reality and the reality of life is different today from what it was years ago. The United States Government, the public and the newspapers, instead of being proud of the picture industry—which leads the world—are ready at all times to put obstacles in the way of its development. Every intelligent, thinking Britisher, all newspapers in Great Britain, do everything in their power to help the British picture industry. Governments on the Continent have done likewise."

The pre-censorship machinery to which Schenck referred is conducted in Hollywood under the aegis of Joseph I. Breen, executive assistant to Will H. Hays there. It sets up a system whereby properties purchased for production are read and analyzed by Breen and his staff and a written opinion submitted as to whether or not the resultant picture would observe the mandates of the production code.

### Anent Scenario Treatments

Scenario treatments subsequently are submitted and checked over under the same system and changes urged where revisions, in the light of Breen's experience with censor boards and club organizations, indicate specific incidents or dialogue will run afoul of objections upon release of the picture in question.

The third step finds Breen previewing product, suggesting changes where necessary. In the main, major studios have bowed to Breen's judgment. In the event of disputes, a rotating committee of three, drawn alphabetically from a selected list of major studio executives, determines moot issues. In some instances, objections registered by Breen have been overruled, but these have been infrequent.

## *Mayer's Exhibitor Tour Is Called Off*

(Continued from page 1)

was giving it considerable thought when the M. P. T. O. A. held its annual meet on the coast.

In all probability, he will take up the doubles situation at M-G-M's sales meeting in Chicago next week.

## *Garbo Is Understood Set for 2 Next Year*

(Continued from page 1)

is slated to be made at the annual sales convention in Chicago, June 21-23.

## *Miller Airing Plans*

David Miller, co-producer of the Goofy Movies series with Pete Smith for M-G-M, is here from the coast for conferences with home office executives. He leaves for Hollywood in about a week. Six were made for the current season and the same number will be released next season.

## *M-G-M Group Off Today*

David O. Selznick, M-G-M producer, who just returned from England, returns to the coast today. In the party are Hugh Walpole, George Cukor, Howard Estabrook and Fritz Lang.

## *Toronto Court Puts Fines on Picketers*

TORONTO, June 14.—Picketing of the Lareta here for two days cost reputed members of Toronto Operators' Local 173 $200 and costs when the owners of the house, Jack Barden and Albert Holloway, sued film men, including W. P. Covert, international I. A. T. S. E. vice-president, for damages for loss of business. The court awarded the above amount, but also ordered the theatre to pay back wages owing to Fred Pearson, operator, one of the defendants. The decision established an important precedent in Canadian law.

## *In the Balance*

**Columbia has made no decision relative to production in England, although the possibility that it will use pictures made on order for quota purposes in favor of its own is strong.**

**Sailing tomorrow on the *Ile de France*, Joseph H. Seidelman, foreign sales manager, is expected to decide after he arrives in London.**

## *Cullman Made Roxy Bankruptcy Trustee*

Howard S. Cullman at 12:01 this morning officially assumed the title of trustee for the Roxy. U. S. District Judge Caffey on Wednesday evening signed an order making the receiver a trustee.

The transfer of the Roxy receivership to bankruptcy under the new law originally came up before Judge Alfred C. Coxe and he decided because the company was in equity receivership, court actions should continue under the same judge who had been handling the corporation in the past.

Again first mortgage bondholders state there will be no hiatus in operation of the house, which this morning changes all contracts to conform to bankruptcy procedure. A spokesman for the bondholders yesterday said there was no definite deal near consummation. However, there are three or four under consideration, but none has a definite commitment to make.

## *Music Hall-Rivoli Play*

Boys of the Music Hall service staff play the Rivoli ushers at 10 o'clock today in Central Park at 62nd St. and Central Park West. It will be their first chance to wear their new uniforms. George Hannaford, assistant manager of the Music Hall, is the team manager and a page boy is mascot.

## *Hollywood Personals*

**Hollywood, June 14.—Herbert Marshall to temporarily forsake Hollywood after finishing "The Painted Veil" opposite Garbo. Goes East to do play for Gilbert Miller. . . . Berta Singermann, on a Fox contract to star in Spanish versions. That would mean John Stone will produce. . . . Francis Martin, writer, set to begin Paramount contract. First, "College Rhythm." . . . Diana Wynyard leaves July 1 for holidaying in England. The countryside is at its best then. . . . Marion Nixon doing nicely after that appendicitis operation. . . . Herb Fields to Paramount. Will collaborate with Dore Schary on "Mississippi." It's a showboat yarn. Isn't Universal doing one, too? . . . He's Francis X. Bushman, Jr., but under that Metro ticket will be known as Ralph. George Murphy and Florence Rice in from N. Y. to start contracts at Columbia. . . . Mike Curtiz latest casting eyes toward Europe. . . . Joan Crawford presented Clark Gable with a cigarette lighter the other day, because she thinks he's a swell guy. . . . Robert Young and the new Mrs. unable to take that long planned Honolulu trip because of film work, so they are Lake Arrowhead-ing for a few days. . . . Eddie Melcher, critic of the *Kansas City Star*, is peek-holing it around Hollywood for a bit. . . . Director Alfred Santell is trying to decide which of four stories he'll do for R-K-O. . . . Sam Hines grabbed a character role in "She Was A Lady" at Fox. . . . M-G-M hospital did a big name business the other day when Gable went in with a sprained neck and shoulder and Jimmy Durante received first aid for a nail in the foot. Gable was injured when he turned suddenly to look at Joan Crawford, so they say. . . .**

# Cancellation Jumps Not in Allied Policy

(Continued from page 1)

cooperation with the M. P. Research Council, with which friendly relations were established last fall, Allied even pledging itself to participate in the raising of a campaign fund for the council. Explaining the apparent breach is the stand taken by Rev. William Short, secretary of the council, in advocating exhibition of films by non-theatrical agencies, such as churches, clubs and civic organizations.

With the bulk of the business before the Allied meeting still unfinished at the close of yesterday's session, the directors voted to continue the meeting today. Resolutions opposing producer-made trailers and definite plans for organization booking deals, rather than an Allied-sponsored production program, are expected at today's session.

## *MPTO of Maryland Hits Block Booking*

BALTIMORE, June 14.—The M.P. T. O. of Maryland met today and passed a resolution stating its members are innocent victims of block booking and have absolutely no control over the type of pictures found objectionable.

The unit asserts it must accept without elimination all pictures produced. It was requested that efforts be concentrated on producers and the boycott on theatres is being withheld until producers are given time to answer.

## *World Wide Out of Fox; to State Right*

(Continued from page 1)

distributed on the independent market, according to E. W. Hammons. The arrangement has no bearing on Educational shorts. R. N. ("Bob") Savini becomes general sales manager of World Wide.

Two franchises with former Educational men already have been closed. New England went to Leo Britton, former city salesman there. Philadelphia and Washington went to J. A. Bachman, who will open exchanges in both cities. He was formerly a district manager for Educational.

Harry Brandt, Dave Rosengarten and Moe Kerman have formed Time Pictures Corp. to handle New York with offices in the Film Center Bldg. That Brandt would become ambidextrous by becoming a distributor as well as continuing as an exhibitor was reported first in MOTION PICTURE DAILY on May 29.

Brandt denied the story at the time. His brother, William, said: "What do we want in the exchange business? We have enough to do taking care of our circuit."

Nevertheless, he's in it.

## *Horse Film for Hoffman*

HOLLYWOOD, June 14.—M. H. Hoffman is now planning an outdoor picture on a big scale featuring the horse "Cloudy." Most of the locations will be in the High Sierras. It will be released as "King of the Sierras."

# Non-Signing Theatres May Secure Eagles

WASHINGTON, June 14.—Administrator Hugh S. Johnson's order authorizing the issuance of code eagle insignia to employers who have not signed the codes for their industries, but are living up to code requirements is expected to bring under the NRA a number of exhibitors who, for one reason or another, have failed to assent to the film code, although complying with its provisions.

The order followed months of wrangling over the Ford motor case, although officials of the Administration denied that it was aimed particularly at that company.

Although the insignia is to be distributed to non-signers, it is stipulated that to secure the blue eagle they must have no obligations charged against them. Once conferred upon them, the code eagle may not be withdrawn except for code violations.

## *Kelly Wins Jersey Clearance Verdict*

E. Thornton Kelly of the Grant Lee, Fort Lee, N. J., is the second Allied of New Jersey exhibitor to win a clearance and zoning decision by the New York board. In his complaint against Fox and Oritani, Hackensack; U. S., Paterson; State, Capitol and Lincoln, Union City; Park Lane, Palisades Park; Plaza, Englewood; State, Jersey and Stanley, Jersey City; Embassy, North Bergen, the protestant was given the following verdict:

"The board finds the Park Lane, Palisades, and Grant Lee, Fort Lee, both competitive and entitled to seven days clearance on each other, both these houses to follow 14 days after the Embassy, North Bergen, State Capitol, Union City; Lincoln, Union City; seven days after Englewood and in no event less than 14 days after Hackensack.

## *New Clearances Set In San Jose Sector*

SAN FRANCISCO, June 14.—First general clearance plan for the San Jose zone has been adopted by the San Francisco clearance and zoning board. It affects 13 theatres.

Under its terms first runs using dual bills lose some of their clearance over second runs playing only one picture. Where first runs use single bills and second doubles the clearance is lengthened.

Where first runs charge 40 cents top they get 63 days' clearance over second runs charging 30 cents. First run duals get 42 days over second run singles. First run singles get 105 days over second run duals.

Theatres in San Mateo and Santa Clara Counties have signed 75 per cent strong to stop giving rebates in the form of premiums or gifts and the agreement goes into effect in 90 days.

The grievance board session was attended by Charles Skouras and R. N. McCullough, who are here settling the details of readjustments of Paramount-Publix leases.

## *Dillard Here on Code Costs*

**Tyree Dillard, Jr., of the NRA legal department in Washington, is in New York conferring with Campi executives on the administrative order for approval of the plan submitted by Code Authority for allocating assessments of producers and distributors. He is also working on the NRA order approving 11 resolutions recently adopted by the extras' standing committee in Hollywood.**

**Division Administrator Sol A. Rosenblatt today is expected to approve one of several plans promulgated by Campi for reopening of code assents to non-signers.**

**Confirming Campi's order of May 25, Administrator Hugh S. Johnson yesterday signed an executive notice whereby code boards will hear all protests on clearance and zoning beginning July 3. This applies to situations where entire schedules are affected.**

# *Twenty Appeals on Tap; Campi In for Busy Day*

With 20 appeals on tap, Campi is in for one of its busiest sessions today.

The appeals are in addition to administrative work also on the calendar, such as replacements and reopening of code assents.

Of the 12 appeals scheduled for this morning, six are holdovers from last Friday's meeting and decisions are due today. They are: LaCrosse Theatres and Kayess Theatres Co., LaCrosse, Wis., against L. J. Burkitt of the Classic, Sparta, Wis.; Rogowsky Brothers, Embassy, Port Chester, N. Y., against Skouras' Capitol, same city; E. T. Landis, Princess, Monticello, Ia., against Mrs. Sophie Lambert and Floyd Carter of Monticello, Ia.; Dick Gaston, Iowa Theatre, Fort Madison, Ia., against Fox West Coast Theatres, Fort Madison; Lou Linker of the Criterion, Bridgeton, N. J., against Ben Amsterdam, Stanley, same city; Anderson Theatre Circuit, Egyptian Theatre, De Kalb, Ill., against U. A.

### Witnesses Will Not Appear

Six appeals, for which witnesses will not appear, will be heard in executive session. They are:

Imperial, Charlotte, against U. A., Warners, Universal and RKO; Langheinrich Brothers, Burleigh St. Theatre, Milwaukee, against Saxe Amusement Management, Inc.; Pacific National Theatres, Los Angeles against Jay Ben Corp., and Harry Goldfarb of National City, Cal.; M-G-M of Charlotte against L. L. Drake, Ansonia Theatre, Wadesboro, N. C.; C. V. Crawford, Magee Theatre, Magee, Miss., against Sanatorium Theatre, Sanatorium, Miss.; U. A. against A. L. Adams, Palace, Silverton, Ore.

The M-G-M and United Artists appeals are the first two of their kind to come before Campi. In each case the distributor filed the original complaint. On the M-G-M complaint, the distributor asked for designation of percentage dates and when the Charlotte board handed down a decision the Drake appealed. In the U. A. case a definition of contract is involved. The Portland board couldn't agree on the matter and referred it to Code Authority.

The eight appeals to be heard by the board with litigants giving additional testimony are:

Harvard Amusement Co., Brookline, Mass., against Olympia Theatres, Boston, appeal by complainant from the clearance and zoning board decision; Harvard Amusement Co. against Olympia Theatres involving overbuying; Edward T. Bloomberg, Strand, Gloucester, Mass., against Olympia Operating Co., on overbuying, respondent appealing; Dade Theatrical Enterprises, Atlanta, against Sparks Enterprises, Paramount Publix, Fox, appeal by complainant; Louis Tenick, Brooklyn Theatre, Baltimore, against McHenry and Pacey's theatres, Baltimore, appeal by respondents; Lichtman Theatres, Washington, against Loew's State, same city, Loew's appealing 30-day clearance granted by board; Lichtman Theatres, Washington, against Loew's State on another clearance and zoning, Lichtman appealing; Herbert Zimmerman, De Luxe, Baltimore, against McHenry Theatre, on clearance and zoning, appealed by Zimmerman.

## *Summon Long Island Men Upon Clearance*

Exhibitors in eight Long Island towns will be called in next Thursday to appear before the New York clearance and zoning board. The board will attempt to set up clearance schedules for Glen Cove, Huntington, Huntington Station, Smithtown, Port Jefferson, Patchogue, Sayville and Riverhead as a result of a complaint filed by the Port Jefferson, Port Jefferson.

The protesting exhibitor claims unfair clearance by the Smithtown, Smithtown; Sayville, Sayville; Patchogue and Granada, Patchogue; and the Riverhead, Riverhead. Defendant houses are part of the Prudential circuit.

## *Hear Tampa Case Again*

TAMPA, June 14.—A second hearing has been given in Atlanta on John Gillooly's complaint that E. J. Sparks' clearance over his Capitol is excessive. The Capitol is a $140,000 house in a residential section operated only during the tourist season. Sparks' houses are located downtown here and are open all year.

## *Monogram to Pathe*

HOLLYWOOD, June 14.—Having been assured ample studio space at Pathe, Monogram today leased space there for production. Headquarters will be moved to the new studio within a fortnight from General Service Studios, where Monogram has been producing for the past year.

## *Producers Seeking Vaude Code Change*

Asserting that they are unable to earn a profit under the vaudeville provisions of the code and will be unable to remain in business next year, members of the Vaudeville Producers' Ass'n. are preparing a brief setting forth operating losses and recommendations for changes in the code which they hope to be able to present to President Roosevelt within the next few days.

Charles Maddock, president of the association, said that an appeal for a hearing and for reopening of the code had been sent to Code Authority some time ago. He said that the requests had been denied in language which made "everyone in the association sore."

He said that Senator Royal S. Copeland and Representatives Sol Bloom and William Sirovich, all of New York, had shown an interest in their predicament and through them the association hoped to get its brief before the President.

## *"Bank Nights" Given Des Moines Approval*

DES MOINES, June 14.—"Bank Nights" are not a violation of the code as practiced by the Rialto at Adel, the Garden at Guthrie Center, the Grand at Greenfield and the Iowa at Winterset, according to the local grievance board, which met here yesterday.

The grievance was filed by J. H. Johnson, Princess, of Stuart. The board stressed that it is not necessary to purchase a ticket of admission in order to win an award, and advertising regarding "bank nights" must mention that the winner need not be inside the theatre.

## *Renshaw Ends Coast Studio Labor Fracas*

HOLLYWOOD, June 14.—Donald Renshaw's first action on the code since his survey here on general code matters as direct emissary from Hugh S. Johnson's office was to order the local NRA compliance board to turn over boards, namely the studio extras' complaints to Major J. R. O'Donovan, Campi secretary.

O'Donovan, in turn, will parcel them out to their respective grievance boards, namely the studio extras' committee and studio labor board. These, O'Donovan has assured, will receive prompt attention with both boards going into action tomorrow.

This will clear up definitely that the local NRA grievance boards has no jurisdiction in adjudicating complaints concerning studio workers. It is the moot matter which George Creel and Judge Lindsey disputed as to authority of studio boards, leading workers to believe they could file complaints with the local NRA board.

## *Renshaw Goes to Frisco*

HOLLYWOOD, June 14.—Donald Renshaw, special emissary of the NRA, sent here from Washington to enlighten local boards on code problems, today contacted Major J. O. Donovan on film code matters. After a hurried visit to San Diego on other codes Renshaw went to San Francisco and will return here the latter part of next week.

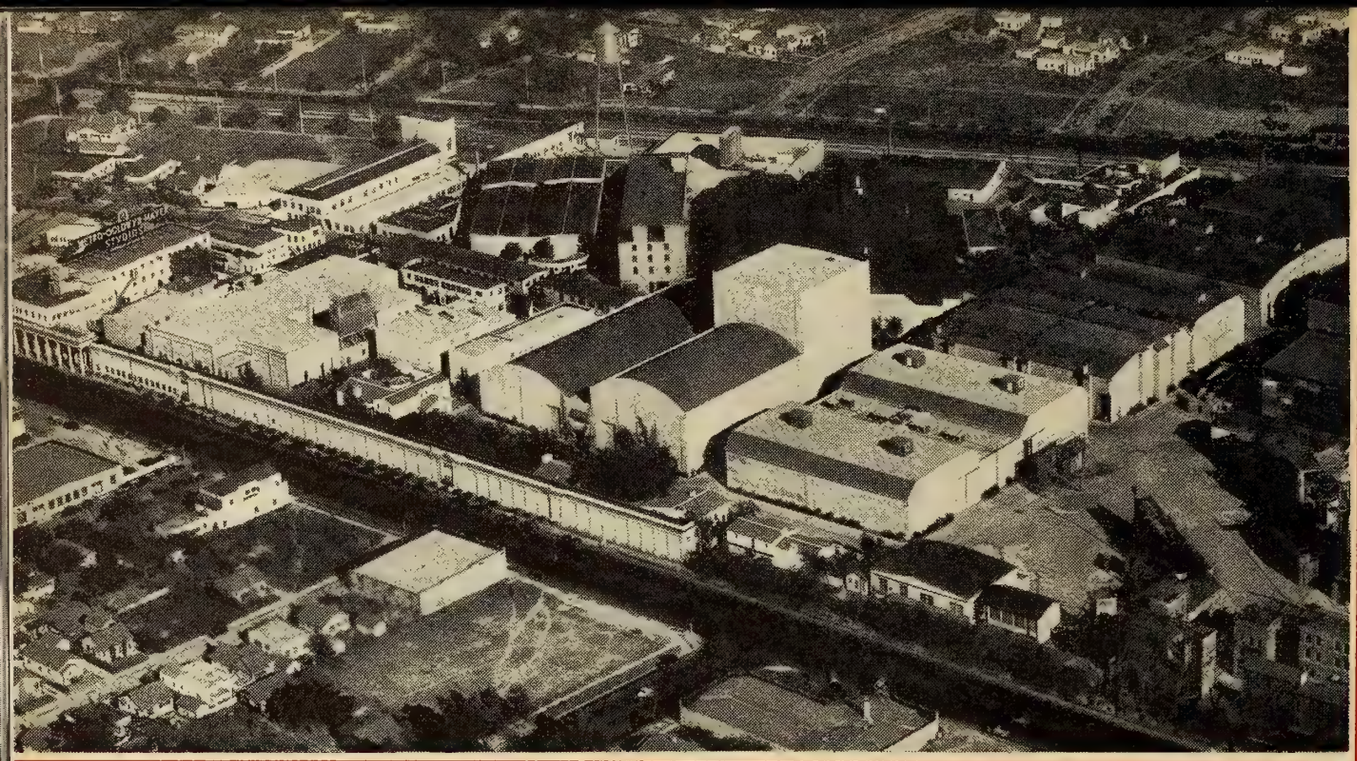
# So that trailers will not trail in the march of progress,

there will be

M·G·M

NEW SHOWMANSHIP

TRAILERS



*The home of M-G-M trailers . . . the Greatest Studio on Earth . . .*

# A NEW SHOWMANSHIP

The M-G-M trailer will not be "colossal" or "terrific," nor will it be noisy with the adjectives which in the past have been an annoyance both to exhibitor and public. Produced with the same high quality standard of M-G-M features it will enjoy the resources and personnel of the world's greatest studio. No other trailer will be able to show scenes-in-movement and talking sequences from M-G-M productions. Created at the studio, during the filming of the picture, the M-G-M trailer will be of immediate showmanship concern to the producers and directors of the feature picture which it is to advertise. It is the belief of M-G-M that a trailer, in addition to selling seats, should be an entertainment in itself. The new trailer-showmanship of M-G-M is to be the most important promotion step in 10 years!

*This is an advertisement of record for many exhibitors who have already contracted for M-G-M trailers.*

# International Reel Studied By the League

WASHINGTON, June 14.—Development of an international newsreel "for the promotion of mutual understanding between nations" is under study by the League of Nations, it is disclosed by a report on the first international congress on educational cinematography held in Rome last April, just received here.

All phases of the educational possibilities of motion pictures were discussed by the Rome conference, special emphasis being placed upon those activities possible of use in the furtherance of league policies.

In addition to the newsreel as a medium for world peace, the conference considered the censorship question and suggested that a study of systems now in force be made as the basis for preparation of model regulations which could be generally adopted.

**To Stimulate Sport Films**

With a view to stimulating the production of films on physical culture and sport, it was proposed that an international competition should be organized next year and that the International Olympic Games Committee should be asked to award in 1936 a gold medal for the best sport film, as it had already done for the best book on sport.

Resolutions expressing the view that films should be used as an important auxiliary in teaching of all kinds were adopted by the conference, and it was recommended that studies be made of the possible application of films to research and to improvement of scientific instruction; to assisting young people to choose a profession; to stop the exodus from rural districts by showing how conditions of country life can be improved; to health education and social hygiene, and to accident prevention.

## *Lang Denies Making Hollywood Attacks*

Fritz Lang, German producer, recently signed by M-G-M, yesterday entered denials of disparaging remarks about Hollywood credited to him by newspapermen who interviewed the present exile from Nazism during his last visit here in 1926.

The interviews quoted Lang as saying at the time that he loved films too much to return to America again; that, left to themselves, Americans would kill the motion picture art, and that Pola Negri's artistic career had been ruined by Hollywood casting directors.

Yesterday, Lang denied he had made the statements, attributing them to inaccurate interviewers. He leaves for Hollywood today.

## *Coast Votes on Premiums*

LOS ANGELES, June 14.—The local clearance and zoning board today distributed blanks to all exhibitors defining the area in which premiums and giveaways can be practiced. These practices are to be voted upon and 75 per cent of the exhibitors must approve the plan before it can be adopted.

# *Looking 'Em Over*

## *"The Little Damozel"*

*(Principal)*

Music by Noel Coward; direction by Herbert Wilcox; cast headed by James Rennie, Anna Neagle and Benita Hume. All of which makes an enjoyable musical from British and Dominion.

Enticing tunes, swell acting by the principals and Walter Angel and first-class direction by Wilcox are what is offered, but exhibitors must bear in mind it is an English film. If their audiences like them, this will go over nicely.

The story concerns Rennie, broke and grieving over his lost love, Miss Hume. He is offered 15,000 pounds to marry Miss Neagle, a cabaret headliner, by Angel, who himself wants to marry Miss Hume. The only way he can get her to consent is to get Rennie wedded to another. Ultimately, Miss Neagle gets wind of the financial transaction, quits Rennie and returns to her cabaret. Losing his wife, although he still loves her—and she has not lost her love for him—Rennie plans suicide. Miss Neagle's manager informs the singer and dancer of Rennie's intention. Although she is at first inclined to stand pat, she later catapults. The reunion takes place on a boat supposedly headed for China. Running time, 65 minutes.

## *"It's a Boy!"*

*(Gaumont British)*

This farce comedy from the Gainsborough studios is lively entertainment. It is a succession of laughs and clever situations and offers Edward Everett Horton a splendid opportunity to reveal his capabilities as a farceur. The American comedian receives good support from Leslie Henson and Albert Burdon, as able a pair of English funsters as could be imagined. The three are the whole show and make a surefire combination in this smartly plotted film, which has many brilliant lines and settings of a high order.

Horton plays the sort of part most typical of him, a fluttery swain. The bride-to-be's father calls off the marriage when Horton turns up late without any sensible explanation. His delay has been caused by some difficulty with a blackmailer who makes a living by presenting himself as the love-child of each of the men mentioned in his dead mother's diary. Under the circumstances Horton feels he cannot tell the truth about the cause of his delay.

With the assistance of a close friend, he tries to lie his way out of the whole mess. Just when an explanation seems to be acceptable to his fiancee's dad something turns up to make the old fellow change his mind. The marriage is on and off time and again. The suspense is ended for Horton when the blackmailer is arrested by the police and his nasty practice revealed to the girl's father.

Among the other players are Heather Thatcher, Alfred Drayton Wendy Barrie and Helen Haye. Tim Whelan directed creditably. Running time, 74 minutes.

## *"Mother"*

*(Garrison Film Distributors)*

In "Mother," Mejrabpom Film has seized upon Gorky for the purposes of Soviet propaganda. The producers lose no opportunity to remind the spectator of the brutality of the Czaristic regime toward the laboring classes. The temptation to use this Gorky tale to advance the gospel of communism is understandable, since the novel deals with the uprising of the Russian factory workers in 1905 in an effort to free themselves of the yoke imposed upon them by the government of the Czar.

The film has all the surging power and stark realism commonly to be found in Russian pictures dealing with life among the masses, plus photography that is effective if a bit harsh, but the picture is not popular entertainment for American audiences, chiefly because it is terribly depressing. Not a ray of humor is allowed to break the tragic mood of the story. As a result the film is a trifle monotonous.

A great asset to the film is the faithfulness of its atmospheric detail and the interesting gallery of faces it offers. The chief parts, handled by Vera Baranovskaya, A. Tchistiakov and Nikolai Batalov, are well handled.

The story relates how a mother takes her son's place as leader of the workers after the boy is thrown into jail for heading the factory hands in a strike. In a march on the prison to free the youth and his comrades the workers are shot down in cold blood. The mother dies with her son, who only a moment before was successful in making his escape from jail.

V. I. Pudovkin directed. Running time, 80 minutes.

*(Additional Reviews on page 22)*

# *Short Subjects*

## *"Mickey's Steamroller"*

*(Disney-United Artists)*

Another of Mickey Mouse's harum-scarum adventures, this time having to do with the rescue of two infant nephews who have appropriated Mickey's steamroller while he made love to their nurse. After a wild chase after the runaway steamroller and its two infant passengers, Mickey recovers them unharmed in the debris of a hotel which finally stopped the runaway machine. Good, but slightly less amusing than the average Mickey Mouse. Running time, 8¾ minutes.

## *"The Wise Little Hen"*

*(Disney-United Artists)*

A good Silly Symphony in color, depicting the fable of the wise hen, who, refused help in planting her corn by the pig and the duck, planted and harvested it herself. At eating time she sets out to invite the pig and the duck to join herself and family, but believing she has come to ask them to aid in more work they feign illness. She leaves castor oil with them while the chicks sit down to their corn banquet. Nicely executed and introduces some tuneful melodies. Running time, 8¾ minutes.

## *"Music in Your Hair"*

*(Roach-M-G-M)*

Good for a bunch of laughs, but a little outdated, because speakeasies are a thing of the past. Billy Gilbert and Billy Fletcher, the latter off beer because of a promise to his wife, meet on the fire escape. Gilbert has a big goblet.

An argument develops about beer and it gets keener when Fletcher's son announces he has a job in the cabaret of a speakeasy. Much of the comedy centers around the efforts of the pair to get into the place. The show is good, once they make it. Running time, 20 mins.

## *"The Song of Fame"*

*(Vitaphone)*

The story concerns Ruth Etting's attempt to attract the notice of an impresario while she is a singing cigarette girl in a cheap night club, the trick by which she gets him to notice her, and her ultimate success in a Broadway review. Minor and Root, the dance team, do several of their intricate dances. The chorus routines by the Vitaphone Girls are better than average. Ruth Etting fans will eat this one up, though it drags in spots. Running time, 21 mins.

## *"Those Were Wonderful Days"*

*(Vitaphone)*

A "Merry Melodie" musical cartoon that deals with songs popular some 10 or more years ago. Opens with a barroom quartet and switches to an old-time picnic, during which the hero rescues the girl from the well known villain, only to have her turn on him in the end. Very amusing. Running time, 7 mins.

## *Takes Rosenblatt Film*

M. D. Sikawitt, head of Guaranteed Pictures Co., Inc., has acquired "The Dream of My People," completed in Palestine by Cantor Joseph Rosenblatt just before he died there. Dialogue is in English.

# AUDIENCES WILL APPLAUD AND CRITICS WILL PRAISE THIS GRAND PICTURE . . .

Seldom has the screen seen such a moving story . . . such fine drama . . . such superb acting. Its exalted beauty sweeps away the little world around us and unfolds the divine in woman . . . its drama throbs to the heart-beat of one whose only sin was love.

★

*Ann* HARDING

*John* BOLES ★

# "*The* Life of Vergie

★

with **HELEN VINSON**

*From the story by Louis Bromfield*
*A Pandro S. Berman Production*

Directed by **ALFRED SANTELL**

NOW PLAYING
RADIO CITY
...AND OPENING 30
OTHER KEY CITIES THIS
WEEK AND NEXT...
NOT BEING HELD UP
FOR COOL WEATHER
BUT RELEASED WHEN
YOU NEED A STRONG
ATTRACTION.
RKO RADIO PICTURE
Winters"

# Major Pacts Not to Have Ban on Duals

(Continued from page 1)
prohibiting double featuring through restrictive clauses in new season's contracts.

While the replies disclosed that virtually all large distributors are opposed to the dual policy, individual distributors declared that they were unwilling to incorporate a ban on double featuring in their contracts unless all distributors did the same. Fear of losing sales to competitors not enforcing a double featuring ban in some territories was given as the reason for the distributors' unwillingness to take the action urged by M. P. T. O. A.

Two or three distributors stated in their replies that they believed double featuring should be left to the exhibitor to decide and declared that they would take no action on a ban of the policy unless exhibitors themselves outlawed the practice.

The M. P. T. O. A. is now concentrating on this objective, with its local units devising plans in each territory for eliminating the practice. The bulk of these plans, it is indicated, will call for an exhibitor vote on ending duals in individual territories.

## *Culkin Hits Films In Congress Record*

(Continued from page 1)
the *Congressional Record*. It's an old political custom.

The speech is supposed to be in support of his bill to establish a motion picture commission to control the industry. Among other things he charges films with being "a crime-breeding influence among the youth of America."

Not only are pictures showing "the weird and anti-social presentments of crime and love as interpreted by decadent Hollywood," he asserted, "but public officers in every branch of the Government service are ridiculed."

Outlining the efforts of the industry to improve its product through the National Board of Review and other agencies, Culkin said: "It is my belief that the motion picture industry is incapable of self discipline or of court-martialing these grievous offenders against public taste and decency within its own ranks."

This, he declared, has been conceded by "that interesting citizen"—Will H. Hays—in his condemnation of the "cheap vulgarity and sex perversion presented in so many of the present day films."

Condemning block booking, the Congressman declared "many of the theatre owners and managers of the country are definitely restive under the existing order," but their protests have been in vain.

Admitting that 30 per cent of the pictures produced are "rational and artistic presentations of life and nature," Culkin declared that his bill would clean up the other 70 per cent of "salacious, criminal or indecent" films by the elimination of block booking and the establishment of standards to be observed. His bill, however, he contended, is not censorship.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Grand Canary"*

(*Jesse L. Lasky-Fox*)

HOLLYWOOD, June 14.—Illogical story developments retard this. Cast, direction and photography are its main values.

The story centers around a doctor, Warner Baxter, who voluntarily exiles himself from London, where, experimenting with a new serum, he is accused of killing three persons. Boarding a tramp steamer headed for the Canary Islands and determined to drink himself to death, he is regenerated through the devotion of Madge Evans, who is returning to Santa Cruz and a wealthy planter husband.

Zita Johann, the doctor's former nurse on the same boat, creates the love triangle with tense, dramatic situations while en route. Landing at Santa Cruz, Baxter misses the boat and resumes the romance with Miss Evans, with her husband becoming involved. Yellow fever breaks out, with Baxter and Miss Johann taking charge. When Miss Evans becomes afflicted he saves her as well as the natives.

Baxter, returning to England, finds a cablegram stating that Miss Evans has squared things with her husband and is returning to him. What little comedy relief, somewhat forced, there is, is furnished by Marjorie Rambeau and Roger Imhoff. Others in the cast include H. B. Warner, Barry Norton, Juliette Compton, Gilbert Emery, John Rogers, Gerald Rogers, Desmond Roberts and Carrie Daumery. Irving Cummings directed and Bert Glennon photographed. Miss Johann's performance ranks second to Baxter's. Running time, 80 minutes.

# *Looking 'Em Over*

## *"White Heat"*

(*Seven Seas—J. D. Trop*)

Hawaii furnishes practically the entire background, and the director, Lois Weber, has shrewdly included as much scenery as possible for production value.

David Newell, wrapped in his sugar plantation, takes time out for romance and brings Mona Maris, half-caste, into his house. On a trip to San Francisco he meets and marries Virginia Cherrill. The novelty of Hawaii wears off for her and she turns joyfully to Hardie Albright when he arrives on a yacht.

In a jealous rage Newell attacks Albright. Miss Cherrill sets the sugar cane on fire. Newell falls from his horse in the midst of the fire-fighting and he is rescued by Miss Maris. Miss Cherrill flees with Albright.

Some native music and customs are introduced.

The big punch scene is the fire in the sugar cane and Mona Maris' rescue of Newell. Up to this point the story runs along with very little dramatic suspense and only occasional touches of comedy furnished by a Chinese boy and a pig.

At the Gaiety opening yesterday something seemed wrong with the sound. Interior shots had a hollow ring and the dialogue seemed a bit amateurish for a group of trained players.

## *"Back Page"*

(*General Pictures*)

A tale of small-town journalism, "Back Page" is rather commonplace and unconvincing because it strays too far from the hard facts of truth. Treated with a heavy hand and acted routinely, it fails to avoid touches of dullness.

The story relates the story of Peggy Shannon, newspaper girl, and the wonderful things she does with an anaemic hick town sheet. Fired from a job in the big city, she blusters her way into the editorship of the paper with the help of a recommendation from Russell Hopton, a fellow newspaper worker with whom she is in love, and a friend of the publisher.

Miss Shannon, with a success too meteoric to accept, turns things topsy turvy and remakes the whole sheet. Her big coup is her discovery that the town's banker is crooked and is trying to get hold of the people's earnings, which have been invested in an oil well. He claims the well is a failure when in reality it contains oil. She thus becomes the savior of the town. The fadeout shows Hopton and the miracle girl in close embrace.

Running time, 65 minutes.

# *Purely Personal*

MANNY REINER of the M-G-M advertising department, has been signed as master of ceremonies by the Bronx Chamber of Commerce for the Fordham Fashion Review, which opened in the Bronx yesterday and will continue until tomorrow night.

HUGH O'CONNELL and HARRY CLORK, who have been appearing in "The Milky Way," have been signed by Universal and will report on the coast early in August.

W. RAY JOHNSTON, MRS. JOHNSTON, EDDIE GOLDEN, his wife and daughter, RUTH, are off for Amherst and the commencement exercises there. GOLDEN'S son, BOB, graduates.

PERCY PHILLIPSON'S wife and his daughter, Pam, sail from Southampton July 7 to spend the summer here with the head of the family.

JOSEPH H. SEIDELMAN, foreign sales manager for Columbia, rounded out his first year with the company yesterday.

EARLE SWEIGERT, Paramount branch manager in Philadelphia, left for the Quaker town yesterday after a short visit here.

HARRY BRANDT, not to be outdone by DAVID LOEW, brought his son to the M. P. Club yesterday for lunch. His name is RICHARD.

FLORENCE RYERSON'S and COLIN CLEMENTS' mystery story, "I Murdered a Man," has been purchased by Universal.

MITCHELL and DURANTE flew into town and attended the fight last night. They leave today by train for the coast.

MONROE GREENTHAL returns from England next Wednesday. He's on the high seas now.

DAVE BADER sails on the *Ile de France* tomorrow for his London office.

LOU METZGER says he's definitely decided to trek west next week. Six fellows laughed.

HOWARD S. CULLMAN won the Lawyer's County Trust golf tournament at Quaker Ridge yesterday.

MELVYN DOUGLAS has been signed by Select for a featured role in "Woman in the Dark."

HARRY C. ARTHUR returns from St. Louis tomorrow.

## *Shift Oklahoma Manager*

OKLAHOMA CITY, June 14.—Paul Ketchum, formerly manager of the Victoria, has been transferred to the new Inca, latest Regal acquisition at Okmulgee. L. L. Hancock, former manager of the Inca, comes here to the Circle, and James Birge, manager of the Circle, replaces Ketchum at the Victoria.

## *Vitagraph Wins L.A. Case*

LOS ANGELES, June 14.—The local grievance board today awarded Vitagraph the right to hold A. R. Miller to all contracts signed by him for the Baldwin, Baldwin Park, Cal.

Vitagraph charged in its complaint that Miller transferred the corporation name to avoid playing its product.

# Take a Bow, SHIRLEY

## ...for this

from *Motion Picture Daily:* "Shirley Temple . . . the most-talked-of screen luminary by her consistent past performances and her lovable appeal in 'Baby, Take a Bow'—a swell show and a clean family picture to remember with pleasure."

## ...for this

from *Variety Daily:* "'Baby, Take a Bow' takes advantage of Shirley Temple's flashing rise . . . a born trouper. With dance and song and comic capers she romps her way straight into audience hearts. Suspense and laughter put 'Baby, Take a Bow' into the clear as popular entertainment."

# "BABY, TAKE A BOW"

**SHIRLEY TEMPLE**

**JAMES DUNN**

**CLAIRE TREVOR**

**Produced by John Stone**

**Director: Harry Lachman**

Screen play: Philip Klein and E. E. Paramore, Jr.
Based on a play by James P. Judge

FOX

# "McKee" Gets Twin Cities' High Grosses

MINNEAPOLIS, June 14.—"Sadie McKee" led a number of good bills in the Twin Cities. At the Minnesota here the gross was $8,500 and at the St. Paul Paramount it was $6,500.

"Nana" was also strong. It took $4,500 at the Century here. "Strictly Dynamite" and "Such Women Are Dangerous" took $6,000 each at the RKO Orpheum and State. "Stand Up and Cheer" hit $4,000 at the Riviera.

Estimated takings:

***Minneapolis:***

***Week Ending June 8:***

**"NANA" (U. A.)**
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

**"SHOW OFF" (M-G-M)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

**"SADIE McKEE" (M-G-M)**
MINNESOTA—(4,000), 25c-50c, 7 days. **Gross:** $8,500. (Average, $7,500)

***Week Ending June 9:***

**"STRICTLY DYNAMITE" (Radio)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"CATHERINE THE GREAT" (U. A.)**
WORLD—(400), 25c-75c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,000)

***St. Paul:***

***Week Ending June 9:***

**"SADIE McKEE" (M-G-M)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

**"STAND UP AND CHEER" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

**"FOG OVER FRISCO" (F. N.)**
RKO ORPHEUM—(2,600), 20c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)

**"SISTERS UNDER THE SKIN" (Col.)**
RKO ORPHEUM—(2,600), 20c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)

**"THE SHOWOFF" (M-G-M)**
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $800)

**"HALF A SINNER" (Univ.)**
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average, $700)

# "Sweethearts" Top In Oklahoma City

OKLAHOMA CITY, June 14.—Continued hot weather kept grosses down last week, but "Twenty Million Sweethearts" managed to top normal by $200 with a gross of $4,200.

"Now I'll Tell" was about the weakest of the first run attractions with $1,200.

Total first run business was $12,200. Average is $13,500.

Estimated takings for the week ending June 9:

**"MANHATTAN MELODRAMA" (M-G-M)**
CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $4,300. (Average, $5,000)

**"TWENTY MILLION SWEETHEARTS" (F. N.)**
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,200. (Average, $4,000)

**"FOG OVER FRISCO" (F. N.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,700. (Average, $2,500)

**"NOW I'LL TELL" (Fox)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,200. (Average week, $2,000)

**"AFFAIRS OF A GENTLEMAN" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $800. (Average week, $2,000)

# "Little Man" Hits $72,000 At Music Hall

"Little Man, What Now?" was the big midtown Manhattan attraction for the first week of June, in the face of a summer slump that bumped grosses all along Broadway. At the Music Hall the Universal feature with Margaret Sullavan reached $72,000.

In its third week at the Paramount "Little Miss Marker" fell off to $24,000. "Now I'll Tell," held for a second week at the Roxy, grossed $14,400.

"Viva Villa" got off to $35,400 in its first week at the Capitol.

Estimated takings:

***Week Ending June 5:***

**"HOUSE OF ROTHSCHILD" (U. A.)**
ASTOR—(1,012), 55c-$2.20, 12th week, 7 days. **Gross:** $13,200.

**"BORN TO BE BAD" (U. A.)**
RIVOLI—(2,000), 35c-99c, 7 days. **Gross:** $17,100.

***Week Ending June 6:***

**"SORRELL & SON" (U. A.)**
MAYFAIR—(2,300), 35c-85c, 9 days. **Gross:** $11,880.

**"LITTLE MAN, WHAT NOW?" (Univ.)**
RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $72,000.

***Week Ending June 7:***

**"VIVA VILLA" (M-G-M)**
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage show. **Gross:** $35,400.

**"HE WAS HER MAN" (Warners)**
PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $10,400.

**"LITTLE MISS MARKER" (Para.)**
PARAMOUNT—(3,700), 35c-99c, 3rd week. Stage show. **Gross:** $24,000.

**"HOLLYWOOD PARTY" (M-G-M)**
RIALTO—(2,300), 25c-65c, 2nd week, 7 days. **Gross:** $9,000.

**"NOW I'LL TELL" (Fox)**
ROXY—(6,200), 25c-65c, 2nd week, 7 days. Vaudeville. **Gross:** $14,400.

**"THE KEY" (Warners)**
STRAND—(2,000), 25c-$1.10, 7 days. **Gross:** $12,661.

***Week Ending June 8:***

**"STINGAREE" (Radio)—4 days**
**"WITCHING HOUR" (Para.)—3 days**
RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $5,800.

# "Stingaree" Holds Up in Indianapolis

INDIANAPOLIS, June 14.—In a torrid week with the beer houses and outdoor attractions getting a big play, "Stingaree" was the only first run in the money here last week. It reached $4,000 at the Circle.

"Catherine the Great," "Hollywood Party" and "Such Women Are Dangerous" were just fair.

Total first run business was $15,000. Average is $16,500.

Estimated takings for the week ending June 9:

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $2,000. (Average, $2,500.)

**"STINGAREE" (Radio)**
CIRCLE—(2,800), 20c-40c, 7 days. **Gross:** $4,000. (Average, $3,500.)

**"CATHERINE, THE GREAT" (U. A.)**
LYRIC—(2,000), 20c-40c, 7 days. **Gross:** $5,000. (Average, $6,000.)

**"HOLLYWOOD PARTY" (M-G-M)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500.)

## *Krims Open 5th House*

DETROIT, June 14.—The Krim brothers have opened their fifth Detroit neighborhood. It is the Sun, formerly the Vendome.

## *Rob Publicity Man*

**Hollywood, June 14.—The house of Sam W. B. Cohn, Hal Roach publicity director, was robbed several days ago of jewelry and heirlooms of undetermined value.**

**It is said to be the only publicity man's house in Hollywood with jewelry and heirlooms.**

# Record Heat Hits Grosses In Cleveland

CLEVELAND, June 14.—Record heat knocked grosses all along the line last week. Not one of the seven runs reached average.

"Looking for Trouble" had a fair $2,100 at the Allen, and "Murder at the Vanities" reached $7,200 at Loew's State, but this was pretty weak.

Total first run business was $26,800. Average is $34,200.

Estimated takings for the week ending June 8:

**"LOOKING FOR TROUBLE" (U. A.)**
ALLEN—(3,300), 20c-30c, 30c-40c, 7 days. **Gross:** $2,100. (Average, $3,000)

**"ALL MEN ARE ENEMIES" (Univ.)**
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $3,500. (Average, $5,000)

**"THE WHIRLPOOL" (Col.)**
**"A MAN OF SENTIMENT" (Majestic)**
WARNER'S LAKE—(800), 30c-40c, 7 days. **Gross:** $1,500. (Average, $2,200)

**"CALL IT LUCK" (Fox)**
**"STRICTLY DYNAMITE" (Radio)**
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $7,000. (Average, $10,000)

**"MURDER AT THE VANITIES" (Para.)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $7,200. (Average, $10,000)

**"WITCHING HOUR" (Para.)**
**"ALONG CAME SALLY" (B. G.)**
LOEW'S STILLMAN—20c-30c, 30c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

**"GUILTY PARENTS" (State Rights)**
HANNA—(1,500), 30c-40c, 7 days. **Gross:** $2,500.

# "Murder" and Show Draw in Detroit Heat

DETROIT, June 14.—With the mercury hitting in the "90's" during the early part of the week grosses took a nosedive, with only two spots showing ability to stand the strain.

"Murder at the Vanities," with George Raft on the stage, reached $22,000 at the Fox, topping normal by $2,000.

Total first run business was $49,700. Average is $55,000.

Estimated takings for the week ending June 7:

**"SADIE McKEE" (M-G-M) (Second Run)**
FISHER—(2,975), 15c-40c, 7 days. **Gross:** $5,600. (Average, $10,000.)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
FOX—(5,100), 15c-50c, 7 days. Stage: Art Jarrett. **Gross:** $16,800. (Average, $15,000.)

**"MURDER AT THE VANITIES" (Para.)**
MICHIGAN—(4,100), 15c-50c, 7 days. Stage: George Raft and surrounding stars. **Gross:** $22,000. (Average, $20,000.)

**"MANHATTAN MELODRAMA" (M-G-M)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $5,300. (Average, $7,800.)

# "Thin Man" Is High in K. C.; Gets $12,500

KANSAS CITY, June 14.—"The Thin Man" was an outstanding draw here in a dull week. It went up to $12,500 at the Midland, over normal by $2,500.

"Half a Sinner" also made a good showing with a stage show topped by "Spice Box Revue." The take was $5,400. "Such Women Are Dangerous" had a good $2,800 at the Uptown.

Total first run business was $30,200. Average is $29,700.

Estimated takings:

***Week Ending June 6:***

**"STINGAREE" (Radio)**
**"A VERY HONORABLE GUY" (F. N.)**
MAINSTREET—(3,049), 25c, 7½ days, Saturday late show. **Gross:** $5,500. (Average, $7,000)

**"THE MERRY WIVES OF RENO" (Warners)**
**"THE WITCHING HOUR" (Para.)**
NEWMAN—(1,800), 25c, 6 days, plus Saturday late show. **Gross:** $4,000. (Average, 6 days, $5,000)

***Week Ending June 7:***

**"HALF A SINNER" (Univ.)**
TOWER—(2,200), 25c, 7 days, plus Saturday midnight show. Stage: "Spice Box Revue," featuring Gifford and Pearl, Billy Farrell and Dad, Frazer Bros., Moret & Erita, Josephine Hackney. **Gross:** $5,400. (Average, $5,000)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
UPTOWN—(2,000), 25c, 5 days. **Gross:** $2,800. (Average, 5 days, $2,700)

***Week Ending June 8:***

**"THE THIN MAN" (M-G-M)**
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $12,500. (Average, $10,000)

# Holiday Fails to Help in Montreal

MONTREAL, June 14.—Grosses were off all along the line last week in spite of the King's birthday holiday. "Sadie McKee," at $10,000 in the Palace, was under par by $1,000. "The Countess of Monte Cristo" was the other half of the dual bill.

"Looking for Trouble" and "Whirlpool" reached a normal $6,000 at the Princess.

Total business was $33,500. Average is $36,500.

Estimated takings for the week ending June 9:

**"30-DAY PRINCESS" (Para.)**
**"THE WITCHING HOUR" (Para.)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,000.)

IMPERIAL—French performances.

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
**"THREE ON A HONEYMOON" (Fox)**
LOEW'S—(3,115), 25c-35c-50c-65c, 7 days. Added:. McLarnin-Ross Fight Pictures **Gross:** $9,000. (Average, $10,500.)

**"SADIE McKEE" (M-G-M)**
**"THE COUNTESS OF MONTE CRISTO" (Univ.)**
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $10,000. (Average, $11,000.)

**"LOOKING FOR TROUBLE" (U. A.)**
**"WHIRLPOOL" (Col.)**
PRINCESS—(2,272), 25c-35c-50c-65c, 7 days. **Gross:** $6,000. (Average, $6,000.)

## *Fox Set to Start Two*

HOLLYWOOD, June 14.—Fox puts two films before the cameras this week with "Servants' Entrance" featuring Janet Gaynor and Lew Ayres going into production Friday under the direction of Frank Lloyd and "Marie Galante" with Spencer Tracy and Ketty Gallian starting Saturday. Henry King will direct the latter.

# Radio Advance Guard Off to Chicago Meet

(Continued from page 1)

principal home office executives will speak and there will be talks by Pandro Berman, executive producer at the studio, and B. B. Kahane, president of RKO Radio Studios, Inc.

The annual product announcement will be made Tuesday by Ned E. Depinet, president of RKO Distributing Corp.

Delegates will be told of an extensive studio construction program set for next season. Included in this will be a four-story building with a two-story tower for NBC broadcasts. This building will be on the parking lot fronting Gower St., Melrose Ave. and Marathon St. It will house the business apartments. An addition to the cutting department costing $22,000 has just been finished and a $12,000 enlargement has been made to the film vault. It will store 30,000,000 feet of film.

Another new building will be for the wardrobe department.

### Those Departing Tonight

Those leaving tonight are: Depinet Jules Levy, vice-president and general sales manager; Cresson E. Smith, western and southern sales manager; Robert F. Sisk, director of advertising and publicity; Al Mertz, short subjects sales manager; E. L. McEvoy, eastern and Canadian sales manager; A. A. Shubart, contract department; M. G. Poller, assistant to Jules Levy; Harry Gittleson, editor of *Flash;* Leon J. Bamberger; R. R. Doyle, managing director of RKO Radio Pictures (Australasia, Ltd.); Sol Newman, managing director of RKO Radio Pictures, Ltd., England; Fred McConnell, sales manager for Van Beuren Corp.; R. K. Hawkinson, South American division manager; Robert Trillo, managing director for Panama and Central America, and Jacob Glucksman, Argentine exhibitor and distributor.

### Set to Leave Tomorrow

The following will leave tomorrow: Lou Gaudreau, purchasing agent; S. Barret McCormick, advertising manager; Frank Kennedy, playdate department; Lou Miller, assistant to Cresson Smith; William Dahler, assistant to E. L. McEvoy; J. P. Skelly, manager of branch operations; E. A. Horne, manager of the print and negative department; William Mallard, general counsel for RKO; G. E. Youngman, general counsel for Radio Pictures; William Clarke, assistant treasurer; G. Muchnio, assistant secretary; Phil Reisman, vice-president of RKO Export, and A. H. McCausland.

## Charlotte Protests Out

CHARLOTTE, June 14.—Protest of Dr. R. S. Bean of the Carolina, Lumberton, for removal of clearance over Red Springs, Fairmount, St. Pauls and Bladenboro was today dismissed by the local board. During the hearing, Bean himself withdrew the protest against Red Springs.

# Laemmle Favors One Nation Boycott to Defeat Quotas

(Continued from page 1)

are necessary to the film industries abroad. It has been demonstrated they cannot get along without our pictures. When I say 'our' pictures, you understand I mean American product.

"Withdrawal in total from one of those markets would soon convince those who may doubt it that this is the case. I believe the consequences would result in relieving the legislative pressure in countries which now insist upon quotas."

Laemmle, in New York for only a few days, sails on the *Ile de France* tomorrow. It will be his first real vacation abroad in three years. Always carrying his business with him wherever he may happen to be, this time he leaves these shores with the avowed intention of spending two hours a day only on business. He is heading for Carlsbad for the cure and proposes loafing much of the time while there.

But the loafing idea is not to be taken too seriously. Laemmle, advancing in years now, nevertheless manages to hold on to youthful enthusiasms. How he does it after 28 years of ups and downs—plenty of downs, as he himself admits with a big grin—is one of the near-miracles of the film business and a constant source of surprise around Universal headquarters—distribution in the East and production in the West.

### A Patron of RCA

Hours are meaningless. He shoots cables and puts through long-distance telephone calls at odd hours of the night. When he's at sea, the wireless room can depend on few dull periods. Laemmle's constantly sweetening the coffers of RCA Communications.

Aside from Junior, Rosabelle and his two grandchildren, whose pictures are part of his travel trappings wherever he may be, Universal is the big thing in this veteran's life.

He eats film as figuratively as literally he eats food, and Laemmle eats lots of food. His relaxations are few and of the kind that permit pictures to intrude. He likes the horses and always bets because, minus bets, the thrill is nix. Even at the races, Laemmle, whose secretary is constantly with him, surrounds himself with a handful of film people and between heats makes notes of things he wants to do or asks questions about pictures and players.

Laemmle is fond of poker. Yesterday at the Pierre with appointments bouncing in, one after the other, at five, 10 or more minute intervale, the mantlepiece was decorated with a deck of cards and the inevitable box of chips.

Laemmle at poker still breathes celluloid. The man thrives on it. It gives him a kick, as does a profit at cards. Nothing tickles him more than to empty pockets on his desk when he arrives in the morning and show who is around the checks that represent his winnings. There is no data available on whether or not he goes ditto on his losings.

### A Walker and Muncher

After dinner, a Laemmle habit is to walk. If he is in New York, he selects a busy street. Before he finishes exercising his pedal extremities he starts to munch. It may be popcorn. Or raisins. Or peanuts. But it's something. If he is in Hollywood, he tours the estate, now his, but once Tom Ince's. He follows a regular route and rarely varies his itinerary.

His own column of paid advertising space in the *Saturday Evening Post* and the letters it brings to his attention would be enough of a job for one man to handle. Laemmle answers those communications personally, many of them at great length and evidencing genuine research to explain what questions are advanced for explanation.

His dexterity with figures indicates another facet in his makeup. Laemmle reduces every problem to figures, lets them sink in and thereafter remembers. What Milwaukee did in a certain week a couple of years ago and a comparison of its receipts last week—that's lead pipe cinch. Once a bookkeeper, it is probably from this experience that Laemmle since has drawn.

Tomorrow he sails. He insists his working day will run exactly 120 miutes. Perhaps 180 on one day, but down to 60 the next. The intention and the plan sound convincing. No doubt Laemmle means to live up to the agenda. Nobody around Universal expects he will.

## Berman Made Unit Producer at Radio

(Continued from page 1)

Minister" and "Forsythe Saga," starring Katharine Hepburn; "Roberta," starring Irene Dunne; "Radio City Revels" with Fred Astaire and Ginger Rogers together with Ann Harding and Francis Lederer starring vehicles.

Pending outcome of the present arrangement, Berman will continue as executive producer. He is now working out details for "Age of Innocence," "The Fountain," "Gay Divorce" and others, all ready for production.

## Pathe Expansion in Indie Field Studied

(Continued from page 1)

for the purpose of expanding the financing of independent production.

Poole says the outlook is favorable. He will present his findings to S. W. Webb, president of Pathe, who will turn them over to the directors for action. The company is interested in a few independent ventures at present and wants to expand in this field.

## Pathe Board Meet Off

A Pathe board of directors' meeting scheduled for yesterday to consider plans for simplifying the capital structure of the company and meeting accumulated dividends on the preferred and Class A stock was postponed until next week due to lack of a quorum.

## Esther Ralston Signed

HOLLYWOOD, June 14.—Esther Ralston has been signed by Universal to take June Knight's role in the delayed "Romance in the Rain."

## Bader Gives Ampas Lowdown on England

Dave Bader yesterday gave the Ampas the lowdown on the English situation.

He started his speech saying that "if I told you what I was doing in London you could understand why Universal pictures cost so much."

Bader explained the demise of the Bumpers, an organization composed of English advertising and publicity men. He said that the Britishers do not have the cooperative spirit that prevails in America.

Talking on British production, Bader said that within the next year English studios will turn out a number of unusually fine pictures. He said the producers abroad miss in every department of production, particularly showmanship.

"American stars are far more popular in England than any native player," he said.

## Laemmle Off Tomorrow

Carl Laemmle will sail tomorrow on the *Ile de France* for a two-months European trip. While in London he will determine Universal's foreign production policy at a series of conferences. Later he will go to Paris and to Carlsbad. Accompanying Laemmle will be Mrs. Maurice Fleckles, his sister-in-law, and Joe Weil, his assistant; Jack Ross, his secretary, and Dave Bader, who recently came east for the sales convention.

## Strong Wynyard Cast

HOLLYWOOD, June 14.—Universal is going the limit in giving Diana Winyard a strong supporting cast in "One More River," now being directed by James Whale. The lineup thus far includes Gilbert Emery, Arthur Hoyt, Tom Ricketts, Helene Grant, Bobby Hale, Alphonse Martell, Joe North, Gino Corrado, Montagu Shaw and Billy Bevan. Others will be added.

## "U" Signs Two Players

Lee Crowe of Ann Arbor, Mich., and Philip Thomas Dakin of Elgin, Ill., have been signed by Universal as part of the company's country-wide search for new talent. They will report to the coast immediately.

## Freund Assigned Two

HOLLYWOOD, June 14.—Karl Freund has been assigned to direct "Gift of Gab" and "It Happened in New York," two features on Universal's list for next season.

## Binnie Barnes Set

HOLLYWOOD, June 14. — Binnie Barnes' first starring picture for Universal will be "What Women Dream," based on an original idea now being prepared. The actress is now being featured in "There's Always Tomorrow."

## "Little Man" Opens

HOLLYWOOD, June 14.—"Little Man, What Now?" opened at the Pantages tonight. The Universal studio worked hand in glove with F. W. C. on the advance campaign, having assigned Het Manheim to handle the ballyhoo.

## Bergerman on Dickens

HOLLYWOOD, June 14.—Stanley Bergerman will produce "Great Expectations" as his next for Universal. Gladys Ungar is working up the screen play.

*Adolph Zukor presents* MAE WEST in "IT AIN'T NO SIN" with Roger Pryor
John Mack Brown · Duke Ellington & Band · A Paramount Picture · Directed by Leo McCarey

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 140 NEW YORK, SATURDAY, JUNE 16, 1934 TEN CENTS

## Cancellation Deal Unknown To Schaefer

### *If Talked, Was Minus His Knowledge*

KANSAS CITY, June 15.—Any offer to cancel out product in exchange for a local agreement killing off duals was made without authorization from the Paramount home office, if it was made at all, George J. Schaefer declared here this morning as the Paramount convention special, traveling as a second section of the California Limited, passed through en route to Los Angeles.

"All I know about it is what I read in MOTION PICTURE DAILY," remarked Schaefer. He said any such

(*Continued on page 3*)

### *Won't Name Waite Successor for Time*

NEWTON, Kan., June 15.—Successor to Stanley B. Waite, Paramount divisional sales manager who died in New York on Wednesday, will not be named until he returns from the sales convention, George J. Schaefer declared today as the California Limited, carrying Paramount conventioneers, passed through here this afternoon en route to Hollywood.

The Paramount special stopped for three minutes shortly after it made its regular train stop at Emporia in

(*Continued on page 3*)

### *Memphis Has Plan To Beat Blue Laws*

MEMPHIS, June 15.—This city's exhibitors may get around the blue laws by opening theatres on Sunday under the restaurant licensing ordinance, selling sandwiches and drinks for 40 cents with movies thrown in free.

Howard Waugh, local zone manager for Warners, in a story on the front

(*Continued on page 4*)

### *Usievich Sailing; Soviet Deals Pend*

Reciprocal equipment and deals between American companies and the Soviet film trust await further negotiations before being closed, it was

(*Continued on page 4*)

### *Schenck, Laemmle Head Departures*

Its passenger list loaded to the gunwales, the *Ile de France,* outbound this morning, carries almost as heavy a list

(*Continued on page 2*)

### *Nathanson Again*

**Toronto, June 15.—Presence of N. L. Nathanson, president of Famous Players Canadian Corp., on the Paramount convention special which was pounding its way across Kansas plains tonight, has revived reports here he will take over a high post with the parent company in New York.**

## Overbuilding In U.K. Finds Renters Cool

By BRUCE ALLAN

LONDON, June 15.—Silence on the part of John Maxwell, president of the Kinematograph Renters' Society (distributors) to the plea made by Sam Eckman for machinery to check overbuilding in England was viewed in Wardour Street circles today as indicating distributors generally would not fall behind the suggestion of M-G-M's managing director here.

Originally broached by an executive of the C.E.A. (exhibitors) to Eckman, when he occupied the position now

(*Continued on page 4*)

## Loew Gets Set For Invasion Of No. Calif.

### *Trouble with McNeill on Price, Reason*

SAN FRANCISCO, June 15.—Loew's plans to build subsequent run theatres in principal residential districts of the city, concentrating particularly on the Mission, Richmond and Fillmore districts in addition to other theatres in Reno, Nev.; Santa Cruz, Monterey and Petaluma. E. A. Schiller, vice-president of Loew's, who is here on a recuperative trip which will take him to Honolulu shortly, is authority for the statement.

He stated today he was here on a general survey which will take him from one to three months to finish

(*Continued on page 4*)

### *Radio Men Converge For Sales Confabs*

CHICAGO, June 15.—Radio men were converging on Chicago tonight and the vanguard of the New York contingent was on its way for a day of sightseeing Sunday before Radio's annual sales convention opens at the

(*Continued on page 4*)

## *Restraint Suit in Atlanta Develops Under the Code*

ATLANTA, July 15.—Resulting from evidence introduced at clearance and zoning hearings here, John Gillooly, operator of the Capitol, St. Petersburg, Fla., has filed a Federal Court suit for $450,000 against E. J. Sparks' Enterprises, operating about 60 theatres in Florida, several in St. Petersburg, charging restraint of trade. This is probably the first action to develop directly from operations of the code.

The complaint charges the Sparks company is restraining trade by reason of buying first and second run pictures, running them first run and closing many theatres for the summer months; by not running them second run for many months, thus causing such pictures to be outmoded and

(*Continued on page 3*)

### *Duals Out in Cleveland*

**Leopold Friedman for Loew's and Joseph Bernhard for Warners yesterday signed the agreement seeking to eliminate duals in Cleveland, thereby making the effective date July 8.**

**Obviously pleased by the success which crowned his efforts, M. B. Horwitz, appointed by the Cleveland M. P. Exhibitors Ass'n., to bring back the necessary circuit signatures, left for home by plane late yesterday afternoon.**

**Meyer Fine, Sam Lefkowitz and Sam Specker, Cleveland independents who came on to aid Horwitz, left earlier in the day by car.**

## Buying Power Lack Defeats Allied Plan

### *Production Idea Is Out As a Result*

Inability of Allied State to deliver sufficient buying power to meet the requirements of independent producers willing to finance a picture schedule for the organization was reported yesterday to explain Allied's decision to abandon the production plan discussed earlier in the season.

The decision was reported to have been reached at the conclusion of the Allied directors' meeting here yesterday. Internal opposition was also reported to have swayed the directors, several of whom are said to have sided with Herman Blum of Maryland Allied, who declared earlier that

(*Continued on page 3*)

### Withdraw Suit, But Seek State Relief

The I.T.O.A. was permitted to withdraw from Federal court its petition for an injunction restraining Code Authority from prohibiting non-signers of the code from filing complaints under it at a hearing before U. S. District Court Judge Alfred C. Coxe yesterday.

A new petition, similar in all respects to that withdrawn yesterday, will be filed Monday in the state

(*Continued on page 3*)

### *Fails to Decide on U. A. Cancellations*

Whether or not United Artists pictures are included in the 10 per cent cancellation clause in the code has yet to be decided by Campi.

After hearing additional testimony last week in the complaint of the Egyptian, De Kalb, Ill., against U. A., the board deferred decision until yesterday. Because of the plethora of appeals before the body, deliberation was postponed until the next session.

### *New Assent Plan Up To Rosenblatt Now*

Reopening of code assents to non-signers now awaits approval of Division Administrator Sol A. Rosenblatt.

Campi yesterday unanimously approved a plan whereby non-assenters be given until Aug. 15 to sign with

(*Continued on page 3*)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Campaign vs. Films Bothering Aldermen

CHICAGO, June 15.—The campaign against films penetrated through to the city council today when resolutions were introduced by Alderman Joseph C. Ross and seconded by Alderman Jacob Avery declaring immoral films "upset the foundations of religion, undermine the work of the schools and depend for their popularity on the degradation of women and attempt to make right the things which we have been taught in the home are wrong."

## Actors Behind Church

BOSTON, June 15.—Pledging support to the campaign of Cardinal O'Connell in his campaign for clean shows, both legitimate and in the films, the Boston Chapter of the American Federation of Actors has pledged itself to aid in cleaning up the film industry and the stage from immoral shows.

## 'Drummond' U. A.'s First

"Bulldog Drummond Strikes Back" will be United Artists' first release of the new season. The date is July 20. The film will inaugurate the first of a series of U. A. trade showings on July 19, when the 20th Century production will be previewed at the Astor here.

## Surveying FWC Leases

SAN FRANCISCO, June 15.—Charles Skouras is here from Los Angeles surveying Fox West Coast holdings and leases with Arch M. Bowles, district manager for that circuit.

## Seek Rapprochement On Silent Cameras

HOLLYWOOD, June 15.—Sam Briskin, chairman of the Academy research council, today laid his cards before local representatives of Bell and and Howell, Debrie Co. and the Mitchell Camera Co. regarding the development of a silent camera.

Representing eight major producing companies, he declared they would have to cooperate jointly in establishing some standard of silent camera, otherwise the studios would band together and develop their own. Studios say they control certain patents and likewise the camera companies, but unless both factions pool these patents there can be nothing done.

## Academy to Change Sound Award System

HOLLYWOOD, June 15.—Because of deficiencies in the present system of nominating and voting, the Academy award for achievement in sound recording, a committee of sound technicians is working out changes for next year's award. It was suggested that the jury system used for the scientific and technical awards be used for sound also, and the suggestion will be turned over to the awards committee for approval.

## Group Heading West

Howard Strickling and Robert Ritchie left for the coast last night by plane. Ritchie, manager of Jeanette MacDonald, just returned from Europe, where he took special scenes of Franz Lehar, composer, for "The Merry Widow," in which Miss MacDonald appears.

Strickling returns next week accompanied by Louis B. Mayer. Both will attend the M-G-M convention in Chicago June 21-23.

David O. Selznick, Howard Estabrook, George Cukor, Hugh Walpole and Fitz Lang leave for the M-G-M studios today by train.

## French Films Go Out

MONTREAL, June 15.—French films come to an end at the Imperial Saturday when Howard W. Conover, pioneer showman, returns to that theatre after an absence of five years to restore his original policy of pictures and vaudeville. Conover, for years, was associated with the late B. F. Keith.

## Schenck, Laemmle Head Departures

(*Continued from page 1*)

of film men as it brought in on Tuesday. Aboard are:

Joseph M. Schenck, president of U.A., who will arrange to make London headquarters for the Continental distribution and check generally into conditions.

Carl Laemmle, president of Universal, off for Carlsbad and conferences with his European representatives.

Maurice Silverstone, managing director of U.A. in England, who spent a few days here on his annual business visit to New York.

Etienne Pallos, sales manager of London Films, who thus rounds out his first visit to America.

Joseph H. Seidelman, foreign sales manager of Columbia. One of his jobs is to determine whether or not Columbia will make its own pictures in England.

David Bader of Universal who does special publicity for the British company. He came over for the recent sales convention.

Joe Weil, assistant to Laemmle.

Jack Ross, Laemmle's secretary. Where the Universal chief goes, Ross goes.

Sam Wood and Mrs. Wood. The director flew on for the Baer-Carnera fracas and is off on a vacation.

## De Rochemont Joins Time; Newsreel On?

Louis de Rochemont yesterday resigned as director of shorts for Fox to join *Time*, which is reported considering a film venture along newsreel lines.

De Rochemont, long with Fox, handled production of the Magic Carpet and "Adventures of a Newsreel Cameraman" series and is well known in his field.

## Cohens Get Mayfair

DETROIT, June 15.—Ben and Lou Cohen, who now control the Roxy, Detroit's de luxe all-night 24-hour house; Hollywood, Norwood and Grand Victory, acquired the Mayfair this week.

Applebaum, Evans and Goldberg, Chicago theatre operators, relinquished the house and are retiring from the Detroit field for the present. The new operators plan to reopen in early fall with a vaudeville and picture policy.

## Harry Smoots Dead

CANTON, O., June 15.—Harry Smoots, 51, widely known Mt. Vernon theatre operator, died of a heart attack while fishing at a lake near here with his wife.

## Eastman Up on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 33¼ | 33 | 33 | ..... | 100 |
| Consolidated Film Industries | 3¾ | 3½ | 3½ | ..... | 100 |
| Eastman Kodak | 98 | 98 | 98 | +1⅜ | 200 |
| Eastman Kodak, pfd | 145 | 145 | 145 | +1 | 40 |
| Fox Film "A" | 15 | 14¾ | 14¾ | — ⅛ | 100 |
| Loew's, Inc. | 32½ | 31½ | 31⅞ | + ⅝ | 2,000 |
| M-G-M, pfd. | 25¾ | 25¾ | 25¾ | — ¼ | 100 |
| Paramount Publix, cts | 4¾ | 4½ | 4⅝ | + ⅛ | 1,600 |
| Pathe Exchange | 2¾ | 2⅝ | 2⅝ | ..... | 100 |
| Pathe Exchange "A" | 24⅛ | 23 | 23¼ | ..... | 2,500 |
| RKO | 2¾ | 2¾ | 2¾ | ..... | 200 |
| Warner Bros. | 6⅞ | 6 | 6 | ..... | 1,500 |

## Technicolor to New High on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 14⅝ | 13⅜ | 14¼ | + ⅛ | 9,200 |

## Paramount Publix Bonds Rise 1¼

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 9 | 9 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 102 | 101⅝ | 102 | ..... | 4 |
| Paramount Broadway 5½s '51 | 44¼ | 44¼ | 44¼ | —1¾ | 1 |
| Paramount F. L. 6s '47 | 55 | 54¼ | 55 | +1 | 13 |
| Paramount Publix 5½s '50 | 55½ | 54⅛ | 55 | +1¼ | 6 |
| Pathe 7s '37, ww | 99½ | 99½ | 99½ | — ½ | 2 |
| Warner Bros. 6s '39, wd | 60¾ | 60¼ | 60½ | + ½ | 7 |

## Purely Personal

AL ALTMAN, M-G-M executive, leaves New York for the coast today on the *Pennsylvania*. He will make a brief business visit at the studios, going over eastern production matters for the coming year.

BORIS MORROS and LEO BRECHER were among the vodka samplers at Amkino's cocktail party yesterday to mark the return of V. A. USIEVICH, head of the Soviet film trust, to Moscow.

JANE BAXTER, English player now in New York, leaves for Hollywood Tuesday to join ANNA STEN and FREDRIC MARCH in "We Live Again" for SAMUEL GOLDWYN.

MAXINE VERGESSLICH, daughter of Joe, is recuperating from an appendicitis operation at the Mount Sinai Hospital. She is expected to be discharged in a week.

CLARENCE ERICKSEN, business manager for DOUGLAS FAIRBANKS, left on the Century for the Coast yesterday. He will be gone for about two months.

PHIL ROSEN has been signed to direct Select's "Woman in the Dark," and NELL O'DAY has been signed for the ingenue role in the same film.

BILL FERGUSON left for Chicago last night to do the preliminary honors for M-G-M's annual sales gathering there.

TED TODDY, southern exploiteer for Columbia, has returned to Atlanta after conferring with home office executives.

ED OLMSTEAD and LOU GOLDBERG, co-authors of "The Unsinkable Mrs. Jay," visited the M. P. Club yesterday.

POLAN BANK'S story "Black Ivory," based on the life of Jean Lafitte, has been bought by Warners.

ROSCOE ATES has been signed for a part in "Woman in the Dark," BILL SAAL'S first for Select.

JOE WEBER of Weber & Fields is a regular M. P. Club diner.

ARTHUR LOEW has bought a new plane.

## Seek Music Branch Of M. P. Academy

HOLLYWOOD, June 15. — Studio music executives and representatives of lyricists, composers and music directors met today for the purpose of formulating plans for a music branch of the Academy as a means of welding a closer tie with other branches of studio operation.

Nat Finston represented Paramount; Max Steiner, Murray Spevack, Radio; Lew Silvers, Columbia; Lewis DeFrancisco, Edward Kilenyi, Fox; Jack Chertock, M-G-M; James Dietrich, Universal. Alfred Newmann, Leo Forbstein, Mack Gordon and William Axt represented lyricists, composers and directors.

## Held as Simons Slayer

ST. LOUIS, June 15.—Lewis Ketchman is being held by the police here for the murder of John J. Simons, Erpi sound engineer, who was found slain in Charlevoix, Mich., two weeks ago.

# Cancellation Deal Unknown To Schaefer

(Continued from page 1)
proposal was unreasonable and said Paramount would not grant demands of some local independent exhibitors for a 25 per cent cancellation next season in addition to cancellation on this season's surplus product to eradicate double features.

The nine-car special arrived from Chicago at 8:45 A. M. Central Standard Time and left at 9:30 after delegations from several midwestern and southern cities got aboard. Some of them had stayed over in Kansas City a day or two before entraining west.

A. F. Baker, president of the Kansas-Missouri Theatre Ass'n., made a last minute decision to accompany the Kansas City delegation. This is his first trip to the coast in his more than 20 years in the business. He is now a Kansas City, Kans., exhibitor and a former Publix operating manager. His trip is in the nature of a vacation.

Adolph Zukor this morning commissioned the Rev. Andreas Bard, pastor of St. Mark's Lutheran Church here, to prepare a script on the life of Martin Luther.

## *Won't Name Waite Successor for Time*

(Continued from page 1)
tribute to the memory of Waite, whose remains at that hour were being laid to rest from his home in Bronxville, N. Y. Expressing regret at the inability of Paramount officials to be present at the services, Schaefer wired Mrs. Waite of the planned tribute.

La Junta, Colo., Saturday, June 16.—The Paramount special made a brief train stop here at 9:40 P. M., Mountain Standard Time, Friday night (12:40 A. M., Saturday, Eastern Daylight Time), en route to Albuquerque and Los Angeles.

## *Rogers Stays on; to Produce 10 for Para.*

Hollywood, June 15.—Charles R. Rogers continues with Paramount after all. Emanuel Cohen, Paramount production head, has signed him as an associate producer. Rogers will make 10 pictures, the first of which will be "MacFadden's Flats," to get under way in September. Rogers plans to leave for a vacation in New York around the first of August before taking up his new duties.

## *First Non-Assenter Appeal Filed Here*

First instance of local non-assenting exhibitor filing an appeal from a decision of the New York grievance board is Harry Brandt.

Brandt appeared before the New York board as defendant in two complaints filed by Loew against the Marvin and Empire in Brooklyn. The board held that the two houses were guilty of reducing admissions via the giveaway route.

# *Restraint Suit in Atlanta Develops Under the Code*

### *On Carnera*

**Charles L. O'Reilly has his own opinion of Primo Carnera. He says Carnera must be an exhibitor.**
**He knows how to take it.**

## Withdraw Suit, But Seek State Relief

(Continued from page 1)
supreme court here, according to Milton C. Weisman, attorney for the I.T.O.A. Weisman declared that the I.T.O.A. felt that the state court had wider jurisdiction over the relief sought in the action than the Federal court, and, therefore, desired the withdrawal.

William Whitney of Cravath, De Garsdorff, Swaine & Wood, attorney for Campi in the case, opposed the withdrawal and sought to have the case argued and decided in Federal court yesterday. Judge Coxe, however, authorized the withdrawal.

## *Minimum Admissions Stand, Says Detroit*

Detroit, June 15.—Two decisions handed down by the grievance board emphasize that body's intention to insist that minimum admissions specified in contracts are to be observed.

In one instance, Arthur E. Koch, of the Fredro, filed against Edward Helki, of the Perrien. In the second, Julius London of the Arcadia filed against Fox, Paramount, Warners, First National and M-G-M. The board ordered the distributors to enforce minimum tariffs specied in contracts with exhibitors.

## *K. C. Waits on Campi*

Kansas City, June 15.—The local clearance and zoning and grievance boards are awaiting approval of three Kansas Citians recommended to Campi as impartial alternates, to serve as substitutes for the originally designated government members.

The nominees are V. P. Thompson, head of Thompson-Hayward Chemical Co.; Fred Wolfson, attorney, and Robert Greenlease, motor car dealer. Recommendations were by both boards.

## *Fleishman Appointed*

Campi has appointed Samuel Fleishman of the Rex, Portland, Ore., to replace Philip Blumauer on the Portland clearance and zoning board. Fleishman fills the unaffiliated subsequent run exhibitor spot vacated by Blumauer's resignation.

## *59 Non-Signers Pay*

Fifty-nine exhibitors who have not signed the code but accepted 10 per cent cancellations paid assessments to Campi within the last week. The sum derived from this source was $573.

Total number of theatres paying as of yesterday was 6,266, or $67,164.

(Continued from page 1)
obsolete when they reach Gillooly's theatre by reason of a clause in his contracts which reads "subsequent to Sparks." Gillooly's attorney is Clint W. Hager, until a few weeks ago United States district attorney for the northern district of Georgia, a position he had held for 12 years during the Republican regimes.

In connection with the same case, Universal Film Exchanges, Inc., and John T. Ezell, Atlanta branch manager, were made parties to a suit in city court for $50,000 by Gillooly, charging libel, in that Gillooly alleges Ezell, as agent for Universal, wrote Sparks his company had offered Gillooly all product for 1934-1935 and that he had failed to take advantage of the offer. Gillooly claims he received no offer of this product. Ezell stated that he and Harry Williams, Universal's Florida salesman, did make the tender of the product in question.

## *First Complaint on New Zoning Heard*

The first protest on new clearance and zoning schedules effective with new season product was heard yesterday by Campi.

Charles Waldon of the Tivoli, Miami, and John A. Cunningham of the State, Miami, appeared before Code Authority objecting to the new clearance schedule set up by the Atlanta board. The objection was in the form of a complaint against the Sparks and Wometco circuits in Miami.

Waldon and Cunningham claimed that the 61 days' clearance over second runs and the additional 14 days by second runs over subsequent runs is unfair and that a schedule should be set up according to admissions rather than the run of pictures. Fred Kent and Sidney Mayer appeared for Sparks and Wometco. Decision is expected next week.

All but one of the 20 appeals scheduled were deliberated upon and heard by the board. All but eight decisions are expected to be made public Monday.

W. Ray Johnston will be chairman of next Friday's meeting. Ed Kuykendall presided yesterday.

## *New Assent Plan Up To Rosenblatt Now*

(Continued from page 1)
the provision that two paid up assenters of the same territory endorse the applicant. New applications must be accompanied by checks for the first half year's assessment.

The privilege does not become effective until Rosenblatt approves. This is expected some time next week. Several hundred non-assenting exhibitors already have requested the reopening. They will be notified immediately upon Rosenblatt's sanction.

## *Temporary Replacement*

Milwaukee, June 15.—A. C. Gutenberg said today his tenure of office on the grievance board will continue only until Fred S. Meyer, ill in California, returns to Milwaukee.

# Buying Power Lack Defeats Allied Plan

(Continued from page 1)
he was "as much opposed to exhibitors entering production as he was to producers engaging in exhibition."

Allied members will be urged by the directors to refrain from signing up for producer-made trailers and to report any instances of attempted linking of feature contracts with trailer sales when new season selling opens.

The organization will advance plans, it was reported, for taking to the public a campaign for the abolition of block booking which will be tied up with current church and civic agitation against "indecent" pictures. The campaign will stress the contention that the independent exhibitor is the innocent sufferer, because of block booking, in any theatre boycott by the public, and will urge that the ending of block booking is the solution of the clean-picture problem.

Sidney Samuelson, Allied president, declined to comment on the reports at the close of the meeting.

Boston, June 15.—Independent Exhibitors of New England will hold a session Tuesday to discuss developments of the Allied national board of directors meeting in New York.

## *Dismiss Complaint On Bus and Tickets*

Philadelphia, June 15.—On the ground the evidence showed no rebate had been enjoyed by the patron, the grievance board dismissed complaint of the Westmar, Norristown, against Norris Amusement, in the same city in which the latter company's bus tie-up was the bone of contention.

The Norris Company's agreement with the Schuykill Valley Lines, Inc., whereby a combination rate for a bus ride and theatre admission was effected, was construed in the Westmar's complaint as a "reduced admission."

Ruling of the board follows:

"The evidence both as to the bus complaint and as to benefit tickets indicates that no rebate was given to the patron and complaint is thereby dismissed on ground that provision of code (for complaint grounds) required that patron be admitted at a sum less than the announced admission price."

## *AFA Lodges Complaints*

Boston, June 15.—Complaints alleging violations of the code have been filed with P. A. O'Connell, head of the NRA for Massachusetts, by Ralph Whitehead of New York. Whitehead has been in Boston for 10 days conducting investigations into alleged unfair practices on behalf of the American Federation of Actors. There were 20 complaints filed.

## *Turns Over 94 Plaints*

Hollywood, June 15.—The California State Compliance Board has turned over 94 complaints to the studio labor committee and the extra standing committee, 67 of which involved objections pertaining to extras and 27 labor.

The two committees were ordered to hear immediately as many complaints as possible for quick disposition.

# Overbuilding In U.K. Finds Renters Cool

(Continued from page 1)
held by Maxwell in the K.R.S., the plan died because some distributors refused to part with their "inalienable" right to do business with whom they pleased and how.

In the final hours of the exhibitor convention at Blackpool, the open sessions which were expected to be loaded with sensational developments, petered out. The organization, however, did go on record in opposition to "pound-a-foot quickies."

Out of the parleys, there is a possibility of an official C.E.A. policy on percentage engagements on lines which would allow exhibitors to retain the major portion of their receipts until theatre overhead first is met.

## Decision Is Reserved In Perelman's Suit

PHILADELPHIA, June 15.—Decision was reserved by Judge George A. Welsh in U. S. District Court here today in the suit of Harry Perelman, exhibitor, challenging the right of six distributors to ban duals in new season contracts. A decision is not expected until the middle of next week.

Benjamin M. Golder, attorney for Perelman, sought an injunction to invalidate the double feature restriction, charging the defendants with conspiracy to restrain trade and monopoly of the industry by employing the services of all the outstanding stars, without whose pictures independents could not get along.

The defendants were Vitagraph, RKO, Paramount, M-G-M, Fox and United Artists.

Golder stated he would demand a U. S. Grand Jury investigation on charges of violation of anti-trust laws.

Judge Welsh, in reserving decision, tried to get the defendants to waive the restriction on duals in Perelman's contract. Morris Wolf, defense attorney, refused, stating it would be the same as granting Perelman a preliminary injunction.

## Radio Men Converge For Sales Confabs

(Continued from page 1)
Drake Monday morning to run three days thereafter.

BUFFALO, June 15.—Aboard the 20th Century as it thundered through here late tonight was a group of Radio executives and affiliates bound for Chicago and the sales convention, which opens Monday morning. In the party were:

Ned E. Depinet, Jules Levy, Cresson E. Smith, Robert F. Sisk, Al Mertz, E. L. McEvoy, A. A. Schubart, M. G. Poller, Harry Gittelson, Leon J. Bamberger, R. R. Doyle, Sol G. Newman, Fred McConnell, R. K. Hawkinson, B. P. Lion, Robert Trillo, and Jacobo Glucksman.

Leaving New York for Chicago and the Radio meetings today will be:

Lou Gaudreau, S. Barrett McCormick, Frank Kennedy, Lou Miller, William Dahler, J. P. Skelly, E. A. Horne, William Mallard, G. E. Youngman, William Clarke, G. Muchnic, Phil Reisman and A. H. McCausland.

# Looking 'Em Over

## "Hell Bent for Love"

*(Columbia)*

There is enough excitement in this Tim McCoy vehicle to atone for most of its shortcomings. Since the production is aimed at lovers of action films, the fact that "Hell Bent for Love" does not satisfactorily explain some of its incidents and does not always seem believable may not cut deeply into its entertainment value. Acting of the principal helps to make the picture enjoyable as a neighborhood attraction.

In this one, McCoy is a motorcycle patrolman. He meets Lillian Bond when he tags her for speeding. When he learns she is an entertainer at a gay spot operated by the town's Public Enemy No. 1 (Bradley Page) he sees a chance to realize his ambition to end local racketeering by putting Page out of business. McCoy falls in love with Miss Bond when he learns she is not the bad sort she has been made out to be, and with her aid sets out to bring the downfall of Page. Jealousy is at the bottom of Page's hatred of McCoy.

In the hope of breaking up the romance between the two Page breaks Tim by staging a holdup to make it appear McCoy has been guilty of neglect of duty. With the help of a group of ex-criminals whom he has helped on their release from jail Tim beats Page at his own game. The end finds Page in the hands of the coppers and McCoy reinstated, while Miss Bond beams with love.

Other players are Vincent Sherman, Lafe McKee, Harry C. Bradley, Wedge Wood Newell and Eddie Sturgis. Ross Lederman is responsible for the direction. Running time, 58 minutes.

## "The Tell-Tale Heart"

*(DuWorld)*

Edgar Allan Poe's macabre tale, "The Tell-Tale Heart," has been given an impressive screen treatment by Clifton-Hurst Prod., British company. It is a weird, gripping, terror-inspiring piece of work entirely faithful to the original. So intent were the producers in capturing the mood of the story that nothing was allowed to intrude that might give a touch of cheer to the production. In short, this is serious entertainment, intelligent and appealing primarily to arty audiences.

"The Tell-Tale Heart" is a brilliant camera achievement. The photography enhances the eerie quality of the story. Atmospherically, the film is no less good. The acting is commendable. Norman Dryden and John Kelt as the leading characters put fascination into their roles.

The story is in reality the study of a psychopathic case. Dryden kills Kelt, an old relative with whom he is living, because he feels the man is casting an evil eye upon him. It is a fixation and the boy feels he will not be free until the old man is dead. He buries the corpse under the floor boards. When the police arrive to investigate the man's scream, the boy tells them it was he who screamed. The investigators are satisfied and are about to leave when the imagined thumping of the dead man's heart drives the youth to confess.

Desmund Hurst directed. Running time, 50 minutes.

## Memphis Has Plan To Beat Blue Laws

(Continued from page 1)
page of the *Commercial Appeal* today, announced himself in favor of the idea. Charles Mensing, Orpheum manager, secured a restaurant license today and bought lunch stand equipment for the lobby with the announcement of free shows all day Sunday to those buying food and drink. Waugh has also taken out a license, but it is understood the Warner home office is against the proposition.

This is believed the first time such a scheme has been tried in this country. Reports here are that Nashville, Chattanooga and Knoxville may follow suit.

## Gene Raymond Chartered

DOVER, Del., June 15.—Gene Raymond Producing Corp. has been chartered here to produce entertainments of all kinds, listing capital stock of 2,000 shares, no par value. The incorporators are C. S. Peabbles, L. H. Herman and Walter Lenz of Wilmington.

## Short Subjects

### "Carnera-Baer Fight"

*(Oliver Film Corp.)*

With excellent photography, camera angles and sound effects, this is by far the best fight picture filmed in some time. Every bit of action is clearly shown, with most of the important knockdowns reshown in slow motion at the completion of the different rounds. The entire last round is also shown in slow motion. Running time, 32 mins.

### "Corn on the Cop"

*(Vitaphone)*

Shemp Howard and Harry Gribbon are up to their hilarious antics, but funnier, in this one. The story concerns their attempts to sell a fake corn cure, their mixup with the cops and their getting in the police lieutenant's home where they are mistaken for his nephews by his wife. They wind up in jail with the lieutenant revenged. Running time, 19 mins.

# Loew Gets Set For Invasion Of No. Calif.

(Continued from page 1)
with definite decision on the building program to be determined thereafter.

The contemplated program by Loew's ties in with reports, unverified, that M-G-M has been unable to make a satisfactory percentage deal with Robert McNeill, president of United California Theatres and associated companies, such as Golden State and T. & D., Jr., Theatres, and the most powerful independent in Northern California. McNeill is in New York, but on reliable authority it is learned there has been no break with M-G-M. He declared new product had not been offered as yet to any exhibitor in the territory.

## St. Louis Deal Over, Arthur Is Returning

ST. LOUIS, June 15.—Harry Arthur departed for New York today after spending several days here in connection with final details of the proposed management contract of Fanchon and Marco contemplating a new owner of the Ambassador, Grand Central and Missouri theatres.

Nelson Cunliff, special master, will make his reports within a few days to Federal Judge Davis for confirmation of the sale of the houses to the bondholders' protective committees for $2,000,000. It is understood that when the deal is approved by the court the new corporations that will lease the houses plan to continue first run showings of Warner and First National pictures as at present.

## Usievich Sailing; Soviet Deals Pend

(Continued from page 1)
stated yesterday by spokesmen for V. A. Usievich, Soviet film agent, who leaves for Moscow today on the *Ile de France* after a month's visit in this country.

Final negotiations on deals inaugurated by Usievich will probably be conducted here by Vladimir I. Verlinsky, new head of Amkino, it was stated. Usievich was tendered a farewell cocktail party by Amkino at the Astor yesterday.

## No Pay, No Complaints

All exhibitors failing to pay assessments by July 1 will not be permitted to file complaints before local boards, Campi ruled yesterday.

However, theatre owners who pay after that day will be able to submit grievances. The ruling goes into effect immediately.

## Neth House Destroyed

COLUMBUS, June 15.—Neth's Grand, 1,500-seat first run independent, was today destroyed by fire of undetermined origin. The loss is estimated at $150,000. The house had closed Wednesday for the summer.

## Is Closing Saturdays

The M. P. Club dining room will be closed Saturdays during the summer, beginning today.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 141 NEW YORK, MONDAY, JUNE 18, 1934 TEN CENTS

# Add Teeth to Industry's Self-Regulation System

## Cancellation Talk Turning Into Mystery

### *N. Y. Comment Mixed—Called Unofficial*

Unofficial and indirect was the manner in which the reported offer of distributors to wipe out surplus product in Kansas City in exchange for an agreement ruling out duals and increasing admissions was described in sales circles in New York on Saturday.

Some comment insisted no such proposal was made at any time on the basis that the proposal was to be

(*Continued on page* 11)

### *Look for September Shift in St. Louis*

St. Louis, June 17.—Fanchon and Marco are expected to take possession of the Ambassador, Missouri and Grand Central some time in September. Confirmation of the sale of the houses to the bondholders' protective committee for $2,000,000 is slated for July 3.

F. & M. will get the houses 60 days after the present receivership is dissolved. This is expected sometime after confirmation of the sale by Federal Judge Davis.

### *M-G-M Will Start Slowly in England*

M-G-M is not expected to start actual production in England for the next four to six months. The approach will be a slow one with sure footing.

Within the next few months several Hollywood studio people are expected to be sent to London. David O. Selznick, who left Saturday for the coast with Howard Estabrook, George Cukor, Fritz Lang and Hugh Walpole, will confer with studio executives on the new project. Arthur

(*Continued on page* 6)

### *Warners Last Sales Parley Starts Today*

San Francisco, June 17.—Warner's final regional gets under way Monday at the St. Francis with Gradwell Sears presiding. Highlights of today's session will be an address by Jack L. Warner on production for the coming season and announcement of the Vitaphone line-up for 1934-35 season by Norman H. Moray.

The morning session will be devoted

(*Continued on page* 6)

## *Vatican Letter Emphasizes Pope's Concern Over Films*

*In a letter written for the Pope by Papal Secretary of State, Cardinal Pacelli, to Canon Brohee, president of the Catholic International Cinematographic Office and Chaplain General of the Centre Catholique d'Action Cinematographique en Belgique, Pius XI expresses his concern over films.*

*While the Pope has expressed his disapproval of films in general encyclicals in the past, this is believed to be his most extended and most direct reference on the subject. Extracts from the communication follow:*

"The Catholics of all the countries of the world ought to make it a duty of conscience to concern themselves with this question, the importance of which is constantly growing.

"The cinema is going to become the greatest and most efficacious means of influence, more efficacious even than the press, for it is a fact that certain films have been seen by several million spectators.

"His Holiness desires to emphasize the urgency of this apostolate, in which all well-minded people should unite, coordinating their efforts, energies

(*Continued on page* 6)

## RKO Plans 50; Convention On In Windy City

Chicago, June 17.—Radio will release 50 features and approximately 200 shorts, including 104 issues of Pathe News next season, the company's sales convention which opens Monday morning in the grand ballroom of the Drake will be told. The product line-up out of which perhaps as many as 20 titles will be withheld at this time will be divulged on Tuesday.

Approximately 250 delegates from the United States, Canada and a number of foreign countries poured into

(*Continued on page* 10)

## Paramount to Release 64; Meets Today

Los Angeles, June 17.—Noting virtually no change in its numerical lineup, Paramount will release 64 features during 1934-35. The sales force, national and almost international in scope, will so be informed and the product, so far as it is set, given to it on Tuesday, second day of the company's annual sales convention here.

The Paramount special, traveling as a second section of the California Limited out of Chicago, pulled into the Sante Fe yards at 8:45 A.M., Pacific Standard Time (12:45 P. M. Eastern

(*Continued on page* 16)

## *Para. Trustees Report Cash Up to $3,226,836*

Paramount's cash position was improved by $1,152,356 during the eight months ended June 9, it was disclosed in the fourth report of the trustees in bankruptcy which was filed with Referee John E. Joyce on Saturday.

Total cash receipts of the trustees for the period aggregated $2,244,747. Disbursements were $1,092,391, which, with a cash balance of $2,074,480, as of Sept. 30, last, gives the company a cash position of $3,226,836 on June 9.

The bulk of the trustees' disbursements, or $979,504, represented advances to subsidiaries. Famous Thea-

(*Continued on page* 11)

### *Rotating Committee on Coast Out; Hays Board To Settle Disputes*

Agreed that the most efficacious answer to outside, principally Catholic, criticism of films is to be found in a further strengthening of the self-regulation system which governs production at the source in Hollywood, members of the Hays organization have set the machinery whirling which they believe will bring about the anticipated result.

The highlight of the plan calls for the elimination of the rotating committee now functioning on the coast and brought into disputes which arise over decisions of the Studio Relations Committee and transfer of such arguments to the board of directors of the Hays organization in New York for adjudication.

The Studio Relations Committee is the organization headed by Joseph I. Breen, executive assistant to Will H.

(*Continued on page* 6)

## Gaumont-Hearst in Newsreel Exchange

By BRUCE ALLAN

London, June 17.—E. B. Hatrick, Hearst film representative, concluded negotiations yesterday with the Gaumont British newsreel here for a full exchange of newsreel items with the new Hearst Metrotone News.

## Trustees of Para. Act Under New Law

Charles D. Hilles, Eugene W. Leaks and Charles E. Richardson, who have been serving as trustees in bankruptcy for Paramount Publix, were named temporary trustees of the company under the new bankruptcy laws by

(*Continued on page* 16)

### *Consolidated Labor Trouble Up to Board*

Washington, June 17.—The labor difficulties of Consolidated Film Industries was considered at a hearing by the National Labor Board yesterday.

The hearing was necessitated by the failure to secure an amicable adjustment of the controversy between the company and the Printing Pressmen's

(*Continued on page* 6)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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*Editor*
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*Advertising Manager*

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

## *To Fete Mike Landow*

PHILADELPHIA, June 17.—Mike Landow, who recently resigned as Universal manager, will be tendered a dinner July 9 by local exhibitor and distributor friends. Jay Emanuel, I. Epstein, Harry Weiner, James Clarke and Joe Leon are on the committee handling the affair.

## *Skirboll Gets Franchise*

World Wide Pictures, Inc., has allotted the Pittsburgh, Western Pennsylvania and West Virginia franchise to Joseph Skirboll of Majestic Pictures.

# *Insiders' Outlook*

THE wash-up and the inside on the Paramount-Capitol pool yarn:

The agreement is for one year from June 29 and may ultimately result in an admission hike at both theatres although there is no immediate prospect now. The increase will depend entirely upon results rolled up under the pooling move. This ties in with the belief, subscribed to by many important film men, principal distributors, it is true, that admissions must clamber up the ladder and that very soon. . . .

▼

Boris Morros, Paramount manager, and Louis K. Sidney, in charge of Capitol stage shows, will carry out the operating arrangements. In the event of a disagreement between these two, controversial matters go to Sam Dembow, Jr., of Paramount, and Joe Vogel of Loew's for settlement. Disagreements between them progress to George Schaefer, Paramount general manager, and Nicholas M. Schenck, Loew's and M-G-M president. Anything these two are unable to agree on is left for final settlement to two alternates, one to be named by each executive. Sort of a United States Supreme Court idea. . . .

▼

The pool, as stated exclusively in your favorite trade paper last week, provides for elimination of stage shows at the Capitol with that theatre taking first choice of M-G-M and Paramount product, the Paramount to continue stage shows and have second choice on the product of both companies. Under this arrangement the Capitol is expected to become a long-run house, with many of the attractions of both companies holding over for three to five weeks. It depends on how good the celluloid is, as usual. . . .

▼

There will be 160 pictures from M-G-M and Paramount combined next season. With the Capitol running extended engagements on a number of pictures, as expected, approximately 35 are believed ample for the house's requirements. Maybe a few less. In view of these expectations, the Paramount anticipates no shortage of good pictures for itself from the 125 features remaining available to it. The pooling agreement will have no effect on the stage show policy of Loew's State. Provisions are made in the agreement for the roadshowing of certain pictures of each company, which would be available to the Capitol thereafter for popular priced first run. . . .

▼

The film colony's social formula was aptly typified not long ago by the wife of a writer who was concocting a masquerade party. Camouflaging the masque, as a "Suppressed Desire" party, invitations requested recipients to come garbed as their suppressed desire. Going over the list, the wife came upon the name of an up-and-coming young producer. "We must invite him, he means so much in Hollywood. Besides, when we go to his home later, so-and-so will report it in her column, and you'll be on a friendly basis, so when you write for him, he'll overlook certain things in your writing that your present boss always notices." Quaint, that place called Hollywood. . . .

▼

Definite now is the decision of Kuhn, Loeb and Co. to continue their investment and banking business under the Banking Act of 1933. This was tipped off over a week ago, but the decision is a decision now, formally and officially wrapped up. The step removes a worry over and at Paramount where K. L., for years, have been financially active in the company. Any shifting of horses in the middle of turgid financial waters at this time could easily have set back the Paramount emergence from bankruptcy. . . .

▼

"I can't escape it; everywhere I go I bump into this crusade against dirty films." Joe Breen, during a short train stop at Kaycee, had just finished making that remark when his eye lit on a five-column banner head on the front page of the *Chicago Tribune* screaming, "Anti-Smut Storm Shakes Hollywood." The next minute, a mutual acquaintance introduced Breen to Mayor Bryce B. Smith of Kansas City, a passenger on the same train. "So you're with the Hays organization," drawled the mayor after the formalities. "Well, from what I read in the papers, you've got a lot to do now." Breen dryly agreed. . . . ▼

Joe Lee, the exploitation doctor, did a swell job in exploiting run of "The World in Revolt" at the Rialto, concentrating much of his barrage on foreign language newspapers. He went after the suburbans with hammer and tongs, too, striking at 125 towns within a radius of 40 miles from 7th and 42nd St. . . . Germany banned "My Weakness," starring Lilian Harvey, the other day. Now Miss Harvey is returning to Ufa for more pictures. Serves Hitler right. . . . KANN

## *Eastman Up 1⅞ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 3½ | 3½ | 3½ | ..... | 100 |
| Consolidated Film Industries, pfd. | 15¾ | 15⅛ | 15⅜ | — ¼ | 300 |
| Eastman Kodak | 99⅞ | 98¾ | 99⅞ | +1⅞ | 600 |
| Fox Film "A" | 15⅜ | 15⅛ | 15⅜ | + ⅝ | 700 |
| Loew's, Inc. | 32⅞ | 32⅜ | 32⅞ | +1 | 1,500 |
| Paramount Publix cts | 4⅝ | 4½ | 4½ | — ⅛ | 1,700 |
| Pathe Exchange "A" | 24⅜ | 23⅞ | 23⅞ | + ⅝ | 700 |
| RKO | 2⅝ | 2⅝ | 2⅝ | — ⅛ | 300 |
| Warner Bros. | 6¼ | 6⅛ | 6¼ | + ¼ | 900 |

## *Curb Issues Take a Loss*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 14¼ | 14 | 14 | — ¼ | 900 |
| Trans Lux | 1½ | 1½ | 1½ | — ¼ | 200 |

## *Warner Bonds Up ⅞*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9½ | 9½ | 9½ | + ½ | 100 |
| Loew's 6s '41, ww deb rights | 101⅞ | 101¾ | 101⅞ | — ⅛ | 6 |
| Paramount F. L. 6s '47 | 55 | 55 | 55 | + ¾ | 1 |
| Warner Bros. 6s '39, wd | 61¼ | 60½ | 61 | + ⅞ | 8 |

## *Charter U. A. of Japan*

WILMINGTON, June 17. — United Artists Corp. of Japan has been chartered here. Capital is listed as 1,000 shares of no par value. The incorporators were C. S. Peabbles, L. H. Herman and Walter Lenz of Wilmington.

## *Delay Sentry Meeting*

PHILADELPHIA, June 17.—Due to lack of a quorum, the annual Safety-Sentry stockholders' meeting was not held Friday. Instead, the session will be held next year and present officers and directors will be continued until that time.

*To help maintenance of proper air conditions in the theatre the year 'round*

**AIR CONDITIONING CHARTS**

*Fit the pocket or may be tacked on wall. Only limited number available. Order now. Price 25 cents.*

BETTER THEATRES
1790 BROADWAY NEW YORK

**Showmen:**

**Phone M-G-M for a print of "The Prizefighter and The Lady" starring**

# MAX BAER

The Showman's Champ

*a tip from*

*Leo*

# FEMALE EARTHQ

## CRITICS WRITE SCREAMING AD LINES FOR YOU

BROADWAY & 47TH ST., June 7 (WB). —Awarding it 3½ Stars and pronouncing it "filled with thrills", the N. Y. Daily News today led a resounding chorus of journalistic praise which should convince picture patrons everywhere that "Fog Over Frisco" is sure-fire entertainment. Other comments were:

"Year's best melodrama"—World Telegram.

"Newest and fastest thriller"—Sun.

"Breathless pace and . . . action"—Times.

"Crowded with speed and excitement"—Journal of Commerce.

"Keeps audience on edge throughout"—Film Daily.

"Sure box-office success"—Post.

• *Queen Cobra of the Golden Gate* •

**Straight and hot from "south of the slot" come Bette Davis Margaret Lindsay, Hugh Herbert, Donald Woods in First National's new melodramatic sensation directed by Wm. Dieterle**

# AKE ROCKS N. Y.

## Fog Over Frisco" Proves Overnight Sensation

## VARNER BROS. SHOW SURPASSES ALL EXPECTATIONS AT STRAND

*Duplicates Surprise Success of "Bureau of Missing Persons" and "Convention City"*

## IELD OVER SECOND WEEK

## Year's Best Melodrama" Confirms Warner Promise of 1935-Quality Summer Shows!

# Add Teeth to Self-Control Of Industry

(Continued from page 1)

Hays in the west. Breen not only reads purchased properties and scenario roughs, but also scans the completed product solely from the angle of the production code of ethics. His recommendations, the record reveals, have, in the main, been followed. Where a studio registers objections, the current system calls in a rotating committee of three, drawn alphabetically from a list made up of major studio executives. This committee's decision to date has been final.

While the decision to throw to the Hays directors in New York settlement of disputed points is known to have been reached, it is understood there will be no formal word issued on adoption of the plan.

## Drive Against Films Gains in Youngstown

YOUNGSTOWN, O., June 17.—Pledges to stay away from "all movies except those which do not offend decency and Christian morality" have been signed by more than 4,500 Catholics, and thousands more are expected to sign.

The pledges of membership in the League of Decency were given out by pastors at the request of Most Rev. Joseph Schrembs, bishop of Cleveland, who asked for the support of his people in a pastoral letter, read at all masses Sunday, containing a scathing denunciation of immorality and indecency in pictures and in theatre advertising.

The bishop directed that "strong sermons" against indecent shows be preached.

## Catholic Drive Reaching Into Tennessee Cities

MEMPHIS, June 17.—The Catholic movement against objectionable films will be extended to Tennessee this week. Bishop Alphonse Smith of Nashville has asked all Catholics in the state to sign Legion of Decency pledges.

## *Philadelphia Indies Set to Meet Today*

PHILADELPHIA, June 17.—Further developments in organization of the newly formed Independent Exhibitors' Protective Assn. will take place tomorrow when a meeting is scheduled at the Broadwood Hotel.

President-elect Congressman Golder will be principal speaker in addition to Sidney Samuelson and Harry Brandt from New York.

## *Warners Last Sales Parley Starts Today*

(Continued from page 1)

to talks by Jack Warner, Albert Warner and Harold S. Bareford.

The afternoon session will be opened with a discussion on the code, to be followed by a talk on current product by Carl Leserman, assistant to Sears. Moray will then take the floor to acquaint the men with the Vitaphone plans.

# *Vatican Letter Emphasizes Pope's Concern Over Films*

(Continued from page 1)

and activities to make this powerful modern means of diffusing ideas serve for the moral education of the people.

"Despite the measures taken by the public authorities of various countries, the Holy Father continues to receive from all sides allegations and denunciations of the moral and religious harm caused by cinema shows, which exercise an irresistible influence on a great part of humanity, but very particularly upon youth—truly a matter of concern for the future.

"The laudable efforts of legislators and men of learning, of parents and teachers who have to train the new generations to honest ways of living and thinking, are consequently in danger of being irremediably compromised by these frequent representations of an artificial and immoral life: the materialism which is there dominant is in itself a negation and a refusal of the supreme gifts communicated by Christianity, which are indispensable to the conservation and development of Christian civilization in the world.

. . .

"The discoveries of science are the gifts of God, and must be used for the glory and the extension of His Kingdom. . . .

"It is highly desirable that organized Catholics should occupy themselves constantly with the cinema in their meetings for Catholic Action, in their programs of study, etc.

"It is equally important that all the Catholic papers should offer criticism of the cinema, praising good films and censuring the bad.

. . .

"The Catholic International Cinematographic Office rightly seeks to secure the multiplication of large halls, equipped with modern improvements, and strongly inter-coordinated, either for the presentation of instructional or recreational Catholic films, or by their demand for good films, to induce film companies to provide them.

"Besides—and this, perhaps, is the essential object to drive at—the program of the C.I.C.O. conduces to arouse the energies of well-minded people to an understanding that, having by this coordination assured a very ample supply of good films, they will be able to devote themselves competently, after the necessary serious preparation to the production of high-class films, and thereby to establish an enterprise which, while safeguarding good morals, and succeeding by their technical, artistic and human value, will materially benefit industry.

"The Holy Father ardently desires that in so salutary a work the C.I.C.O. will meet with a perfect understanding and a generous collaboration by the Catholics of the various nations, and very specially, as has been said, by the Catholic Action of the countries."

## *"White" Is $61,000 Hit at the Capitol*

"Men in White" chalked up a gross of $61,000 for the first week at the Capitol. This is $1,000 more than the anticipated take as reported in MOTION PICTURE DAILY June 11. If business holds up the current week, the M-G-M film will be held a third week.

"Such Women Are Dangerous" at the Roxy last week garnered a weak $17,000. Business along Broadway was generally dull, due to the Baer-Carnera fight. The pictures of the fracas are doing a turnaway business at the Palace this week and may be held over.

## *Appeal Is Expected In Tri-Ergon Case*

PHILADELPHIA, June 17.—An attempt is to be made by RCA Photophone, it is understood, to appeal the U. S. Circuit Court of Appeals Tri-Ergon patent decision here to the U.S. Supreme Court.

The case is one of a number pending in various parts of the country. In its decision here the U. S. Circuit Court of Appeals upheld the validity of the Tri-Ergon fly-wheel patent. The case was the suit of the American Tri-Ergon Corp and Tri-Ergon Holding, A.G., against Wilmer & Vincent, Locust Real Estate Co. and Altoona Publix Theatres, Inc. It was defended by RCA Photophone.

## *M-G-M Will Start Slowly in England*

(Continued from page 1)

Loew is in favor of the plan and the actual setup now remains in the studio's hands.

Mrs. William Bolitho, widow of the journalist, recently engaged by Selznick to handle a special London office, is now concentrating on editorial work for the Hollywood studio. She will also work on the new English project.

## *Two Broadway Spots To Darken Tomorrow*

Two Broadway houses close tomorrow for an indefinite period. The Astor, which has been housing "The House of Rothschild," darkens with the end of the run of the U. A. picture tomorrow night, while "Are We Civilized?" bows out of the Rivoli the same evening.

No new attraction is in sight for the Astor. The Rivoli, which plans to reopen with "The House of Rothschild," may be dark two or three weeks, but this is not definite.

## *Capture Alleged Bandit*

OMAHA, June 17.—Police have captured a man who, they say, attempted to hold up the Paramount Theatre. He was taken in a hotel room and was identified by Clifford Jennings and Nora Bell, cashier.

# Feel Boycott Will Induce Dark Houses

BALTIMORE, June 17.—A boycott at this time probably would accomplish its objective, but would, at the same time, probably close many small neighborhood theatres operated by independents and aggravate the unemployment situation, feels the M.P. T.O. of Maryland. The unit, an Allied States affiliate, late last week passed a resolution in which it declared its members were innocent victims of the block booking system and, therefore, had no control over types of pictures they showed.

If the boycott is applied at once without any warning, theatre owners believe the innocent will suffer more than the guilty, but if the industry is given time to put on a clean-up campaign a boycott against objectionable films would be fair to all, they feel.

### Call Violations Deliberate

In the resolution passed it is claimed producers deliberately violated their code of ethics and the pledges which were made to organizations when several years ago the same situation came up.

Plans for summer activities were made by members of the publicity committee of the League of Catholic Students who met at Loyola High School. Meetings are tentatively scheduled to be held every second Thursday during the summer.

The Baltimore *Catholic Review* will print a blacklist weekly of those pictures considered unfit and another list of those approved. In each parish a bulletin will be posted calling attention to those lists.

Students are being urged to write to producers and complain against films they consider unworthy and declaring their intentions to boycott them. About 5,000 students have signed pledges they will not attend those pictures which are blacklisted, it is asserted.

A committee has been named by the exhibitor body to confer with Archbishop Michael J. Curley and other church dignitaries.

## *Consolidated Labor Trouble Up to Board*

(Continued from page 1)

Union, which brought about a strike of some 50 employes early in April.

The case originally was heard by the New York Regional Labor Board, which ruled that the strikers should be returned to work and the wage dispute arbitrated. An appeal was taken to the national board by the company on the contention that the local body could not arbitrate wage matters. A conference was held by the board with representatives of the company and the employes on June 4 in an effort to end the controversy.

The matter also involves a dispute as to whether the company is subject to the graphic arts or film laboratory code.

## *Campi Meeting Thursday*

Next Campi meeting will take place June 21 instead of next Friday. W. Ray Johnston will be chairman.

Turn to the next page and se

Adolph Zukor Presents

# MAE WEST in "It

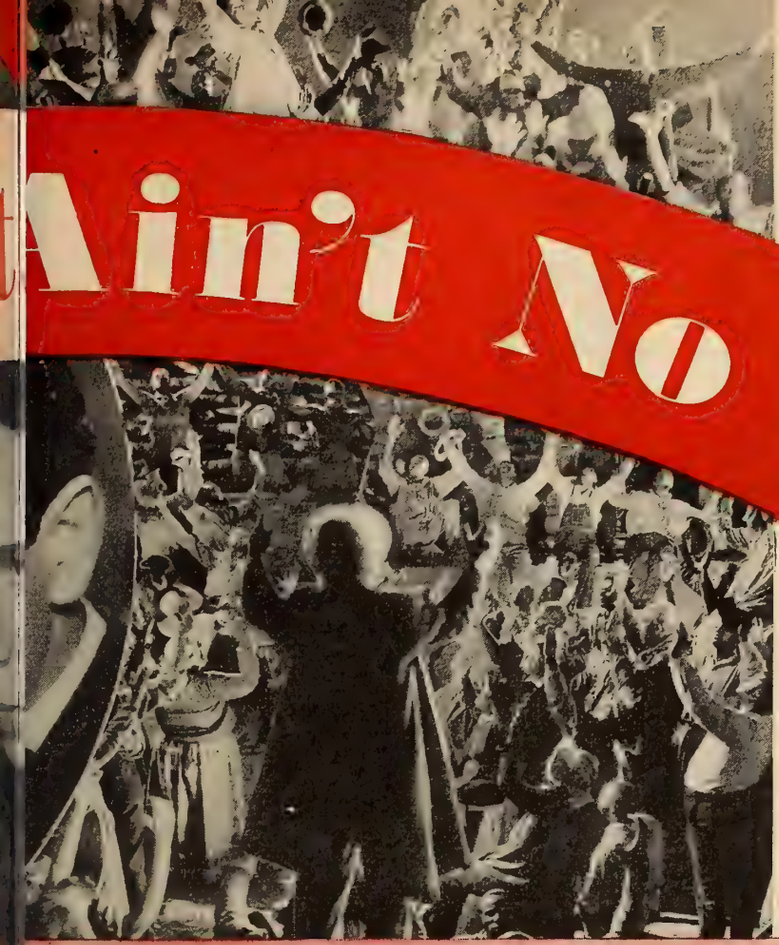
**Takes Two More!** Mae West has two new leading men in this picture . . . John Mack Brown and Roger Pryor. When you witness Mae's reaction to John Mack Brown's soft Southern love-making . . . you'll know that "Love is the sweetest thing!"

**Hot Band!** Duke Ellington and his band in tunes both blue and hot . . . their rendition of "Memphis Blues" will sway your audiences.

## Isn't She Gorgeous?

Mae West, as they liked her in "She Done Him Wrong," with that hour-glass figure that makes every second count, clothed in a dozen stunning "gay ninety" costumes.

# Ain't No Sin"

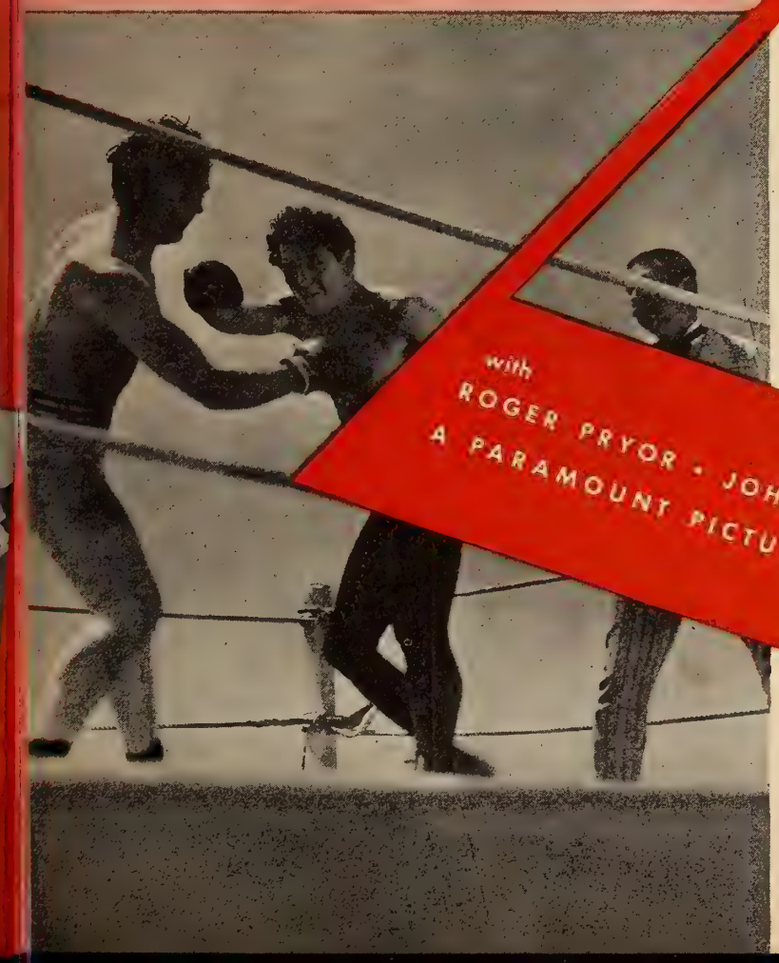


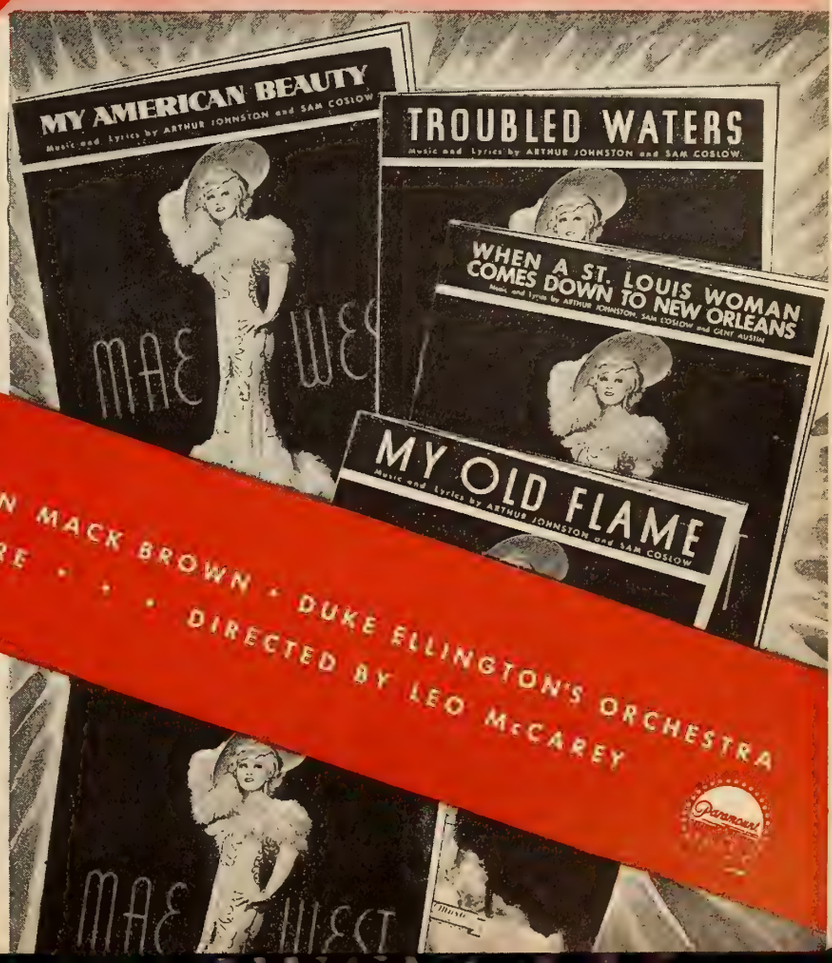
**New Piece of Showmanship!** Ninety negro voices furnish a choral background to Mae West's singing of that lovely spiritual, "Troubled Waters."

**World's Biggest Chorus!** Dances by the biggest chorus in motion pictures . . . the original "Beef Trust". . . a ton of feminine pulchritude on the hoof.

**ght a Good Fight!** A good old stand up and take it fight of the John L. llivan bare knuckle days . . . a high spot of color in a colorful picture.

**Sensational Songs!** Sung by Mae West—"My Old Flame," "Troubled Waters," "When a St. Louis Woman Comes Down to New Orleans," "Memphis Blues," "My American Beauty." "My Old Flame" should be one of the hit songs of the year.






with
ROGER PRYOR • JOHN MACK BROWN • DUKE ELLINGTON'S ORCHESTRA
A PARAMOUNT PICTURE • • • DIRECTED BY LEO McCAREY

# RKO Plans 50; Convention On In Windy City

(*Continued from page 1*)

the city all of Saturday, ready to swing into the meeting Monday with the inbetween Sunday devoted to some conferencing but mainly to sightseeing, including the World's Fair.

Jules Levy, vice-president and general sales manager, will conduct the three-day sessions and will deliver the address of welcome. Ned E. Depinet, president of RKO Distributing Corp., will follow and introduce the following, each one of whom is on schedule for a short address:

J. R. McDonough, president, Radio Pictures.

William Mallard, general counsel, RKO.

Major Lambert, general counsel, KAO.

Leslie E. Thimpson, head of RKO theatres.

B. B. Kahane, president, RKO Studios.

Phil Reisman, vice-president, RKO Export Corp.

Sol G. Newman, managing director, RKO Radio Pictures, Ltd. of England.

Ralph R. Doyle, managing director, RKO Radio Pictures (Australasia, Ltd.)

Robert Trollo, managing director for RKO in Panama and Central America.

Jacobo Glucksman, Argentine exhibitor and distributor who handles RKO in that territory.

Niles Trammel, executive vice-president, Chicago Division, NBC.

Frank Buck, producer.

Following them, Levy will welcome newcomers to the organization and cite men who have won promotion from within the ranks during the past season. A review of the past season will be the next business on the program.

Morning sessions will conclude with addresses by Depinet and Kahane on the wind-up pictures of the current season.

### Shorts in Afternoon

Talks on short subjects will feature the afternoon program. A. J. Mertz, short subject sales manager, will discuss two-reel comedies and Fred McConnell, general manager of the Van Beuren Corp., will talk on his company's cartoons and adventure-travel pictures. Jack Connolly, general manager of Pathe News, will outline the reel's history during the year.

Latest developments in the recording and reproduction of sound will be discussed by E. O. Heyl, vice-president of RCA Photophone. Departmental discussions will be gone into by Joseph Skelly, manager of exchange operations; Edward Horne, manager of the print and negative department, and Louis Gaudreau, purchasing agent and manager of accessory sales.

In from the studios, aside from McDonough and Kahane, are Lee Marcus, producer in charge of shorts; and Eddy Eckles, studio publicity head.

The attendance includes:

*Other Home Office Delegates*—Cresson E. Smith, western and southern division sales manager; E. L. McEvoy, eastern and Canadian sales manager; Wm. H. Clarke, assistant treasurer; R. F. Sisk, director of ddvertising and publicity; A. A. Schubart, manager of contract department; M. G. Poller, assistant to Jules Levy; Harry Gittleson, editor of *Flash;* Leon J. Bamberger, special sales promotion; S. B. McCormick, advertising manager; Wm. Dahler, assistant to eastern sales manager; L. H. Miller, assistant to western and southern sales manager; Frank Kennedy, manager of playdate department; G. Muchnic, assistant secretary; R. K. Hawkinson, South American Division manager; B. P. Lion, European division manager; G. E. Youngman, counsel; J. P. Skelly, manager of branch operations; Burt Gillett, supervising director of Van Beuren cartoons; M. Barrett, of Van Beuren Corp. and A. H. McCausland.

*District Managers*—W. E. Branson, midwestern; J. H. MacIntyre, southern; H. C. Cohen, western; H. J. Michalson, eastern central; L. M. Devaney, Canadian.

*Traveling Auditors*—R. Helms, E. Seden, J. Schmitzer, N. Clarke, J. de Waal, R. O'Brien, R. A. Young and Wm. McShea.

### From the Field

*Albany*—C. R. Halligan, manager; T. M. Conlon, and G. Tucker.

*Atlanta*—H. M. Lyons, manager; W. H. Gardiner, H. F. Goldstein, F. G. Ross, C. L. DeVizia, M. M. Ames.

*Buffalo*—H. T. Dixon, manager; R. F. Branon, R. S. Mitchell.

## *Start Radio Meetings Today*

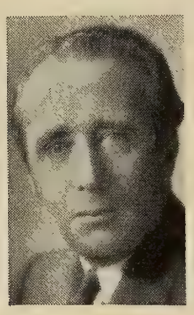
**M. H. AYLESWORTH**
**Chairman of Board**

**J. R. McDONOUGH**
**President**
**Radio Pictures**

**NED E. DEPINET**
**President**
**RKO Distributing**

**B. B. KAHANE**
**President**
**Radio Studios**

**JULES LEVY**
**Vice-President and**
**General Sales Manager**



**E. L. McEVOY**
**Eastern Sales**
**Manager**

**CRESSON SMITH**
**Western, Southern**
**Sales Manager**

**LEE MARCUS**
**Short Subject**
**Producer**

**AL MERTZ**
**Short Subject**
**Sales Manager**

**A. J. VAN BEUREN**
**President**
**Van Beuren Corp.**

**ROBERT F. SISK**
**Advertising and**
**Publicity Director**

**S. B. McCORMICK**
**Manager of**
**Advertising**

# Many Present As Sessions Get Started

*Chicago*—J. C. Osserman, manager; S. Gorelick, R. V. Nolan, J. J. Clarke, E. A. Phelps, R. Enger and Warren Lewis, Chicago exploiteer.

*Cincinnati*—S. C. Jacques, manager; R. Kinsler, A. L. Sugarman, L. Rosenfeld, J. A. Knight.

*Cleveland*—H. H. Greenblatt, manager; A. Goldsmith, N. H. Gerson, W. D. Ward.

*Dallas*—S. M. Sachs, manager; J. H. Gruben; J. B. Brecheen, W. V. Adwell, J. Huey.

*Denver*—J. H. Ashby, manager; F. J. Lee, F. B. Brown, J. A. Hughes.

*Des Moines*—B. J. McCarthy, manager; R. F. Crawford, M. A. Raymon, N. Sandler.

*Detroit*—N. Levy, manager; E. C. Murphy, F. Bonnem, J. Sharkey.

*Indianapolis*—R. E. Churchill, manager; C. E. Penrod, C. C. Wallace, R. L. Brentlinger.

*Jacksonville*—C. W. Allen, manager; H. C. Simpson.

*Kansas City*—T. R. Thompson, manager; E. L. Dyson, J. Lewis, A. A. Renfro, K. G. Howe.

*Los Angeles*—N. P. Jacobs, manager; S. W. Whitehead, J. Rubinstein, G. R. Giroux.

*Memphis*—P. M. Baker, manager; N. J. Colquhoun, W. M. Snelson.

*Milwaukee*—A. N. Schmitz, manager; M. Anderson, J. Abrose, H. Melcher.

*Minneapolis*—L. E. Goldhammer, manager; W. C. Winters, S. Frank, E. Rosen, C. J. Dressell, J. Kaliski.

*New Haven*—B. Pitkin, manager; H. Zeitels.

*New Orleans*—G. C. Brown, manager; Roy Pfeiffer, H. F. Cohen.

*New York*—R. S. Wolff, manager; Phil Hodes, B. C. Kranze, E. T. Carroll, J. J. Dacey, M. Westebee, J. Ellis, L. I. Kutinsky.

*Oklahoma City*—R. B. Williams, manager; P. Fielding, C. D. Burton.

*Omaha*—A. M. Avery, manager; O. Hanson, W. J. Foley, E. Huhnke.

*Philadelphia*—F. L. McNamee, manager; S. Lefko, W. H. Tyson, M. Shulman, J. J. McFadden, E. J. Epstein.

*Pittsburgh*—G. Lefko, manager; L. Padolf, R. H. Lange, J. Graham, E. Lebby.

*Portland*—M. E. Corey, manager; B. R. Keller.

*St. Louis*—L. Elmen, manager; T. C. Tobin, W. F. DeFrenne, H. Levy.

*Salt Lake City*—T. J. Walsh, manager; H. Fuller, F. S. Gulbranson, J. Marks.

*San Francisco*—G. Wm. Wolf, manager; G. R. Seach, J. J. O'Loughlin, E. A. Stein.

*Seattle*—E. A. Lamb, manager; J. Burk, W. M. J. Kelly.

*Sioux Falls*—S. W. Fitch, manager; E. J. Frace, F. Horn.

*Washington*—R. J. Folliard, manager; H. Kahn, E. W. Grover, O. Knox, H. F. Bachman.

From Canada are:

*Calgary*—J. T. Droy; *Montreal*: N. M. Durant; L. Choquette; *St. John*: E. Whelpley; *Toronto*: F. Meyers, H. F. Taylor; *Vancouver*: W. S. Jones; *Winnipeg*: M. Plottel and J. Davidson.

## *"RKO Night" All Set*

CHICAGO, June 17.—Monday night will be "RKO Night" at the Palace, by way of the theatre department's recognition of the fact Radio conventioneers are in town. Featured on the program will be Bert Wheeler and Robert Woolsey in person as well as in celluloid in "Cockeyed Cavaliers." Ben Bernie will be master of ceremonies. Frank Buck and Morton Downey will also participate.

## *Van Beuren Spreading*

With an increase in its shorts planned for 1934-35, the Van Beuren Corp. has increased its space. The entire 16th floor of the Godfrey Building will now be occupied for recording and production and additional space has been taken on the third floor for the story department.

# Cancellation Talk Turning Into Mystery

(Continued from page 1)

considered a definite one. Other reactions were in the nature of complete denials.

KANSAS CITY, June 17.—It is learned on unimpeachable authority that the cancellation deal in return for elimination of duals and hiking of admissions here was submitted to Elmer C. Rhoden, Fox Midwest division manager, at an informal meeting attended by representative exhibitors, distributors and zoning board members following Rhoden's return from New York where he is reported to have discussed the local situation with circuit heads and Sidney R. Kent, president of Fox.

Jay Means, president of I.T.O., who was present at the meeting, said the offer was not submitted directly by the distributors, but by an intermediary, whom he did not name. Means revealed the unnamed intermediary intimated cancellations would be made as distributors' concessions toward eliminating ruinous competition and stabilizing local situations. He also said that the intermediary's proposal was not definite, as that would depend on the independents' agreeing to perform their part of the proposed pact, but that the intermediary did intimate that he had pretty reliable information the distributors would go through with it.

### Offer Held Definite

Regardless of the denials, the general impression among independents is that the offer is definite, even if unofficial, although some skepticism is evident among them as to whether or not the distributors actually would cancel all excess pictures if they eliminate dual bills.

The reported offer was discussed at a four-hour meeting of the independents late last week. No decision was reached as three or four key suburbans were reported holding out for individual concessions by their competitors. Whether or not the pact goes through rests entirely with the independents, as the circuits are pledged to increase scales and ban duals provided the independents agree similarly.

LOS ANGELES, June 17.—Distributors had not discussed cancellation of product in Kansas City in exchange for a ban on duals, George J. Schaefer of Paramount said upon his arrival this morning from New York.

In Kansas City, as reported in MOTION PICTURE DAILY on Saturday, he spoke for Paramount. Today he spoke apparently on behalf of all distributors.

## *Luke Wants to Act*

HOLLYWOOD, June 17.—Keye Luke, Chinese advertising and publicity department artist at RKO, has secured a leave of absence to do a featured role in the Leigh Jason short. Luke is now being tested for one of the roles in the Lou Brock feature, "Ho, Shanghai."

# *Radio Dots and Dashes*

CHICAGO, June 17.—Some of what arriving Radiomen found to greet them:

A blue and gold welcome banner strung around the marquee of the Drake and a company trademark floating in the breeze alongside the national standard. . . . An illuminating on-and-off flash reading "Convention Headquarters" in the foyer leading to the convention hall, arranged by LEON BAMBERGER and WARREN LEWIS. . . Inside the foyer a series of one-sheet easels representing either a circuit or an exhibitor who has already signed for the new season's stuff. . . . Lots of flags, bunting and sales accessories all over the lot. . . . In the convention room nine feet cutouts representing anticipated outstanding features for the new year. . . . Full length figures of stars and featured players against the balcony railing around the hall. . . . Flags of all nations with the Radio flag alternating and hanging from center chandelier to corner chandeliers. A giant valance across the hall and above the speaker's table, reading "Productions—Not Predictions." . . . And bathing all, revolving spotlights. . . .

●

A battery of those new streamline Chryslers met conventioneers upon their arrival. Also a police escort to get them safely to the hotel.

●

EARL BURNETT, leader of the Drake orchestra, is preparing a special convention song.

●

Fair officials have extended invitations to conventioneers to take in the activities there. A mimeographed list of high spots has been made up for distribution to the delegates.

●

The boys arriving at Central Station Saturday, P.M., gave NED DEPINET one great big hand.

SOL NEWMAN, the Englisher was telling everyone that "Bo" DOWLING missed this year's confab because he is busy rounding up the loose biz around the Swedish way.

●

ROBERT TRILLO from Panama was busy giving everyone the lowdown on conditions there. He spent a busy luncheon time getting acquainted with many of the boys whom he hasn't seen for more than three years.

●

EDDIE HORNE, head of the print and negative department, was around boasting of the long list of conventions to his credit. This is the sixth straight for EDDIE.

●

LEE MARCUS, formerly at the home office and now a studio man, gave the glad hand to many of the Easterners.

●

HARRY GITTLESON, the *RKO Flash* editor was on deck to record all the details for his minions.

●

FRANK BUCK was getting acquainted with AMOS 'N' ANDY, surprise visitors to the confab. BUCK is to fill the Pepsodent boys' spot for five months on the radio bugles.

●

BAMBERGER was busy to the last minute prior to the opening of the convention attending to minor and major details.

●

All pages and messenger boys looking for RKO men at the World's Fair found 'em at FRANK "Wild Cargo" BUCK's animal emporium with FRANK slipping the boys tall yarns that drew laughs and guffaws.

●

JACK JOSEPH and WARREN LEWIS pulled a last round-up of tie-ups and had samples and souvenirs for all the boys ranging from tooth-paste to a paste in the eye.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"His Greatest Gamble"*

*(Radio)*

HOLLYWOOD, June 17.—Able cast performances, marked by good story characterization, alleviate a somewhat rambling plot which somehow holds the interest. The production is for general audience appeal.

Richard Dix is well cast as a romantic, adventurous vagabond. He kidnaps his daughter, Edith Fellows, from his estranged wife, Erin O'Brien Moore, and instructs her in the way of vagabondia. Loss of his money at roulette leaves the duo penniless.

Dix's former sweetheart, Shirley Grey, offers to move in and furnish finances, but the offer is declined and she declares her intention of tipping off the wife as to their hiding place. Dix binds and gags her, but neglects to turn off the gas under the coffee pot before leaving. Boiling over, the coffee kills the flame, and fills the room with gas.

Returning to his daughter after a big winning at the gaming table Dix is placed under arrest for murder and is subsequently sentenced to 15 years. He serves 11 and escapes to America, to find his daughter, Dorothy Wilson, now grown and suffering from the illusion that she is crippled through the mental suggestion of her mother.

Dix removes the illusion and arranges a reunion with her fiance, Bruce Cabot, against the mother's wishes. Dix sends them to Europe and gives himself up to the authorities. John Robertson directed smoothly and convincingly. Running time, 80 minutes.

# Para.'s Cash Increases to $3,226,836

(Continued from page 1)

tres Corp., new theatre holding company for Paramount, drew $300,000; Lares Theatre Corp., also a holding company, $122,979; Strand Leasing Corp., $128,670; Seneca Realty Corp., $185,287, and Holston Enterprises, drew $148,405. The latter company is engaged in acquisition of claims again Tennessee Enterprises, bankrupt theatre subsidiary of Famous.

The remainder of the trustees' report is given over to a review of reorganization activities of subsidiary companies, all of which have been detailed in accounts appearing earlier in MOTION PICTURE DAILY. Reorganizations reported on are those of Publix Enterprises, the assets of which were acquired by Famous last December for $1,800,000; the Saenger Theatres and Saenger Realty reorganization plans, which are scheduled to be passed on at a hearing before Referee Joyce, June 21; the G. B. Theatres Corp., New England subsidiary, to be operated by Goldstein Brothers under a partnership arrangement; Dent Theatres, Inc., being operated by Karl Hoblitzelle on a partnership deal with Texas Consolidated Theatres; the Fox West Coast leasing arrangements on Pacific Coast theatres, recently affirmed by the Federal court here, and progress on the reorganization plan for Tennessee Enterprises. Under this plan, the report states, $415,000 of a $435,000 bond issue outstanding has been acquired by a Paramount subsidiary, Holston Enterprises, organized for the purpose.

### Reports on Para. Building

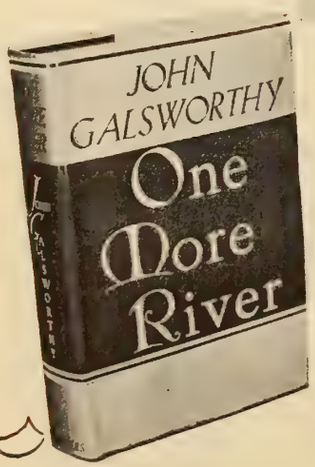
Reports are also made on the agreement reached with bondholders on the Paramount Building, under which the existing 5½ per cent bonds, maturing Jan. 1, 1951, will be exchanged for new 20-year bonds at reduced interest rates, in return for which the bondholders withdraw their $178,543,000 claim against Paramount Publix.

Also reviewed are agreements reached with mortgagees on property held by Seneca Holding Corp., which include agreements not to foreclose on the Criterion and New York theatre properties in Times Square, on which a $4,000,000 mortgage has been defaulted; the Astoria studio on which there is an unpaid mortgage of $930,000, held by the Prudence Co., and lesser mortgages on other plots held by the same subsidiary.

The report states that negotiations for a revision of terms on a $2,900,000 serial bond issue on the Paramount west coast studio have not resulted in any satisfactory plan of readjustment.

The report notes that approximately $18,000,000 of claims contested by the trustees have been expunged, withdrawn or reduced, and that $33,000,000 of claims to which objections have been filed are still pending.

The report takes note for the first time of the reorganization plan for Paramount being developed by Kuhn, Loeb & Co. in conjunction with Paramount bondholders, stating that the trustees are now furnishing information to the bondholders' committee pertinent to development of the plan.




With FRANK LAWTON—JANE WYATT—MRS. PATRICK CAMPBELL —COLIN CLIVE—Lionel Atwill—Reginald Denny—C. Aubrey Smith—Henry Stephenson—Kathleen Howard—Alan Mowbray. Screenplay by R. C. Sherriff.

# A JAMES WHALE PRODUCTION

# DIANA WYNYARD

*in John Galsworthy's Best Seller*

# ONE MORE RIVER

A STORY built to hit every woman's heart! . . . Played by a distinguished box-office cast! . . . Directed by a "money" director whose every picture has established an immediate and definite box-office draw! . . . Adapted by a man without a weak picture on his list! . . . Made from a novel by a famous author—a book that sold into the hundreds of thousands! . . . If THAT combination doesn't make for a certainty of outstanding success for a motion picture, NOTHING EVER WILL!

## A UNIVERSAL PICTURE

*Presented by CARL LAEMMLE*

# SIGHT

## In advance of the opening in
## Sales Convention, prior to
## 1934-35, *and* BASED ON PROVEN

# 15

# EXHIB

## a cross-section of the exhibition
## circuits, great de luxe theatres
## HAVE ALREADY CONTRACTED FOR

•

## *These showmen are on the*

# PRODUCTIONS . . .

***A FEW OF THE 1500**—WARNER BROS., *Circuit*, from Coast to Coast · I. M. RAPPAPORT, *Hippodrome*, Baltimore, Md. KEENEY & FESSLER, *Park*, Reading, Pa. · HARRY ZEITZ, *State*, New Bedford, Mass. · WALTER J. COULTER & CHARLES SOMMA, *Bluebird* Portland, Maine · JOHN F. KUMLER, *Pantheon*, Toledo, Ohio · ROSS GARVER, *Orpheum & Swan*, Terre Haute, Ind. · JOE MORENCY, AARON H. COURSHON, *Orpheum*, Memphis, Tenn. · ROBB & ROWLEY, *R. R. Circuit*, Texas & Oklahoma · J. SCHWARTZ, *Brown & Alamo*, Shamokin & Tamaqua, Pa. · W. FREDERICKS, *Garden*, Lockhaven, Pa. · CHARLES GREIME, *Vitaphone*, Wenatchee, Wash. · · FRED SHARBY, *Sharby Circuit*, Vermont and New Hampshire · A. G. CONSTANT, *Valentine*, Canton, Ohio · V. U. YOUNG, *Theatrical* New Jersey · BYRON AKINS, *Palace-Strand*, Athens, Ga. · E. L. HARRIS, *Columbia*, Peoria, Ill. · STEPHEN BRAUN, *Publix-Ottumwa* BEN F. SHEARER, *Juneau*, Ketchikan, Alaska · RADIO CITY MUSIC HALL, New York City

# UNSEEN!

## Chicago today of the RKO-Radio Program Announcements for PERFORMANCE, *more than*

# 00*

# ITORS

## field representing the largest and small neighborhood houses

## RKO-RADIO'S NEW SEASON'S PRODUCT

●

## *dotted line because they want*

# *NOT PREDICTIONS!*

• MRS. MARY VUONO, *Strand & Palace*, Stamford, Conn. • A. C. GORDON, *Rialto*, Boise, Idaho • BEN F. SHEARER, *Tower*, Bremerton, Wash. *Theatre*, Petersburg, Va. • *Byrd*, Richmond, Va. • S. J. BLACKMORE, *Granada Theatre*, Duluth, Minn. • ABE GOODSIDE, *Empire & Keith, Plaza*, Salem, Mass. • CLINTON F. PAYNE, *LeRoy*, Pawtucket, R. I. • F. W. TWYMAN, *Jefferson & Lafayette*, Charlottesville, Va. Louisville, Kentucky • A. L. HASSENSALL, *Grand*, Evansville, Ind. • M. CONLEY, *Conley*, Frankfort, Ind. • J. F. HIGGINS, *Majestic*, JOHN HAMRICK, *Circuit*, Seattle, Tacoma & Portland • C. J. LAWLOR, *Lawlor*, Greenfield, Mass. • H. HORGAN, *Opera House*, Newport, R. I. *Managers, Inc., Circuit*, Indiana & Ohio • M. OPPENHEIMER, *Capitol*, Shenandoah, Pa. • BEN AMSTERDAM, *Atlantic Theatres Circuit, Theatre Circuit*, Ottumwa and Waterloo, Ia. • *Bemidji*, Bemidji, Minn. • *Murray*, Ponca City, Okla. • *Roxy*, Twin Falls, Ida. •

# Paramount to Release 64; Meets Today

(*Continued from page* 1)

Daylight Time) today, and unloaded a dusty crowd which made a beeline for the Ambassador, a shower and a change of linen.

The home-office contingent which left New York Wednesday night swelled in proportions as it traveled further west. Buffalo and Detroit loaded on delegates in the wee small hours of Thursday morning. In Chicago, the Balabans, N. L. Nathanson, H. F. Kincey and sales delegations from adjacent exchanges took up quarters, the number being additionally swelled at Kansas City Friday morning and at La Junta, Colo., later that evening. Many of the company's theatre partners from the South and Southwest traveled on their own and by the most direct route.

With four days uninterrupted by telephone calls or routine business, ranking executives had plenty of time on their hands to further complete convention arrangements and plans.

Opening Monday morning at the Ambassador, this convention is expected to be significant in Paramount history. The general impression prevails that Paramount is making fast progress in its long and arduous fight toward discharge from bankruptcy and its eventual reorganization.

### Chance to Discuss Setup

The presence here of practically every major theatre partner is viewed as presenting an opportunity to discuss the company's entire setup and to analyze its possibilities for the new season with all of the necessary individuals around one large conference table at the same time.

Adolph Zukor arrived from the east expressing his complete confidence in Paramount's future and optimism for the impending season.

George J. Schaefer, who will run the meetings, again doubled back on the talk made recently in Boston where he excoriated certain, unnamed groups in the industry for bringing about the present boycott on films by making religious and social groups cat's paws.

The Paramount executive made it clear the clean film crusade is a sincere, mass censure of the industry and said he believed the only solution was to make clean pictures. He blamed the present situation chiefly on smutty gags injected unnecessarily into pictures.

The official registration follows:

*Distribution*—George J. Schaefer, vice-president and general manager; Neil F. Agnew, general sales manager; Joseph J. Unger, eastern and central sales manager; R. M. Gillham, director of advertising and publicity; Don Velde, ad sales director; Larry Flynn, transportation; Herman J. Lorber, assistant to Agnew; G. Knox Haddow, assistant to the late Stanley B. Waite; Arthur J. Dunne, assistant to Charles Reagan; Fred A. Leroy and Jack Roper, statistical sales, and William Schneider, Schaefer's secretary.

*Production*—Emanuel Cohen, vice-president of Paramount Prod., Inc.; Louis Phillips, legal department, headquarters New York; Lou Diamond, newsreel and shorts; Max Fleischer, cartoon producer for the company.

*Foreign*—John Hicks, Jr., vice-president, Paramount International; Eugene J. Zukor; John C. Graham, managing director for Great Britain; Montague Goldman and Earl St. John, London; Carl P. York, Sweden; M. J. Messeri, Spain; John Day, South America; J. E. Perkins, China; George Weltner, New York; Albert Deane, foreign publicity manager; and Phil Hyams, H. and G. Kinemas, Ltd., London.

*Theatres*—Sam Dembow, Jr. and Y. Frank Freeman, vice-presidents of Famous Theatres Co., and Leon Netter, director of buying and booking pictures.

Field representatives of the distribution department here follow:

*Albany*—Clayton G. Eastman, manager.
*Atlanta*—Oscar A. Morgan, district manager; Dave Prince, manager; Lonzo A. Lowe, salesman.
*Boston*—William H. Erbb, district manager; J. H. Stevens, manager; John Moore, sales manager.
*Brooklyn*—Harry Randell, manager.
*Buffalo*—Kenneth G. Robinson, manager.
*Charlotte*—John Kirby, manager; E. M. Adams, salesman.
*Chicago*—J. E. Fontaine, district manager; Allan Usher, manager; Elmer J. Barnard, sales manager.
*Cincinnati*—George A. Smith, manager.
*Cleveland*—Harry H. Goldstein, district manager; John Himmelein, manager.
*Columbus*—M. R. ("Duke") Clark, manager; John B. Gardner, salesman.
*Dallas*—Jack Dugger, district manager. Harold E. Pickett, manager.
*Detroit*—Otto Bolle, manager; Charles J. Bell, sales manager.
*Denver*—Hugh W. Braly, district manager; Walter B. Wiens, manager.
*Des Moines*—R. M. Copeland, manager; P. W. Robbins, salesman.
*Indianapolis*—John T. Howard, manager; William Esch, salesman.
*Jacksonville*—Scott E. Chestnutt, manager.
*Kansas City*—Ralph C. Li Beau, district manager; James T. Manfre, manager; Arthur H. Cole, special representative.
*Los Angeles*—Myke H. Lewis, district manager; Carrol N. Peacock, manager; Mozart C. Burles, salesman.
*Maine*—Edward Ruff, manager; Lester Hughes, booker.
*Memphis*—William F. Bugie, manager.
*Milwaukee*—Jim O. Kent, manager.
*Minneapolis*—Ben Blotchky, district manager; James J. Donahue, manager; W. D. Woods, sales manager; Le Roy M. Palmquist, ad sales manager.
*New Haven*—Albert M. Kane, manager.
*New Jersey*—Edward H. Bell, manager; Bernard P. Brooks, booker.
*New Orleans*—Harold F. Wilkes, manager.
*New York*—Milton S. Kusell, district manager; Myron Sattler, manager; Irwin Lesser, salesman.
*Oklahoma City*—Sidney R. Simpson, manager; John J. Curry, salesman.
*Omaha*—Albert Mendenhall, manager.
*Philadelphia*—Percy A. Block, district manager; Earle Sweigert, manager; Ulrik Smith, sales manager.
*Pittsburgh*—Dave Kinelman, manager.
*Portland*—Frank C. Clark, manager.
*St. Louis*—Maurice Schweitzer, manager.
*Salt Lake*—Charles G. Epperson, manager; Frank Smith, salesman.
*San Antonio*—Cecil E. House, manager.
*San Francisco*—Jack Bettencourt, manager.
*Seattle*—H. Neal East, manager; Glenn H. Haviland, booker.
*Sioux Falls*—Al R. Anderson, manager.
*Washington*—Harry Hunter, manager; James J. Oulahan, salesman.

### *Canada*

*Calgary*—William O. Kelly, manager.
*Montreal*—Manuel A. Brown, manager; Tom Dowbiggin, salesman.
*St. John*—Patrick J. Hogan, manager.
*Toronto*—Morris A. Milligan, general manager; W. J. O'Neill, treasurer; Jack Hunter, branch manager.
*Vancouver*—William Hansher, district manager.
*Winnipeg*—Dave Brickman, manager.

Theatre partners and employes officially listed as guests of the convention:

*Asheville*—Carl Banford.
*Atlanta*—R. B. Wilby, W. K. Jenkins and Arthur Lucas.
*Beaumont*—J. Clemmens, Sol E. Gordon.
*Boston*—John Ford, Martin J. Mullin, Sam Pinanski.
*Buffalo*—Vincent E. McFaul.
*Charlotte*—H. F. Kincey.
*Charlottesville*—H. Perry.
*Chicago*—Barney and John Balaban, Jules J. Rubens.
*Dallas*—Robert J. O'Donnell, Karl Hoblitzelle, P. K. Johnson, booker; C. E. Linz.
*Des Moines*—A. H. Blank, Ralph Branton.
*Detroit*—Ed Beatty, W. S. Butterfield, George W. Trendle.
*Jacksonville*—E. J. Sparks.
*Little Rock*—Harold Robb, Ed Rowley.
*Memphis*—M. A. Lightman.
*Minneapolis*—John J. Friedl.
*New Orleans*—E. V. Richards, Jr.
*New York*—Joseph H. Cooper.
*Phoenix*—Harry Nace.
*Salt Lake*—Louis Marcus.
*Scranton*—M. E. and M. B. Comerford, Frank C. Walker.
*Springfield, Mass.*—M. Goldstein.
*Toronto*—John T. Fitzgibbons, N. L. Nathanson.
*Wheeling, W. Va.*—George Zeppos.

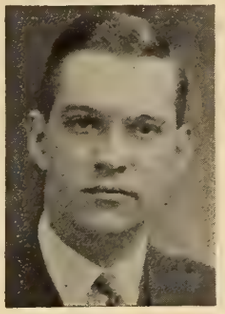
# *They Head Paramount's Convention*

**ADOLPH ZUKOR**
**President of Paramount**

**GEORGE J. SCHAEFER**
**Vice-President General Manager**

**EMANUEL COHEN**
**Vice-President Production**

**NEIL F. AGNEW**
**General Sales Manager**



**CHARLES REAGAN**
**Manager Western Sales**

**J. J. UNGER**
**Eastern Sales Manager**

**SAM DEMBOW, Jr.**
**Vice-President Famous Theatres**

**ROBERT F. GILLHAM**
**Advertising, Publicity Director**

# Trustees of Para. Act Under New Law

(*Continued from page* 1)

Judge Alfred C. Coxe in U. S. District Court here, Saturday.

The temporary appointment of the trustees was made at a hearing on the bondholders' petition filed June 7, asking for reorganization of the company under the new bankruptcy laws. Paramount filed its answer, assenting to the petition, and both the answer and petition were approved by the court, with the trustees in bankruptcy named trustees under the new laws pending a creditors' hearing before Judge Coxe on July 10, at which time appointment of the trustees will probably be made permanent.

Two petitions asking for reorganization of Paramount under the new laws were filed at approximately the same time and efforts seeking to consolidate the two actions are being made.

## *Buys Phil Stong Yarn*

HOLLYWOOD, June 17.—Paramount has bought "Village Tale," a novel by Phil Stong, author of "State Fair." The picture will top Cary Grant and Evalyn Venable. Marc Connolly is en route to the coast from New York to do the screen adaptation.

## *Around Paramount Lot*

HOLLYWOOD, June 17.—Cecil B. De Mille has turned actor for a trailer on "Cleopatra." . . . Cary Grant has recovered from a severe cold. . . . Lanny Ross returns from the east the first week in July.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 142 NEW YORK, TUESDAY, JUNE 19, 1934 TEN CENTS

## Maxwell Hits Eckman on Overbuilding

### *Calls It Dangerous for Setup in England*

By BRUCE ALLAN

LONDON, June 18.—John Maxwell, president of the Kinematograph Renters' Society, today hit Sam Eckman's proposal for a trade formula to check overbuilding as "fundamentally unsound."

In a letter to the press, Maxwell denied a statement that he was not in favor of such restrictions.

"I disagreed with the scheme put forward because I thought it fundamentally unsound as it depended entirely on a boycott on the part of the K. R. S. by refusing to supply films to the offending exhibitor. I thought such

(*Continued on page* 11)

## Warner Short List Will Hold at 130

SAN FRANCISCO, June 18.—Warners intend to keep the 1934-35 shorts schedule at the same level as during the current season—130. Twenty of these will be produced at the Burbank studios.

The list splits up into two three-reel specials, 50 two-reelers and 78 singles.

Details of the program were announced today at the regional sales

(*Continued on page* 11)

## *Plan 3,000-Seater For Oklahoma City*

OKLAHOMA CITY, June 18.—With financial backing of an undisclosed group of Texas men and oil capitalists, Western States Theatres, Inc., has been incorporated in Delaware to operate a new $1,000,000 theatre in Oklahoma City.

The operating company, with paid in capital of $500,000, is to file papers for its state authority with the secretary of state this week. It will qualify

(*Continued on page* 11)

## *Camden Drive-In Is Off on 2nd Season*

PHILADELPHIA, June 18.—The second season of the Camden Drive-In Theatre has been launched and the outlook is encouraging. Wilmer & Vincent have taken over management from R. M. Hollingshead, Jr., the inventor, and W. W. Smith, Camden

(*Continued on page* 19)

## *Dual Probe Still Alive*

**Chicago, June 18.—The Federal Trade Commission probe into the double feature situation locally, launched early in April, is still being pushed, according to R. Christiansen talking for the Independent Theatre Owners' Ass'n. Developments are expected in about a week.**

**William Dineen, whose office conducted the preliminary skirmishes, is understood to be awaiting further data on contracts and correspondence from the New York home offices of various distributors.**

**The I. T. O. A., incidentally, has opened its own offices at 1018 S. Wabash Ave. The quarters accommodate 50.**

## Aylesworth Makes Clean Film Pledge

CHICAGO, June 18.—"RKO has made clean pictures in the past and will continue to make them," was the statement and pledge of M. H. Aylesworth, chairman of the board of RKO Radio Pictures, at the opening session of the company's annual sales convention here today. Citing "Little Women" among others of the company's current season releases, Aylesworth

(*Continued on page* 16)

## Electrics Sued by 7 for $22,500,000

Erpi, Western Electric and A. T. & T. were made defendants in seven suits totaling $22,500,000 filed yesterday in Federal Court for the Southern District of New York. The charge is unfair competition and restraint of trade in the equipment field,

(*Continued on page* 16)

## *Says Kansas Law Is No Bar to Fight Films*

TOPEKA, June 18.—Roland Boynton, attorney general, has advised the Kansas censor board there is no state law which prevents exhibition of the Carnera-Baer fight picture. It is entirely

(*Continued on page* 11)

## No Para. Plan On Duals and Prices Looms

LOS ANGELES, June 18. — Paramount's policy on duals and 10-cent admissions will be flexible and will be fashioned with an eye to local conditions and desires of prior runs, according to George J. Schaefer, who today officially launched the company's sales convention at the Ambassador with 200 delegates in attendance.

He made it clear Paramount's new service contract will rule off duals or

(*Continued on page* 19)

## Study Para. Suit Against Theatres

Counsel for the Paramount Publix trustees in bankruptcy are pursuing their investigation of the probable liability of the theatre operators to whom stock guaranteed for repurchase at a set price was issued by Paramount during 1931-32 in payment for theatre

(*Continued on page* 19)

## *Loew's to Proceed With Sydney Plans*

Loew's intends proceeding with plans to build a first run in Sydney, Australia, despite the fact the company has acquired the St. James, a 2,000-seat theatre there. The latter

(*Continued on page* 11)

## *Sparks Not to Cancel*

**Most sales executives have a fixed notion exhibitors are chiselers, but here's one who has gone into reverse. He won't take advantage of the 10 per cent cancellation privileges. What's more, he appreciates a favor.**

**E. J. Sparks, Florida circuit operator, is the man. He gave W. H. Richardson, southern division manager for Universal, a**

(*Continued on page* 18)

## Campi Seeks To Expedite Its Hearings

### *Has Decided 31 of 68 Appeals on Docket*

Having already heard 31 of 68 appeals on the docket, Campi is trying to find ways and means of expediting hearings.

With 37 appeals yet to be heard, the legal committee, comprising Austin Keough of Paramount, Willard McKay of Universal, J. Robert Rubin of M-G-M and Nathan Yamins, independent exhibitor, meets today to study the situation. Charles L. O'Reilly will substitute for Yamins.

Campi figures it wants to dispose of as many cases as soon as possible so that the selling season can get under way without interruption. Because of the 15-day provision in the code, during which time decisions on appeals

(*Continued on page* 11)

## Nye Reviews Attack On Industry, Code

WASHINGTON, June 18.—Charging the film code is one of "the most iniquitous" of all that have been negotiated and declaring that it meant the independents' annihilation, Senator Nye of North Dakota delivered a bitter attack on the negotiation of the code and the major units of the industry.

Nye said the public has been forced to pay higher prices for films while

(*Continued on page* 11)

## *Manhattan Rezoning To Be Recommended*

The Manhattan clearance and zoning advisory committee yesterday recommended to the local main board reclassification of all theatres in the zone from 59th St. to 110th St., Central Park West to the Hudson River. The recommendation followed a hearing of a clearance complaint filed by the Edison against Springer & Cocalis. The board found houses other than S. & C. were involved and must call all of them in for a general hearing.

## *Third Case Up Here Charging Overbuying*

Third overbuying complaint to come before the New York grievance board comes up today when Jennie Jenlin's charge against RKO, United Artists, Paramount, Columbia, M-G-M and

(*Continued on page* 11)

MOTION PICTURE DAILY
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*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## They're Europe-Bound

HOLLYWOOD, June 18.—Kay Francis, who will leave by plane Tuesday for New York, will sail for a European vacation June 24.

Michael Curtiz has left for New York where he will join his wife, Bess Meredyth. The couple will sail for Europe the latter part of June.

## "Drummond" on Today

"Bulldog Drummond Strikes Back," 20th Century production which United Artists will release, will be given a trade showing at the Astor this morning.

# Insiders' Outlook

A COUPLE of years ago dope on new theatres was met with a yawn. Today, after all that has happened, it's news—front page. Of itself, therefore, word of Nick Schenck's current intention of building houses in Northern California towns where Bob McNeill has been boss for so long would be something. That's the face value reaction. But digging a bit below the surface, other angles, or what appear to be other angles, drag themselves into the light and make the puzzle less puzzling and far, far more interesting. . . .

▼

One of the slants hard to fit into the California picture has to do with Fox West Coast, the Pacific colossus. FWC holds minority interests in T. and D., Jr., Circuit and also Golden States Theatres. These are two companies which make McNeill such an important bird in his native heath. Strange Factor Number Two is that FWC, for some years now, has been operating Loew's Warfield in 'Frisco for the Schenck interests. The question obviously becomes this: Is it logical for Loew's to build against a circuit with which it has several tie-ins or for Loew's to bring competition into holier than holy FWC territory? The answer is simple. Yes, the logic might be there if there is reason.

▼

That brings us to the reason. We don't know that this is it, but it could easily be. Quietly, the Skourases are understood to be working on a rather far-flung plan to develop a third circuit in Greater New York, the other two obviously being Loew's and RKO. The dope filtering in over this telephone wire and across this desk has it that the Skourases have been talking to operators like Abe Schwartz of the Century circuit and himself a partner in many theatres with Loew's; Randforce, meaning Louis Frisch and Sam Rinzler; Joe Seider, which means Prudential Playhouses, and that in turn, means principally Long Island, or much of it, anyway, and Springer and Cocalis, meaning about 40 houses well scattered all over the territory.

▼

Skourases, with Randforce, operate the Fox Met. string here. Charlie S. runs F.W.C. Spyros is head of general theatre operations for Fox. Schenck, having built up the Loew position in the metropolitan area, won't take back seat for anybody. You'd know that if you know Schenck. That's the yarn. About it or with it, there always exists the chance something may go screwy, even the author. Once this column gets around town this morning, however, the telephone on our left is apt to start going and stay that way the rest of the day. It'll probably be too hot to work anyway and the view of the park from these heights is something this time of year. . . .

▼

MOTION PICTURE DAILY wires were busy again for the second time yesterday when employes of the Capitol and other Broadway houses called to inquire if the pooling deal with the Paramount was on the level. The first batch came when this publication broke the story last Thursday. To all queries: the pool is on the square, even if it hasn't been signed or the staff of the Capitol notified. . . . KANN

## Delay Meet to July 1-3

ATLANTA, June 18.—Southeastern Theatre Owners' Ass'n has postponed its convention to July 1-3.

## Mentone to Produce Shorts for Digest

Under a deal with *The Literary Digest*, Mentone will make a series of one-reelers, "The Spice of Life," for Columbia release. This marks the return of the weekly publication to the producing field, its former series having been "Topics of the Day" and "Fun from the Press."

The new series calls for bits of comedy acting and special musical accompaniment, the latter to be arranged by Milton Schwartzwald, former head of the RKO music department. Dr. Rockwell, vaudevillian, will be featured as "Quack."

## May Produce at Fair

HOLLYWOOD, June 18.—It is reliably reported plans are now being formulated for Buck Jones to produce a picture in Chicago this summer. He is about to start a series of six Westerns for Universal.

Karl Freund has been assigned to direct Ward Morehouse's original, "It Happened in New York," for Universal. Rian James will be associate producer.

## Skelly Services Today

Funeral services for Hal Skelly, who was killed Saturday when a truck he was driving was struck by a train at West Cornwall, Conn., will be held this morning at St. Malachy's Roman Catholic Church here. The actor will be buried in Davenport, Ia., his home town.

## Erpi Nine Beats RCA

Erpi's baseball team beat the RCA nine by a score of 12 to four over the week-end.

The second baseball game between the Capitol and Rivoli takes place tomorrow on the Central Park diamond. The Capitol won the first game.

## Roxy on Air Tuesdays

A weekly half-hour radio program will be inaugurated tonight over station WOR at 8 o'clock by the Roxy. The broadcasts will be under the direction of Fanchon & Marco. Roger Bower, the announcer, will be master of ceremonies.

## Eastman Up 7/8 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 33 | 32¼ | 32¼ | — ¾ | 600 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | ..... | 200 |
| Consolidated Film Industries, pfd | 15¼ | 15¼ | 15¼ | — ⅛ | 100 |
| Eastman Kodak | 100¾ | 99¾ | 100¾ | + ⅞ | 700 |
| Fox Film "A" | 15½ | 15¼ | 15¼ | — ⅛ | 200 |
| Loew's, Inc. | 32⅞ | 32¼ | 32¾ | + ⅛ | 1,700 |
| Paramount Publix, cts | 4⅝ | 4½ | 4⅝ | + ⅛ | 700 |
| Pathe Exchange | 2¾ | 2⅝ | 2⅝ | ..... | 200 |
| Pathe Exchange "A" | 23⅞ | 23½ | 23⅝ | — ¼ | 900 |
| RKO | 2¾ | 2⅝ | 2⅝ | ..... | 700 |
| Warner Bros. | 6⅛ | 6 | 6 | — ¼ | 1,900 |

## Curb Issues Move Upward

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 31½ | 31¼ | 31¼ | + ¼ | 300 |
| Technicolor | 14¾ | 14¼ | 14½ | + ½ | 3,100 |
| Trans Lux | 1¾ | 1¾ | 1¾ | + ¼ | 200 |

## Most Bonds Show Improvement

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9½ | 9½ | 9½ | ..... | 1 |
| Loew's 6s '41, ww deb rights | 102⅛ | 102 | 102⅛ | + ¼ | 4 |
| Paramount F. L. 6s '47 | 55½ | 54 | 55½ | + ½ | 20 |
| Paramount Publix 5½s '50 | 55¼ | 54¼ | 55¼ | + ¼ | 15 |
| RKO 6s '41, pp | 33⅛ | 33⅛ | 33⅛ | +2⅛ | 1 |
| Warner Bros. 6s '39, wd | 61½ | 60¾ | 60¾ | — ¼ | 38 |

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1934-35
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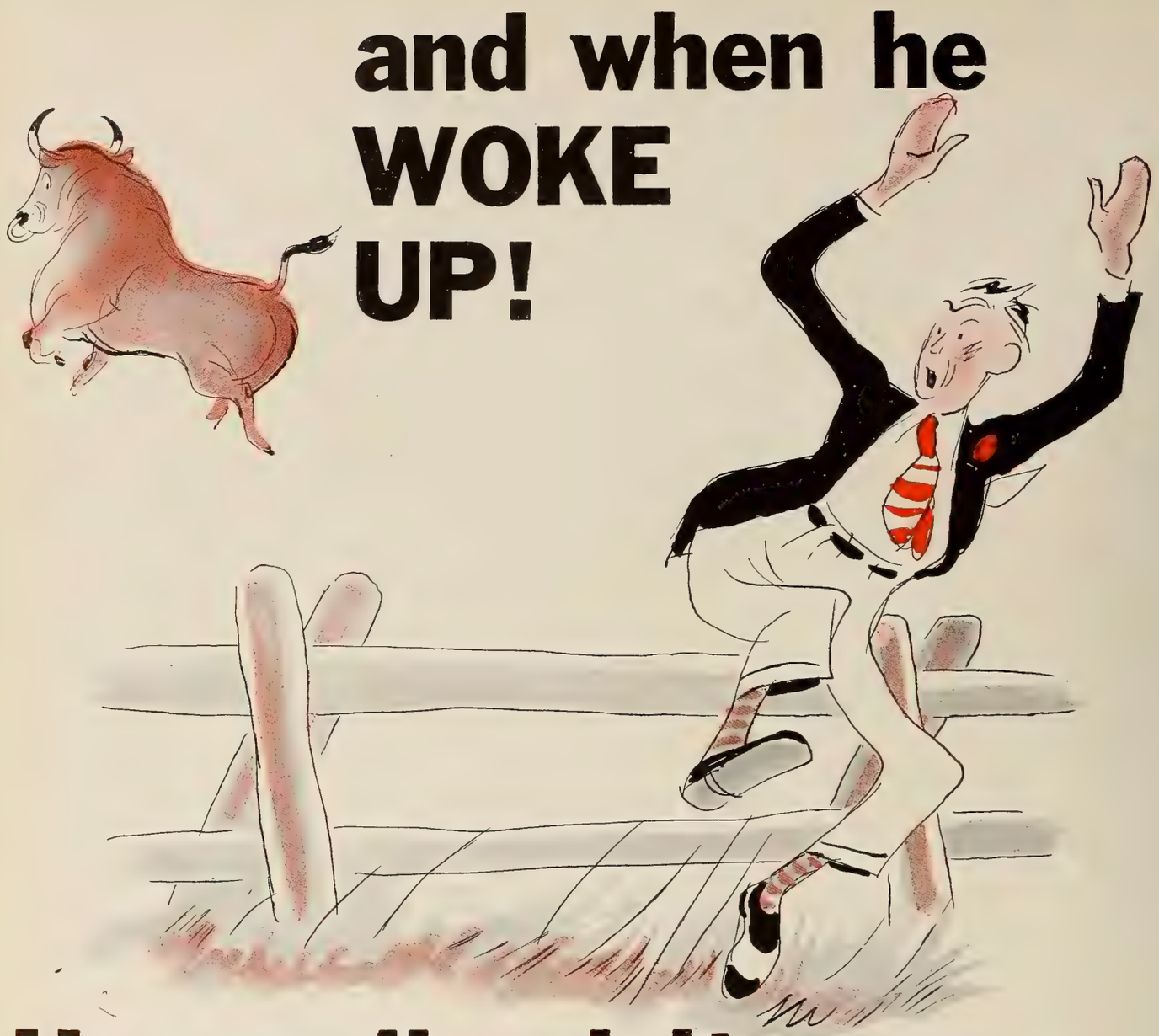
WHERE THE WORLD LOOKS FOR MOTION PICTURE facts
PRICE $5.00

To help maintenance of proper air conditions in the theatre the year 'round
AIR CONDITIONING CHARTS
Fit the pocket or may be tacked on wall. Only limited number available. Order now. Price 25 cents.
BETTER THEATRES
1790 BROADWAY NEW YORK

# IT'S FUN TO BE FOOLED*—

*but it's more fun (and better business) to KNOW!*

*A bow to Reynolds Tobacco Co




**He realized it was**

# THE SAME OLD BULL!

Goodness gracious! There can't really be any more exhibitors who BUY pictures on the basis

# of what they see in those dear, antiquated, so-called Announcement Books!

**YOU CAN'T BLAME THE BOYS FOR WANTING TO MAKE THEIR PRODUCT SOUND GOOD!**

# BUT at the end of the year there's only ONE thing that counts!

*(you know the answer!)*

# METRO-GOLDWYN-MAYER STOPPED THESE!

Pretty books! Very expensive! But we don't consider them necessary

*—and here's the reason!*

Exhibitors say:

# IT'S VERY IMPRACTICAL

to put those Announcement Books up in your Marquee but—

# IT'S VERY PRACTICAL
(and Profitable!)
# TO PUT THESE NAMES IN YOUR MARQUEE!

MARIE DRESSLER
MARION DAVIES
NORMA SHEARER
CLARK GABLE
ROBT. MONTGOMERY
JEAN PARKER
RAMON NOVARRO
LAUREL-HARDY
JACKIE COOPER
M. CHEVALIER
JEANETTE MacDONALD

WALLACE BEERY
GRETA GARBO
JOAN CRAWFORD
LIONEL BARRYMORE
JEAN HARLOW
HELEN HAYES
JIMMY DURANTE
GLORIA SWANSON
WILLIAM POWELL
J. WEISSMULLER
MYRNA LOY

*—Why not show this page to the first film salesman who shows you a book with pretty pictures. And while he's thinking it over, here's a thought for YOU!*

(OVER PLEASE)

## RECENT BOX-OFFICE HEADLINES!

from *VARIETY*

"Loop grosses in pre-fair slump . . .'Manhattan Melodrama' is the big rumble in the Loop and is upping the ace Chicago to a nifty figure". . ."Despite week-end heat Newark grosses were uniformly better than estimated . . . Heading off should be 'Manhattan Melodrama' ". . ."Capital coin copper is 'Manhattan Melodrama'. . . drafting 'em in droves. Gable biggest B. O. buster hereabouts." (*Baltimore*) . . ." 'Sadie McKee starring Joan Crawford is the receipts sweetheart . . . likely to be held second week." (*Cincinnati*) . . ."Terrific heat dealt a horrible blow to the box-office here . . . exception the State with 'Men in White'." (*Los Angeles*) . . . "Continuing its parade of gross smashers the Warfield this week again is at the top with Joan Crawford in 'Sadie McKee'. . . Crawford a sock and big money. Last week 'Viva Villa!' set the top for the year." (*San Francisco*)..."Despite torrid temperatures, Crawford opus formed lines at the State; others wilted. Terrific advance campaign should push along exceptional." (*Boston*) . . . " 'Tarzan' holding up pace of 'Manhattan Melo' last week. Pic going over." (*Portland, Ore.*) . . . " 'Thin Man' tops Chi on 9-day date, mystery-comedy is doing well." (*Chi*) . . ."Heat wilting Pitt; only spot to withstand heat this week is Penn, where the b. o. pull of Crawford is more evident than ever before in 'Sadie McKee'." (*Pitt*) . . ."Loew's Metropolitan doing the best with 'Viva Villa!'." (*Brooklyn*) . . ."Loew's State out in front once again; 'Hollywood Party' on the screen." (*Providence, R. I.*) . . ."Cincy Heat-Dopey; 'Thin Man' fattest in b. o.". . ." 'Thin Man' getting fat trade in New Orleans.". . ."Top trade by the downtown first-run contingent goes to hold-over 'Viva Villa!'." (*Los Angeles*) . . ." 'McKee' strongest in Omaha.". . ." 'Viva Villa!' crashed the purses. Extraordinary." (*Boston*) . . ." 'Sadie McKee' best, Crawford being drawing power." (*Providence*) . . ." 'Sadie McKee' hefty." (*St. Louis*) . . ."Loew's leading with 'Sadie McKee'." (*Newark*) . . ." 'Viva Villa!' strong attraction at Minnesota." . . ." 'Viva Villa!' nifty." (*Seattle*) . . ." 'McKee' opened heavy and going strong." (*Kansas City*) ..." 'Sadie' sweet; smacko." (*Baltimore*)..." 'Villa' substantial." (*Omaha*) . . ." 'Sadie McKee' leads dull Brooklyn.". . ." 'Manhattan Melo' strong." (*Philadelphia*)..." 'Villa' is Viva in Detroit; smash!" . . ." 'Villa' brightens dull Pitt, only big noise this week.". . ." 'Viva Villa!' very lively." (*Boston*) . . . "Joan Crawford's 'Sadie McKee' is easily topping the town." (*New Orleans*) . . ." 'Viva Villa!' equals record held by 'Dancing Lady." (*L. A.*) . . . " 'Riptide' sock 3-week." (*London*) . . ." 'Villa' tops St. Louis.". . ." 'Sadie' oke, Crawford at the top of the town." (*Frisco*) . . ."Gable means more to 'Men in White' in B'ham than Pulitzer Prize; very good.". . ." 'Manhattan Melo' sock; town's leader." (*Boston*) . . ."Despite storm and crop shortage, 'Men in White' socko Mpls; largest gross enjoyed by any local showhouse since 1929.". . ." 'Viva Villa!' at Loew's State awarded major intake." (*New Orleans*)..." 'Villa!' Balto's big one; topping the town by considerable margin.". . ."Summer heat socks Broadway but Cap with 'Melodrama' big." (*N. Y.*) . . ." 'Tarzan' excellent." (*Boston*) . . ." 'Tarzan' is Lincoln's raw meat; in the dough." (*Nebraska*) . . ." 'Tarzan' in Indianapolis, nice.". . ." 'Men in White' a topper and looks like smash." (*Boston*) . . ." 'Villa!' rip snortin'." (*Cinn.*) . . ."Big noise for the week looks like 'Tarzan and his Mate'; hotsy totsy." (*Providence*) . . ." 'Tarzan' outstanding; fat and juicy." (*Chi*) . . ." Socko 'Men in White' topping the town." (*Frisco*) . . ." 'Tarzan' big in N. O.; turning them away.". . ." 'Men in White' in Seattle; big.". . ." 'Tarza
Jungle Battle."..." 'Men in W
(*Chicago*) . . ." 'Men in White' l
(*New Haven*) . . ." 'Men in Wh
several months." (*Cinn.*) . .
front with nifty gross." (*Ph*
White' very big total." (*St.*
White' towering for Balto.". .
heat wave; great." (*L. A.*) . . .
sunshine." (*Pittsburgh*) . . ." 'Ri de' smacking
them; looks set for four-week ga p." (*Chicago*)
. . ." 'Riptide' in two Boston hous and socko at
each.". . ." 'Riptide' powerful." hila.)..." 'Rip-
tide' dominates Newark.". . ."Gl m chased by
'Riptide'. Hefty." (*Baltimore*) . . 'Riptide' best
thing house has had in some tim ' (*Phila.*) . .
" 'Riptide' rip-snorting to wow." Chicago) . .
" 'Riptide' Indianapolis' best.". . ." 'Riptid
nifty, big, holds over 3rd week." (*New Y*
" 'Riptide' Cincy smacko, such a fast pac
other entries are completely outdistanced.

***This could go on forever!***

# PARDON ME for REPEATING THIS ADVT.!

## —But the TRUTH bears repetition—

## READ BETWEEN THE LIONS!

RIPTIDE — NORMA SHEARER
SADIE McKEE — JOAN CRAWFORD
MEN IN WHITE — CLARK GABLE, MYRNA LOY

**There is nothing unusual about the**

TARZAN and HIS MATE — JOHNNY WEISSMULLER
MANHATTAN MELODRAMA — GABLE, WM. POWELL, M. LOY
VIVA VILLA! — WALLACE BEERY

**amazing run of hits that M-G-M is**

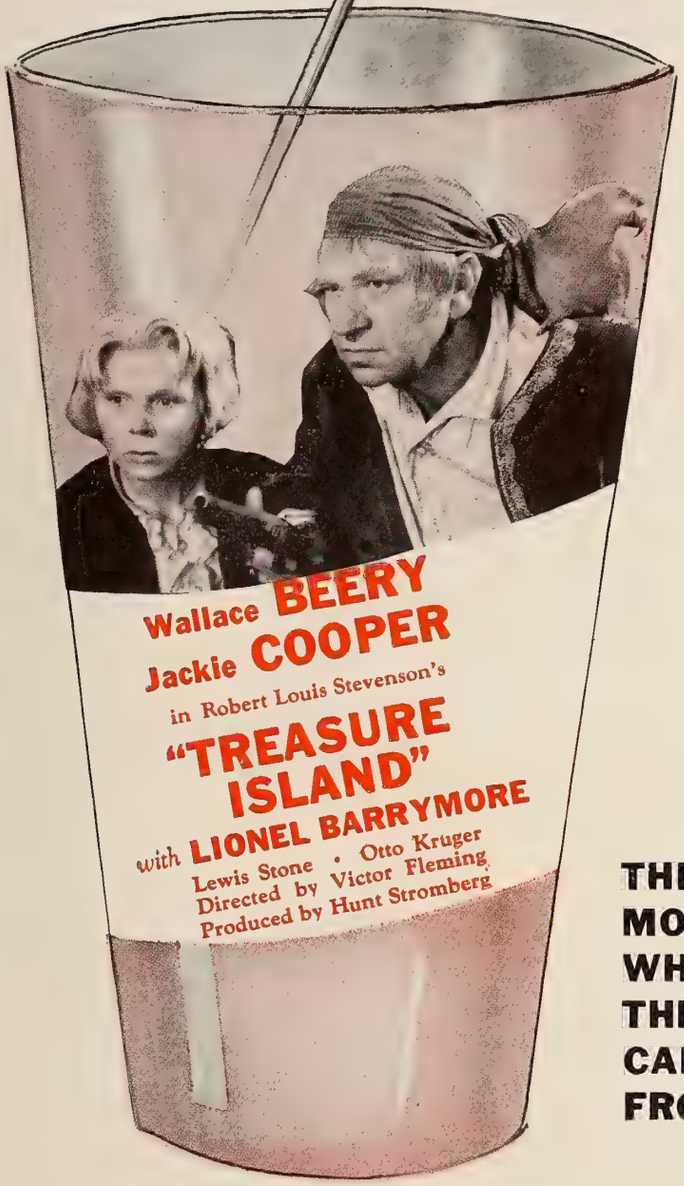
The THIN MAN — WILLIAM POWELL, MYRNA LOY
STUDENT TOUR — GAYETY, GIRLS, MUSIC!
OPERATOR 13 — MARION DAVIES, GARY COOPER

**delivering. It has always happened**

TREASURE ISLAND — WALLACE BEERY, JACKIE COOPER
BORN TO BE KISSED — JEAN HARLOW
STAMBOUL QUEST — MYRNA LOY, GEORGE BRENT

**and you can always depend on it!**

# VERY COOLING WHEN IT'S HOT!




THERE'S MORE WHERE THEY CAME FROM

—and so, while the headlines continue to tell the story of M-G-M supremacy at the box-office

YOU'LL BE GETTING PLENTY OF PRETTY BOOKS FULL OF '34-'35 PROMISES!

READ THEM ALL CAREFULLY BECAUSE—

it will be such fun to COMPARE WHEN—

# THE LION IS ON THE LOOSE!

*Soon the ROARS OF 1934-35 will be heard 'round the world!*

# Maxwell Hits Eckman on Overbuilding

(Continued from page 1)

a scheme dangerous to both exhibitors and the K. R. S.," he said.

"The scheme appeared hastily improvised and not properly thought out. It is obvious to me and to others that the boycott proposal will break into pieces on the first determined resistance and, after valuable time had been wasted trying to operate a scheme inherently unworkable, the whole thing will have to start afresh."

Maxwell says he can point out a case where a proposed theatre ban under a scheme such as Eckman's would be entirely superfluous and any ban flouted and the theatre get a supply of films despite a boycott. He obviously alluded to the situation where circuits with production contacts, such as his own, no doubt, would be in a position to laugh off any such step.

"I thought Eckman's attempted analogy between conditions prevailing in the United States during its mad orgy of gambling speculation to 1929 and conditions in this country completely unjustified and misleading. The case against overbuilding is strong enough itself without recourse to such forced and artificial arguments and offensive comparisons. I am sure it was not Eckman's intention to frighten off capital from this business either in existing concerns or new ones, but if such had been his intention the speech seems admirably designed for the purpose," Maxwell concluded.

In his reply issued tonight, Eckman declared he welcomed Maxwell's statement that the latter would support effective steps to prevent overbuilding. "Regarding Maxwell's references to my paper, I stated facts as I knew them and I am far too gratified over his present attitude on overbuilding to attempt to vie with him in the use of such adjectives as 'misleading' and 'offensive' which I can afford to overlook."

Eckman added exhibitors who met at Blackpool last week obviously disagreed with Maxwell as the C.E.A. arranged to publish and circulate his (Eckman's) paper. Eckman's statement concluded with an expressed hope that the C.E.A. (exhibitors) and the K.R.S. (distributors) meet shortly to continue the discussions.

## *Says Kansas Law Is No Bar to Fight Films*

(Continued from page 1)

within the judgment of the state censors whether the film can be shown, the attorney general ruled, and the only law under which it can be banned is the censor statute governing showings of pictures which are brutal, immoral or obscene.

## *F. & M. Continue at Roxy*

Fanchon & Marco are understood continuing at the Roxy under a tacit agreement with Howard S. Cullman, trustee, until the parent corporation is reorganized under the new bankruptcy laws.

## *Won't Sell 10-Cent Houses*

**San Francisco, June 18.—Warners will not sell 10-cent houses next season, delegates at the company's fourth regional at the St. Francis Hotel were told today by Gradwell L. Sears.**

**This is described as being in accord with the company's policies this season.**

# Warner Short List Will Hold at 130

(Continued from page 1)

meet by Norman H. Moray, in charge of shorts and trailer sales, who told the delegates the list was based on likes and dislikes of exhibitors he had discovered in three months of study.

The final session in Warners' last of four regional sales meets takes place today. Major Albert Warner, Gradwell Sears, S. Charles Einfeld and Moray leave Tuesday for the studios, where they will stay for about 10 days before returning to New York.

### 32 "Broadway Brevities"

There will be 32 "Broadway Brevities." Nine of these, instead of the usual six, will be in Technicolor and will be produced on the coast under Jack L. Warner's supervision. The breakdown follows: Leon Errol and El Brendel, two completed; nine radio star two-reelers, with Harry Richman, Ruth Etting, Georgie Price, Nick Lucas, Vera Van, Morton Downey and others; nine two-reel "Broadway Headliners," with Hal LeRoy, Dorothy Dare, Jeanne Aubert, Lillian Roth, Donald Novis, Fifi Dorsay and others; three two-reel condensed versions of musical stage hits, including "Song of the Flame," starring Bernice Claire and J. Harold Murray; "Sunny," starring Dorothy Stone, and "50 Million Frenchmen," starring Lois Moran.

### 20 "Big V" Comedies

Twenty "Big V" comedies, two-reelers, include three from Ben Blue; two co-starring Shemp Howard and Daphne Pollard; six "Blue Ribbon" comedies to be produced on the coast. The Ritz brothers will star in two of these. The remaining seven will be announced.

### 13 "See America First"

These will be new. They will be one-reelers based on the founding and growth of America from the landing of the Pilgrims at Plymouth down. There will be musical backgrounds and narrative by John B. Kennedy.

### 13 "Melody Masters"

This includes 13 one-reelers with stage and radio bands, each with singing and dancing. Orchestras lined up include: Jack Denny and His Hotel Pierre outfit; Phil Spitalny, Borrah Minnevitch, Freddie Rich, Charlie Davis, the A. & P. Gypsies, with James Melton, tenor; Will Osborne and his CBS orchestra, Dave Apollon, Dick Himber, and four to be announced.

### 26 "Pepper Pots"

These 26 one-reelers are in five subdivisions: five "Movieland Reviews," with behind-the-scenes Hollywood material, to be directed on the coast by Ralph Staub; five "Rambling 'Round Radio Row" numbers, featuring Baby Rose Marie, the Harmonians, Frank Novak, Jr., Harriet Lee, Roy Atwell and others; five "Famous Song Composers," with a composer in each, supported by singers and dancers, including Little Jack Little, Billy Hill and Gus Edwards; six "Novelty Specials," featuring Mr. and Mrs. Jesse Crawford; Edgar Bergen, the Radio Ramblers and others; five "Vaudeville Shows," each a complete unit with vaudeville headliners to be announced.

### 26 Cartoons

Thirteen of this series will be in color and will be produced by Leon Schlesinger. Half will be "Loony Tunes" and the other half "Merrie Melodies" song cartoons.

## *Warners Sail Tomorrow*

The Warner Club's annual boat ride and outing takes place tomorrow with about 1,500 Warnerites and their guests attending. The group will leave aboard the *Peter Stuyvesant* at 9:30 A. M. for the sail up the Hudson to Bear Mountain.

# Nye Reviews Attack On Industry, Code

(Continued from page 1)

the quality has been debased until "a destructive type" of pictures is being shown.

Nye assailed the alleged relations of Division Administrator Sol A. Rosenblatt with the so-called monopoly group and asked whether Nathan Burkan, "an intimate of Hays," pulled the strings for the industry.

The Senator quoted from the review board report about the failure to make records of conferences on the code and attacked Rosenblatt for his refusal to permit anyone to take notes at those meetings.

"The record shows," he declared, "that he, through the code, waited upon and figuratively allowed the trust to do as it pleased, gave them everything they wanted, fought their battles and reported to them personally in New York rather than to his own Federal government superiors."

Nye again criticized Rosenblatt's refusal to testify before the review board, as he did in his speech a month ago.

"I think," he asserted, "in view of this it is quite proper to ask whether Rosenblatt is working for the Government or for the motion picture trust; whether his task is furthering the program of President Roosevelt or the panderings of spokesmen for monopoly."

### Truly Independent

The Senator mentioned and identified all of the members of Code Authority and told the Senate "truly the independent under this code must let his enemies write the law that he is to obey, interpret that law, draw the indictment against him, prosecute the case, act as judge, render their own decision and enforce their own punishment.

"There is nothing in American history so contrary to every fundamental principle of decency, fairness, honesty and square dealing guaranteed by the Constitution and promised in the present New Deal. The New Deal under this code is simply a shuffling into annihilation through legal means for those not in the trust."

Nye referred to the testimony of Justice Department officials before the Darrow board and attacked block booking and price fixing.

"Of course," he commented, "it cannot be shown that the blue eagle laid the egg of block booking, but it hatched it and nourished the young vultures that came forth."

The alleged inability of exhibitors to get clean pictures was dwelt upon at length by the Senator in his address of some 5,000 words.

## *Miss La Plante Marries*

PARIS, June 18.—Laura La Plante, former wife of William A. Seiter, the director, today married Irving Asher, who handles Warner production in England.

# Campi Seeks To Expedite Its Hearings

(Continued from page 1)

must be handed down, Campi has been referring cases heard to individual members for investigation and recommendation.

Although the U. A. 10 per cent cancellation issue which came up recently when the Chicago grievance board referred it to Campi was heard 10 days ago, no decision has been rendered. Rubin has been investigating the facts and has not submitted his recommendation. A decision must be handed down Thursday.

Code authority is sending copies of all decisions to code boards so that code groups may be guided accordingly at local sessions. Many decisions will be precedents for cases to follow, and it is figured that when the boards study these the number of appeals will dwindle.

## *Third Case Up Here Charging Overbuying*

(Continued from page 1)

the Opera House in New Brunswick, N. J., and claims two RKO houses in the same city have overbought so that she is unable to get sufficient product for her house.

## *Plan 3,000-Seater For Oklahoma City*

(Continued from page 1)

to use $100,000 of its capital in Oklahoma.

A spokesman for the operating company says the proposed theatre will be a 3,000 seat house and when completed will be the largest in the state. Work is expected to be started in late summer.

Foster McSwain, former owner of Ada theatres, has been elected head of the new concern. W. T. Spears, Altus, is secretary-treasurer, and A. R. Powell, Guthrie, vice-president. Spears is owner of Altus and Duncan Oklahoma theatres. Powell is a Guthrie exhibitor. These three, with the addition of Harry M. Lowenstein, Ardmore theatre owner, and R. M. Clark, Oklahoma City, of the Griffith Amusement Co., are temporary directors.

It is reported the company will later open other houses in Oklahoma and Texas.

Announcement of the plan is the first major development in the city theatre field since last year when Warners and Paramount interests joined to dominate Oklahoma City.

## *Loew's to Proceed With Sydney Plans*

(Continued from page 1)

house has been playing M-G-M product for some time, but runs an average of about 12 pictures yearly, thereby leaving a gap in playing time which the company evidently proposes filling.

Loew's is also operating a theatre it built in Melbourne and opens in Brisbane in a few days.

# "Vanities" Is Twin Cities' Top, $14,000

MINNEAPOLIS, June 18.—"Murder at the Vanities" turned in very neat grosses in both the Twin Cities, getting $8,000 at the Minnesota here and $6,000 at the Paramount in St. Paul.

The week was cool, with the commercial picnic season in full swing.

Six Minneapolis theatres which usually take $26,000 got total grosses of $25,500, while four St. Paul houses generally averaging $14,000 got $15,-500.

Estimated takings:

***Minneapolis:***

***Week Ending June 15:***

**"SORRELL AND SON" (U. A.)**
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

**"PRIVATE SCANDAL" (Para.)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,300)

**"MURDER AT THE VANITIES" (Para.)**
MINNESOTA—(4,000), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,500)

***Week Ending June 16:***

**"REGISTERED NURSE" (F. N.)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $4,000. (Average, $3,500)

**"DOUBLE DOOR" (Para.)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

**"CATHERINE, THE GREAT" (U. A.)**
WORLD—(400), 25c-75c, 7 days, 3rd week. **Gross:** $2,500. (Average, $2,000)

***St. Paul:***

***Week Ending June 16:***

**"MURDER AT THE VANITIES" (Para.)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"NANA" (U. A.)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

**"THE CRIME DOCTOR" (Radio)**
RKO ORPHEUM—(2,600), 20c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)

**"FINISHING SCHOOL" (Radio)**
RKO ORPHEUM—(2,600), 20c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)

**"PRIVATE SCANDAL" (Para.)**
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $850. (Average, $800)

**"SPRING TIME FOR HENRY" (Fox)**
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $650. (Average, $700)

# "Frinks," "School" Tops in Omaha

Omaha, June 18.—In spite of a wallop handed out by the Carnera-Baer broadcast, the Brandeis managed to top par with $4,000 on "The Merry Frinks" and "Finishing School" and the Orpheum made the grade with "Such Women Are Dangerous" and "Double Door."

The Paramount dived into the red with "Murder at the Vanities," getting only $6,000.

Total first run business was $23,800. Average is $25,050.

Estimated takings:

***Week Ending June 13:***

**"MURDER AT THE VANITIES" (Para.)**
PARAMOUNT—(2,900), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $7,250)

***Week Ending June 14:***

**"THE MERRY FRINKS" (F. N.)**
**"FINISHING SCHOOL" (Radio)**
BRANDEIS—(1,500), 20c-25c-35c, 7 days. **Gross:** $4,000. (Average, $3,800)

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
**"DOUBLE DOOR" (Para.)**
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

**"SMARTY" (Warners)**
WORLD—(2,200), 25c-35c, 7 days. Stage: Smith Varieties. **Gross:** $6,800. (Average, $7,000)

# "Little Man" Big Grosser On the Loop

CHICAGO, June 18.—"Little Man, What Now?" grossed $35,000 at the Chicago in a week featured by low takes elsewhere. The stage show was headed by George Raft.

The Palace stood up fairly well with $18,000 on "The Party's Over." The fair has failed to do anything for box-offices so far.

Total first run business was $100,-000. Average is $127,600.

Estimated takings:

***Week Ending June 12:***

**"HOLLYWOOD PARTY" (M-G-M)**
McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $7,000. (Average, $13,000)

**"SADIE McKEE" (M-G-M)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 3rd week, 7 days. **Gross:** $9,000. (Average, $17,000)

***Week Ending June 14:***

**"LITTLE MAN, WHAT NOW?" (Univ.)**
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: George Raft in person, Bellett & Lamb, Three Emeralds, Roy Smeck, Evans Ballet. **Gross:** $35,000. (Average, $34,600)

**"REGISTERED NURSE" (F. N.)**
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Johnny Burke, Ray & Sunshine, Radcliffe & Rogers Milo. **Gross:** $12,000. (Average, $15,000)

**"THE PARTY'S OVER" (Col.)**
PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Boswell Sisters, Alex Morrison, Ken Murray and others. **Gross:** $18,000. (Average, $22,000)

**"THE THIN MAN" (M-G-M) (Second Loop Week)**
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $11,000)

***Week Ending June 16:***

**"COMING OUT PARTY" (Fox)**
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Barry Whitlege, The Delivery Boys, Candreva Bros., Verne Buck Band. **Gross:** $11,000. (Average, $15,000)

# "Thin Man" Leads Providence Takes

PROVIDENCE, June 18.—Loew's State was the only house in town to do better-than-average business, all other theatres being considerably below par. Loew's caught $12,500 with a combination bill of "The Thin Man" on the screen and Thurston, the magician, heading the stage show. The Paramount did only $5,500 with "Little Miss Marker," but the picture evoked raves from all who saw it.

Another worry faces theatre men now with race tracks under construction throughout the state.

Total first run business was $33,000. Average is $40,500.

Estimated takings for the week ending June 14:

**"LITTLE MISS MARKER" (Para.)**
**"MONTE CARLO NIGHTS" (Monogram)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $5,500. (Average, $6,500)

**"THE THIN MAN" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Thurston, magician, on stage. **Gross:** $12,500. (Average, $12,000)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
**"PALOOKA" (U. A.)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

**"SMARTY" (Warners)**
FAYS—(1,600), 15c-40c, 7 days. Great Lester, magician, heading stage bill. **Gross:** $6,000. (Average, $7,000)

**"MURDER ON THE BLACKBOARD" (Radio)**
**"THE WOMAN CONDEMNED" (Chesterfield)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $3,900. (Average, $7,000)

**"BADGE OF HONOR" (Col.)**
**"ORDERS IS ORDERS" (Gaumont Brit.)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

## *Pre-Censorship*

**Bristol, Va., June 18.—Samuel Suggs, manager of the Paramount, and the *Bristol Herald-Courier* have arranged for previews of pictures for teachers, parents and others interested in children to get their views on films suitable for boys and girls.**

# "Flirtation," Show Hold Up In L. A. Slump

LOS ANGELES, June 18.—"The Great Flirtation" and a stage show at the Paramount took the big money, $19,-416, here last week, in the face of a slump that hit all the other first runs.

"House of Rothschild" finished its run with four days and a $9,000 take in its 10th week at Grauman's Chiness.

Total first run business was $72,-016. Average is $82,650.

Estimated takings for the week ending June 13:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 10th week, 4 days. Sid Grauman prologue. **Gross:** $9,000. (Average, $14,000.)

**"NO GREATER GLORY" (Col.)**
FILMARTE—(900), 40c-50c, 7 days. **Gross:** $600. (Average, $2,650.)

**"CHANGE OF HEART" (Fox)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $10,700. (Average, $14,000.)

**"THE GREAT FLIRTATION" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Yah-But & Cheerily & Andy Andrews N. B. C. Shell Show. **Gross:** $19,-416. (Average, $18,000.)

**"STINGAREE" (Radio)**
RKO—(2,700), 25c-40c, 7 days. **Gross:** $7,100. (Average, $8,000.)

**"FOG OVER FRISCO" (Warners)**
WARNER BROS. (HOLLYWOOD)—(3,-000), 25c-55c, 7 days. **Gross:** $12,000. (Average, $14,000.)

**"FOG OVER FRISCO" (Warners)**
WARNER BROS. (DOWNTOWN)—(3,-400), 25c-55c, 7 days. **Gross:** $10,000. (Average, $12,000.)

**"SPRINGTIME FOR HENRY" (Fox)**
**"LOVE CAPTIVE" (Univ.)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $3,200.

# "Sinner" Is $3,100 Oklahoma City Hit

OKLAHOMA CITY, June 18.—"Half a Sinner" was an outstanding attraction here last week. It ran up to $3,100 at the Liberty, topping average by $1,100.

Other houses were somewhat below average, but the general business was considered good for this season, except at the Capitol, where "Glamour" pulled only $1,600.

Total first run business was $14,650. Average is $13,500.

Estimated takings for the week ending June 16:

**"CHANGE OF HEART" (Fox)**
CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $4,000. (Average, $5,000)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
MID-WEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,500. (Average, $4,000)

**"GLAMOUR" (Univ.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,600. (Average, $2,500)

**"HALF A SINNER" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $3,100. (Average, week, $2,000)

**"UNCERTAIN LADY" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,900. (Average week, $2,000)

# "Henry" Tops Philadelphia In Dull Week

PHILADELPHIA, June 18.—Combination of Catholic boycott and hot weather sent Philly grosses on the toboggan again. Outlook therefore is gloomy for showmen, though it is generally believed that the first run houses downtown will feel less effect than the neighborhoods.

"Springtime for Henry," with $14,-000 at the Fox, led the week and "Strictly Dynamite" just crossed the average at the Earle. Rest of the town under the mark.

Total grosses, $56,000. Average is $61,300.

Estimated takings for the week ending June 14:

**"WE'RE NOT DRESSING" (Para.) (Second Run)**
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $2,200. (Average, for 6 days, $2,400)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $12,000)

**"STRICTLY DYNAMITE" (Radio)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Wesley Eddy and his Joy Gang, Pat Kennedy, Fred Sanborn. **Gross:** $13,-000. (Average, $12,000)

**"SPRINGTIME FOR HENRY" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage: "Manhattan Moods" revue with Paul Tisen and his Gypsy Orchestra. Rosette and Luttman, Caron Sisters. **Gross:** $14,000. (Average, $12,000)

**"NO GREATER GLORY" (Col.)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,300. (Average, $3,500)

**"THE KEY" (Warners)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $8,500. (Average, $12,000)

**"DOUBLE DOOR" (Para.)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $6,000. (Average, $7,000)

# "Little Man" Big Draw in Portland

PORTLAND, June 18.—"Little Man, What Now?" at the United Artists grabbed box-office honors for the annual Rose Festival Week which brought in some 15,000 visitors from all Pacific northwest cities. It grossed $6,500, or $1,500 over normal.

"Thirty Day Princess" and "Crime of Helen Stanley" at the Paramount had a take of $6,000, or $1,000 over regular.

Fifth week of the waterfront strike was a factor in holding down grosses.

Total first run business was $24,400. Average is $22,000.

Estimated takings for the week ending June 13:

**"THE THIN MAN" (M-G-M)**
**"THE LOVE CAPTIVE" (Univ.)**
BROADWAY—(1,912, 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

**"THE BLACK CAT" (Univ.)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

**"HE WAS HER MAN" (Warners)**
**"KEEP 'EM ROLLING" (Radio)**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,000. (Average, $2,000)

**"THE MORNING AFTER" (Majestic)**
PANTAGES—(1,700), 15c-25c, 7 days. Stage show. **Gross:** $1,900. (Average, $2,000)

**"THIRTY-DAY PRINCESS" (Para.)**
**"CRIME OF HELEN STANLEY" (Col.)**
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $5,000)

# "Henry" Gets $3,000, Par Denver Draw

DENVER, June 18.—Softball games on lighted fields at night, drawing by thousands, together with continual sunshine and perfect weather for outside activities, cut in on theatre business. "Springtime for Henry" reached a par $3,000 at the Aladdin.

"Little Miss Marker" was held two days at the Denham after a fast previous seven days. This film caused more favorable comment than any film to play in Denver in recent months.

Total first run business was $22,500. Average is $25,500.

Estimated takings for the week ending June 14:

**"SPRINGTIME FOR HENRY" (Fox)**
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $3,000)
**"LITTLE MISS MARKER" (Para.)**
DENHAM—(1,500), 25c-40c, 2 days. **Gross:** $1,500.
**"PRIVATE SCANDAL" (Para.)**
DENHAM—(1,500), 25c-40c, 5 days to complete week. **Gross:** $4,000. (Average for week, $5,000)
**"LITTLE MAN, WHAT NOW?" (Univ.)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,500. (Average, $7,000)
**"I'LL TELL THE WORLD" (Univ.)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $8,000)
**"MODERN HERO" (Warners)**
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $500.
**"SORRELL & SON" (U. A.)**
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,500. (Average, for week, $2,000)

## Strike with Heat Hit Seattle Hard

SEATTLE, June 18.—Continuance of the waterfront strike combined with hot weather sent grosses to the lowest level in many months. Even the combination of "Strictly Dynamite" and Olsen and Johnson in their "Take a Chance" revue failed to get more than $6,500 at the Music Hall.

Total first run business was $26,-850. Average is $36,500.

Estimated takings for the week ending June 12:

**"FOG OVER FRISCO" (F. N.)**
**"HALF A SINNER" (Univ.)**
BLUE MOUSE—(950), 15c-25c-35c, 7 days. **Gross:** $2,750. (Average, $3,500)
**"20 MILLION SWEETHEARTS" (F. N.)**
FIFTH AVENUE—(2,450), 25c-40c-55, 9 days. **Gross:** $6,500. (Average, 7 days, $7,000)
**"SOCIAL REGISTER" (Col.)**
**"HE COULDN'T TAKE IT" (Monogram)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,200. (Average, $4,000)
**"THE BLACK CAT" (Univ.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $2,900. (Average, $4,000)
**"STRICTLY DYNAMITE" (Radio)**
MUSIC HALL—(2,275), 25c-35c-50c-75c, 7 days. Olson & Johnson in "Take a Chance" on stage. **Gross:** $6,500. (Average, $8,000)
**"PRIVATE SCANDAL" (Para.)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by The Robbins Family. **Gross:** $5,000. (Average, $6,000)

### *Kalmus to Coast Friday*

Dr. Herbert T. Kalmus, president of Technicolor, leaves for the coast Friday after several weeks in New York.

### *Liberty in New Offices*

Liberty Pictures Corp. has moved from the 17th floor at 1776 Broadway into larger quarters two floors above.

# *"20th Century" and Warner Meller Top in Pittsburgh*

PITTSBURGH, June 18.—The combination of "20th Century" and "Fog Over Frisco" at the Warner last week was the best thing in town, getting around $7,300 to give this house its best gross since it was switched to a double feature policy some time ago. Also encouraging was the showing of "Change of Heart" at the Fulton. It gathered $6,200 for the best showing here in some time.

"Murder at the Vanities" was disappointing at the Stanley at $7,000 and a bill including "Thirty Day Princess" and Phil Spitalny's girls' band at the Penn couldn't better $16,500, which was very poor.

Total grosses in five first run houses were $38,600. Average is $41,000.

Estimated takings for the week ending June 16:

**"CHANGE OF HEART" (Fox)**
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $6,200. (Average, $4,500)
**"THIRTY DAY PRINCESS" (Para.)**
PENN—(3,300), 25c-75c, 6 days. Stage: Phil Spitalny's band, Bob Murphy and Lewis and Moore. **Gross:** $16,500. (Average, $21,000)
**"UNCERTAIN LADY" (Univ.)**
**"SIN OF NORA MORAN" (Majestic)**
REGENT—(900), 25c-35c, 6 days. **Gross:** $1,600. (Average, $1,500)
**"MURDER AT THE VANITIES" (Para.)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $7,000. (Average, $9,000)
**"20TH CENTURY" (Col.)**
**"FOG OVER FRISCO" (Warners)**
WARNER—(2,000). 25c-40c, 6 days. **Gross:** $7,300. (Average, $5,000)

# "Thin Man" Is Cleveland Top With $11,500

CLEVELAND, June 18.—Cool weather and the American Medical Ass'n. convention sent grosses $9,000 over the previous week.

"The Thin Man" led the parade with $11,500, up by $1,500, at Loew's State. The Palace pulled "Strictly Dynamite" and substituted "Call It Luck" after Tuesday.

Total first run business was $33,400. Average is $34,200.

Estimated takings for the week ending June 15:

**"BLACK CAT" (Univ.)**
ALLEN—(3,300), 20c-30c, 30c-40c, 7 days. **Gross:** $3,400. (Average, $3,000)
**"NOW I'LL TELL" (Fox)**
WARNER'S HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $5,000. (Average, $5,000)
**"NO GREATER GLORY" (Col.)**
**"HELL BENT FOR LOVE" (Col.)**
WARNERS' LAKE—(800), 30c-40c, 7 days. **Gross:** $1,800. (Average, $2,200)
**"FOG OVER FRISCO" (Warners)**
**"UPPER WORLD" (Warners)**
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $8,500. (Average, $10,000)
**"THE THIN MAN" (M-G-M)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $11,500. (Average, $10,000)
**"HOLLYWOOD PARTY" (M-G-M)**
**"CROSS STREETS" Invincible)**
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $3,200. (Average, $4,000)

# "Sinners" and Show $22,000 Detroit Smash

DETROIT, June 18.—Business jumped 40 per cent at the Fox last week with "Where Sinners Meet" on the screen and Phil Harris and his orchestra heading the stage show. The $22,000 take toppped normal by $7,000.

Business was terrible at United Artists, the $4,500 gross on "Born to Be Bad" being less than half average.

Total for the week was $50,800, against $49,700 last week and an average of $55,000.

Estimated takings for the week ending June 14:

**"THIRTY DAY PRINCESS" (Para.)**
FISHER—(2,975), 15c-50c, 7 days. **Gross:** $6,300. (Average, $10,000)
**"WHERE SINNERS MEET" (Radio)**
FOX—(5,100), 15c-50c, 7 days. Stage: Phil Harris and his orchestra. **Gross:** $22,000. (Average, $15,000)
**"LITTLE MISS MARKER" (Para.)**
MICHIGAN—(4,100), 15c-50c, 7 days. Stage: Betty Boop (Mae Questelle) in person heading show with Charlie Melson and others. **Gross:** $18,000. (Average, $20,000)
**"BORN TO BE BAD" (U. A.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $4,500. (Average, $10,000)

### *Coslow Back on Lot*

HOLLYWOOD, June 18.—Sam Coslow, song tune fabricator, is back on the Paramount lot, following a vacation in Europe.

## *Hollywood Personals*

**Hollywood, June 18.—Katherine DeMille ill with a mysterious temperature that is confusing the doctors. . . . Buster Crabbe back from personal appearances in Denver. . . . Frances Drake vacationing in Canada. . . . Miriam Hopkins visiting in San Francisco. . . . William Keighley to direct "Big Hearted Herbert" for Warners. . . . Keye Luke, member of Radio's art department, goes before the cameras for the first time with a role in a Lee Marcus short. . . . The William Gargans will accompany Leslie Howard to Europe upon the completion of "British Agent" at Warners. . . . Harry Richman wired Gordon and Revel as follows: "You guys are in a rut stop can't you write anything but hits." . . . Richard Barthelmess accepts appointment to membership on the National Committee of the Everyman's Offering Campaign of the Protestant Episcopal Church. . . . Joan and Gene Markey back from their European vacation. . . . Marion Nixon out of the Cedars of Lebanon Hospital. . . . Joe E. Brown recovering from a back injury acquired while playing deck tennis during his return trip from Honolulu. . . .**

# "McKee" Gets $18,000 Take As Hub Sags

BOSTON, June 18.—Grosses reached a new low here last week, with "Sadie McKee" at $18,000 in Loew's State making the best individual showing.

"Many Happy Returns" hit $30,-000 at the Metropolitan, with a revue on teh stage.

Total first run business was $98,000. Average is $95,000.

Estimated takings for the week ending June 14:

**"THE HELL CAT" (Col.)**
**"MOST PRECIOUS THING IN LIFE" (Columbia)**
BOSTON—(2,900), 25c-50c, 7 days. **Gross:** $16,500. (Average, $16,000)
**"HE WAS HER MAN" (Warners)**
**"CALL IT LUCK" (Fox)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $8,000. (Average, $9,000)
**"I GIVE MY LOVE" (Univ.)**
**"LET'S TALK IT OVER" (Univ.)**
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $17,000. (Average, $16,000)
**"SADIE McKEE" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days, 2nd week. Vaudeville. **Gross:** $18,000. (Average, $16,000)
**"MANY HAPPY RETURNS" (Para.)**
METROPOLITAN — (4,350), 30c-65c, 7 days. Sid Page and Revue. **Gross:** $30,000. (Average, $28,000)
**"HE WAS HER MAN" (Warners)**
**"CALL IT LUCK" (Fox)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $8,500. (Average, $9,000)

## "Thin Man," Show, Buffalo, $15,800

BUFFALO, June 18.—"The Thin Man," plus Mary Brian on the stage, gave the Buffalo $15,800, or $1,500 above normal, while the Century was over the top $200 with "Bottoms Up" and "Wharf Angel."

Total first run take was $33,400. Normal is $35,600.

Estimated takings for the week ending June 15:

**"THE THIN MAN" (M-G-M)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Mary Brian; Gordon, Reed and King; Tito Guizar; Arren and Broderick; Pablo; Horton Spurr. **Gross:** $15,800. (Average, $14,300)
**"BOTTOMS UP" (Fox)**
**"WHARF ANGEL" (Para.)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,200. (Average, $6,000)
**"CATHERINE, THE GREAT" (U. A.)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,100. (Average, $8,000)
**"THE GHOUL" (Gaumont British)**
**"ORDERS IS ORDERS" (Gaumont Brit.)**
HOLLYWOOD — (300), 25c-40c, 3 days, 2nd week. **Gross:** $100. (Average, $800)
**"WHIRLPOOL" (Col.)**
**"SOCIAL REGISTER" (Col.)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,200. (Average, $6,500)

### *Merge Capital Exchanges*

DENVER, June 18.—The Capital Film Exchanges here and Salt Lake City have merged. They will handle independent product. Harry N. Kerer will manage the Salt Lake branch and will be president. His brother George will manage Denver and will be vice-president, while Able Davis will be sales manager and secretary-treasurer, spending most of his time on the road.

### *Select Starts Today*

Select Productions, headed by William Saal, will start the first of a series of 12 features at Biograph today. Burt Kelly will be executive producer. "Woman in the Dark" will be the first title.

# WHEN YOU NE

*Tomorrow* you will learn about RKO-RADIO'S plans for next season . . . but, TODAY we want to remind you that RKO-RADIO knows that there are 12 months in the year *and some are hot months* when your box-office needs

**PRODUCTIONS . . . *NOT PREDICTIONS!***

●

## FOR SUMMER RELEASE!

●

# LESLIE HOWARD

*in*

# "OF HUMAN BONDAGE"

*with* BETTE DAVIS, Frances Dee, Kay Johnson, Reginald Denny

From the great novel by W. Somerset Maugham, Directed by John Cromwell

●

**BERT WHEELER**
**ROBERT WOOLSEY**

in

## "COCKEYED CAVALIERS"

with

Thelma Todd, Dorothy Lee, Noah Beery • Directed by Mark Sandrich

**THE BIG SUMMER LAUGH SHOW CRAMMED WITH SONG HITS!**

The Successor to "Flying Down to Rio" by the same producer

## "DOWN TO THEIR LAST YACHT"

Lou Brock's Glorious New Music Show with song hits that are beginning to crowd the air . . . with beautiful girls, lavish settings, laughter and romance.

# RKO-RADIO WILL DELIVER BIG SHOWS

# ED THEM MOST!

NOW PLAYING TO THE BIG-
GEST BUSINESS IN MONTHS
AT RADIO CITY MUSIC HALL

*and*

**ANN HARDING**
**JOHN BOLES**
in
**"THE LIFE OF VERGIE WINTERS"**
*with* **HELEN VINSON**

Directed by ALFRED SANTELL
From the story by Louis Bromfield

**WHEN YOU NEED THEM MOST...**
**AND NOT WAIT TILL THE SNOW FLIES!**

# Aylesworth Makes Clean Film Pledge

(Continued from page 1)

stressed to the sales force the box-office value of family-type entertainment.

Announcement of an RKO employe's cash Opportunity Drive, from June 30 to Aug. 20, was made early during today's session.

Indicating acceptance of American films abroad, Phil Reisman told the convention foreign business this year would exceed by $2,000,000 that of any year. He introduced Ralph Doyle and Sol Newman, managing directors for RKO in the United Kingdom.

## Levy Cites Promotions As RKO Company Policy

CHICAGO, June 18.—Citing 10 promotions in the field force this year, Jules Levy told the Radio convention today advances from within will continue to mark company policy in the future.

Those promoted since the 1933-34 season got under way are:

J. H. MacIntyre, Los Angeles manager, to district manager of the southern territory; H. H. Greenblatt, Chicago salesman, to Cleveland manager; S. M. Sachs, Dallas salesman, to manager; N. P. Jacobs, Los Angeles salesman, to manager; N. M. Durant, Toronto accountant, to Montreal manager; C. J. Dressell, Minneapolis booker, to salesman; L. Choquette, Montreal booker, to salesman; H. F. Taylor, Toronto booker, to salesman; J. A. Davidson, Winnipeg booker, to salesman covering Winnipeg, Calgary and Vancouver; J. G. Chinell, Buffalo shipper, to salesman.

The list of newcomers to the sales force includes:

T. M. Conlon and G. Tucker, Albany; F. W. Salley, Atlanta; J. J. Clarke and R. Egner, Chicago; J. A. McKnight, Cincinnati; W. D. Ward, Cleveland; W. V. Adwell and J. E. Huey, Dallas; N. Sandler, Des Moines; J. F. Sharkey, Detroit; G. R. Giroux, Los Angeles; W. M. Snelson, Memphis; J. Kaliski, Minneapolis; F. R. Fielding, New York; E. Lebby and J. Graham, Pittsburgh; H. Levy, St. Louis; J. Marks, Salt Lake City; Fred Horn, Sioux Falls; H. F. Bachman, Washington; Mark Plottel, manager at the Winnipeg office, and R. A. Young, head office accountant at Toronto.

## Radio to Make Two in Three-Way Technicolor

CHICAGO, June 18.—Radio will use Technicolor's three-way color process in at least two features next season. One will be "The Last Days of Pompeii" on detail of which Merian C. Cooper is enroute to Italy. Three negatives are shot at once in place of the two formerly used.

"Improved quality of modern recorded pictures necessitates the use of the lates advanced type of sound reproducing equipment, if theatres are to give their audiences the full sound value of their screen entertainment," E. O. Heyl, vice-president of RCA Photophone, told the delegates to the Radio convention today.

## *Radio Gets Hopkins*

HOLLYWOOD, June 18.—Radio has lined up a story titled, "The Richest Girl in the World" for Miriam Hopkins on her loanout deal from Paramount. William Seiter will direct with Pandro Berman handling production reins.

# *Radio Dots and Dashes*

CHICAGO, June 18.—"Wild Bill" HALLIGAN of Albany recited his harrowing tale of woe of the days he ran the Daisy in Green Island near Albany.

●

JACK OSSERMAN was on good behavior. It's the home town.

●

EARL BURTNETT, maestro of the Drake Hotel orchestra, found many old friends among the former Patheities. And what was a song EARL composed for the convention.

●

LOU GAUDREAU, purchasing gent, was boasting to everyone about the record accessory sales year.

●

WARREN LEWIS was out papering the town, just like a sailor.

●

WALTER BRONSON, Chicago's big boy grinned all over.

●

WILLIAM MALLARD and the other RKO law boys including MUCHNIC and YOUNGMAN stayed together.

●

R. R. DOYLE made the longest trip to the convention coming from Australia, where he is manager.

●

RALPH WILLIAMS, Oklahoma's branch manager, spent all day Sunday challenging everyone to a game of marbles. Knowing RALPH's aptness at this famous game everyone said nix to his many yelps.

●

C. W. ALLEN, one of Jacksonville's citizens, plays a great game of bridge and poker. CHARLIE made many of them testify to that fact on Sunday night.

●

JACOBS of Los Angeles demonstrated a few neat tricks in wardrobe smartness.

●

"EPH" ROSEN of Minneapolis couldn't adjust himself to the class beds at the Drake. "ROSEY'S" specialty is sleeping in the cool confines of his Ford lizzie, particularly in Northern Minnesota at 30 and 40 below.

●

LARRY GARGDINER wanted to shoot AL AVERY a game of golf, but both forgot to remember that they left their clubs behind.

●

A gent resembling "ONE EYE" CONNOLLY tried to crash the gate, but from the grin on the official gateman's face he evidently failed.

●

HARRY ZEITELS of New Haven made the grade in bald-headed row just by a hair.

●

The vet's are here again this year, headed by JOE SKELLY, who does not remember the time he missed one of these affairs.

●

Branch Manager FITCH of Sioux Falls gave a lengthy talk on the present beer situation which had them all howling during the lunch-time.

●

PAGE BAKER of Memphis almost broke loose with a strong arm act, lookout for FRANK BUCK.

●

AL MERTZ hobnobbed with the Cleveland gang.

HARRY GITTLESON sported the latest style 5th Ave. Robertson suits.

●

ED MCEVOY and CRESS SMITH, those east and west boys, are arm-in-arming it. Just brothers under the skin!

●

BOB SISK and BARRET MCCORMICK smuggled in a trunkful of campaign books, but they threw away the key until Tuesday.

●

Incidentally, those convention badges designed by JACK MEYERS under HARRY GITTLESON's supervision are right snappy. That nonchalant placing of type on the bias had the boys dizzy at first glance, but how they liked it.

●

FRANK MCNAMEE cornered JACK CONNOLLY to cook up something new in exploitation for Pathe News. It's well nigh two or more years since FRANK started that clever plug via Philly radio stations.

●

G. MUCHNIC of the legal staff made his debut as a conventionite.

## Radio Turns to Stage Names for '34 Bets

CHICAGO, June 18.—Radio is gambling much on Broadway stage players for next season.

Fred Astaire is under contract for two. One will be "The Gay Divorcee."

Violet Kemble-Cooper will appear with Ann Harding in "The Fountain."

Barbara Robbins is working in "Hat, Coat and Glove" with Ricardo Cortez and John Beal, who is out of the cast of "Another Language."

Thelma White, "Follies" girl, is down for two.

Francis Lederer, signed earlier, will make two.

## *Radio Has New Camera*

HOLLYWOOD, June 18.—Development of a camera which, it is said, will result in the saving of much time and money is claimed by Radio. William Eglington and Harry Cunningham of the camera department are largely responsible for the invention. Claimed for the device are a minimum of noise and bulk, improved sound quality, synchronization of the focusing of lens and finder and complete control and operation of all operations from the outside of the camera instead of from the inside of the casing.

## *Certain of Sound's Gains*

HOLLYWOOD, June 18.—There is every reason to expect that progress made in naturalness of reproduction of both dialogue and music during 1933-34 will be just as stable for the 1934-35 season and will continue to enhance public interest and salability of product, according to Carl Dreher, chief of Radio's sound department.

## *Rename Dix Vehicle*

Formerly titled "The Family Man." Radio yesterday retitled Richard Dix's latest "His Greatest Gamble." John S. Robertson directed.

# Electrics Sued by 7 for $22,500,000

(Continued from page 1)

including recording, reproducing, replacement of parts and servicing.

The complainants and the amounts they are suing for follow: Standard Sound Recording Corp., $9,000,000; Service on Sound Corp., $4,500,000; Macy Manufacturing Corp., $3,000,000; Granger Manufacturing Co., $1,500,000; Standard Sound Service, Sound Picture Engineers and Audio Equipment Maintenance, Inc., $1,500,000 each.

The plaintiffs, charging violation of the anti-trust laws, declare they were forced to use equipment sponsored by the defendants.

The suits allege the defendants, jointly with General Electric, Westinghouse and RCA, pooled their patents in 1919, cross-licensed one another, and allocated certain territories to themselves, with all other equipment firms barred. It is also charged licenses were issued to major producers on condition the defendants were given sole supervision of recording and reproducing equipment and no product would be sold to theatres having equipment of any other make.

The plaintiffs are being represented by David Garrison Berger and Ralph Vatner.

Efforts to obtain a statement were unavailing yesterday at the Erpi offices.

## *Guilty in Memphis Test of Blue Law*

MEMPHIS, June 18.—Charles Mensing, manager of the Orpheum, was fined $25 in City Court today for violating the Sunday blue law in connection with his opening of the house yesterday under the restaurant licensing ordinance, with movies free with the eats. His intention was to test the idea as a means of beating the Sabbath closing statute.

Mensing will appeal to the Circuit Court. At today's hearing the court offered to drop the charge if Mensing agreed not to repeat the offense, but the manager preferred the fine so he could appeal. The Orpheum will not open again on Sunday pending outcome of the appeal.

## *68 Page Product Book*

CHICAGO, June 18.—Radio's announcement book for 1934-35—68 pages strong—was distributed to the convention this morning. The book was produced under supervision of Robert F. Sisk, director of advertising and publicity, by S. Barret McCormick with assistance of Art Director David L. Strumpf, Ralph Lund and other members of the staff.

## *Howard, Gargan Due*

Leslie Howard and William Gargan arrive from the coast tomorrow. A few days thereafter Howard sails for England and a vacation. Prior to his departure from the coast, the star finished "Of Human Bondage" for Radio.

## *Liberty Production Set*

HOLLYWOOD, June 18.—Liberty's "School for Girls" will be placed in production Friday under the direction of William Nigh. Sidney Fox and Paul Kelly head the cast.

# Hitting the Headlines!

Indianapolis

## Little Man' Biggest Biz In Indianapolis, $4,500

Indianapolis, June 11.

Grosses are not especially strong this week with the exception of the take by 'Little Man' at the Lyric. Sullavan is still talked about excitedly by the women as a result of her work in 'Only Yesterday' at the same theatre last fall, and she is responsible for the good gross this week on 'Little Man' which is expected to reach $4,500. This is in the black for the Lyric in its second week of its summer policy of straight films minus its usual vaude.

Chicago

Only outstanding picture currently is 'Little Man, What Now?', at the Chicago.

Chicago (B&K) (3,940; 35-55-75) —'Little Man, What Now?' (U) and George Raft in person on stage show. Looks set for $32,000 anyhow, good gross these days.

Baltimore

## 'Little Man, What Now,' Big $7,000 in Balto;

Keith's (Schanberger) (2,500; 25-55)—'Little Man, What Now?' (U). Pic has more on the b.o. ball than Hubbell has on the leather sphere. Rising like a blimp as the week-end passes, and will soar to grand $7,000, which may mean brief h.o

Washington

## 'LITTLE MAN,' 'McKEE' BOTH OK $18,000, WASH.

'Little Man' is giving the Earle best week in long time as result of book rep plus rave notices of critics. Boys showed considerable courage by passing out copies of novel to press in advance, but typewriter crowd overlooked alterations in screen version and called it as nearly perfect adaptation as possible.

*Motion Picture Daily*

## "Little Man" Hits $72,000 At Music Hall

"Little Man, What Now?" was the big midtown Manhattan attraction for the first week of June, in the face of a summer slump that bumped grosses all along Broadway. At the Music Hall the Universal feature with Margaret Sullavan reached $72,000.

VARIETY BOX-OFFICE REPORTS ON

# MARGARET SULLAVAN

in

# LITTLE MAN, WHAT NOW?

A UNIVERSAL PICTURE

## Golder Named IEPA Head in Philadelphia

PHILADELPHIA, June 18.—First open meeting of the Independent Exhibitors' Protective Ass'n. resulted in putting the organization into definite shape with B. M. Golder elected as president for six months.

Morris Nemez was named treasurer and Morris Wax was elected chairman of the board. Resolutions were adopted condemning salacious pictures and asking producers to clean them up.

Sidney Samuelson, Allied president, advised the new group not to cross states lines as the local M. P. T. O. unit does, because of the semi-political, semi-public service aspects of the industry. He cited the advantages of a strong organization. He claimed New York had the best clearance agreements.

The Allied head condemned organizations with affiliated circuit members and said Allied would welcome the new group if without affiliates and not a "decoy duck for the enemy." Discussing clean pictures, he said exhibitors were helpless in the face of blind booking.

**"Clean Up," He Says**

"Unsuitable pictures are not the primary element," he said; "the trouble lies deeper in dirty commercial methods. Exhibitors should join to clean up and not be like the ostrich element in the industry blind to the perils."

Samuelson intimated that New Jersey was considering a state control law for films.

Harry Brandt of the I. T. O. A. attacked Lewen Pizor, M. P. T. O. head here, for not bringing about elimination of affiliates as agreed upon in New York. Michael Egnol threw the meeting into a buzz of excitement by defending Pizor. He declared Pizor had tried to do this, but had been blocked.

**Hits Pizor Pamphlet**

Brandt also took exception to a pamphlet circulated at the meeting by Pizor denouncing what he described as an attempt to disrupt the M. P. T. O. He also aimed a verbal shaft at the code saying: "We want to get away from both old and new ideas." He insisted this industry was the only one to have a code "thrust upon it," and said more grievances had arisen than in any other industry.

He described what he said was an attempt to establish arbitration with Charles C. Pettijohn and Will H. Hays on independents' problems, and said he was leaving immediately for Washington to retain Clarence Darrow, "if necessary" to fight for independents.

David Barrist spoke for the new organization and Golder called upon those present to "make a fight for their rights."

PHILADELPHIA, June 18.—If members of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware favor election of a new slate of officers and withdrawal of the organization from the M. P. T. O. A. they will be given an opportunity to vote on both issues at the regular meeting of the organization Thursday, Lewen Pizor, president, declares in a bulletin issued to members in which he replies to recent attacks by the Independent Exhibitors Protective Ass'n.

Pizor's bulletin declares that many members of the opposition "have never paid dues" to the M. P. T. O. of Eastern Pennsylvania; "others of them have selfish, personal motives, and still others desire to become officers of the M. P. T. O., but are not wanted by the rank and file." Pizor describes them as "mischief makers who have definitely decided that unless they can control our organization they will wreck it."

### Thespian-ism

**Hollywood, June 18. — It looks as if M-G-M's production staff is slowly going histrionic. First it was Production Manager Edward Brophy who turned actor. Now James Wong Howe, one of Hollywood's ace cameramen, is being tested for a role in "The Good Earth." The studio wants Director Richard Boleslavsky to impersonate a doctor in a new film.**

## Sparks Not to Cancel

(*Continued from page* 1)

**pleasant shock by notifying him of his decision and Richardson passed the shock on the James R. Grainger, vice-president in charge of distribution.**

**"I appreciate the fact that the distributor has his problems just the same as does the exhibitor," he wrote, "and I have no desire whatsoever to take advantage of the 10 per cent cancellation clause set up in the code. It is a foregone conclusion that if a large percentage of exhibitors exercise this privilege it will cut heavily into your revenue."**

**He says he knows distributors need revenue to produce good pictures and states he knows they did not contemplate the cancellation when they set up their budgets.**

**"Furthermore," he goes on, "I am deeply grateful for the very fine cooperation that has been given me in the past, at times when our business was rent asunder through losses by the various distributors with whom I have business relations. I made no misrepresentation about our losses and asked many distributors for reduction in prices of pictures sold us and my appeal for this assistance was sustained."**

## N. O. Indies Write To the White House

NEW ORLEANS, June 18.—Ten local independents have individually written to President Roosevelt complaining of not getting a square deal under the code. Henry Lazarus has asked the President to send a Department of Justice man to investigate the situation here.

Incensed over the proposed zoning plan published by the clearance and zoning board, independents are denouncing the plan as unfair.

## Louisiana 10% Tax Defeat Looked for

NEW ORLEANS, June 18.—It is believed that the 10 per cent admissions tax now pending in the Legislature will either be withdrawn or reported unfavorably by the Way and Means Committee. A strong fight on the bill is being waged by night clubs.

The legislature has just cut the fees for boxing shows from $25 to $5.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Murder in a Private Car"

(*M-G-M*)

HOLLYWOOD, June 18.—More or less burlesquing murder mystery melodrama for laughs and thrill reactions, this tidbit also introduces a new comedy character in the crime deflector, instead of a detective.

Charlie Ruggles works on the theory that warding off crime prevents crime, so he ingratiates himself with a telephone operator, Mary Carlisle, and her co-worker, Una Merkel, in time to start deflecting.

Coming into a fortune, Mary is beset by criminal forces, led by her uncle. Aboard a private car, a lawyer broker, an orang-outang, a colored porter, secret panels, strange voices offset by the deflecting of Ruggles and the comicalities of Miss Merkel keep the action alive and laughter bouncing. When the private car is uncoupled and starts down hill with the limited racing up, the film exposes railroading thrills breathtaking in variety and novelty.

Ruggles, easily one of the screen's top funny men, with Una for added laughs, together with Miss Carlisle and Russell Hardie for romance, highlight the cast. The dialogue by Ralph Spence, Edgar Allan Woolf and Al Boasberg sparkles. Harry Beaumont's direction is paced for suspense and laughs.

Altogether, an entertaining program picture. Running time, 71 minutes.

## Boston Group Will Pass on All Films

BOSTON, June 18.—Plans today were understood to be progressing for formation of a central committee to pass on the merits of films as released.

The development has to do with a form of boycott to which Catholics, as voiced in this instance through the State Council of the Knights of Columbus, are objecting and has the sanction of Cardinal O'Connell.

The plan is to boycott producers of objectionable film in the case of major producers or of individual theatres in the case of independent producers.

A producer so boycotted for a month or more will find his product on the "not recommended" list for six months after conclusion of the boycott. A producer who escapes the boycott for three months running will have his product recommended.

## Milwaukee Parents Hit Block Booking

MILWAUKEE, June 18.—Resolutions protesting against block booking have been adopted by the League of Catholic Parent-Teacher Assn's here.

Indecent pictures were scored by the most Rev. S. A. Stritch, D. D., archbishop of the Milwaukee diocese, while in Beloit, Wis., to confirm 300 persons at the three Catholic churches in that city.

CLEVELAND, June 18.—The League of Decency campaign reaches this section of the country with intention of 50,000 Catholics of 14 Northern Ohio counties pledging themselves to shun objectionable films.

PHILADELPHIA, June 18.—The Presbyterian Church has joined hands with the Catholic Church in the film campaign. *The Presbyterian*, national weekly published locally, has announced its intention of accepting no picture advertising.

## FitzPatrick Off Thursday

With Mrs. FitzPatrick returning from Holland on the *Champlain* tomorrow, James A. FitzPatrick, short subject producer for M-G-M, leaves by plane for Chicago Thursday to attend the sales meeting at the Drake.

## O'Reilly to Omaha Soon

Charles L. O'Reilly plans to leave for Omaha as soon as Campi recesses for two weeks. O'Reilly was recently delegated by Code Authority to investigate the disturbance in Omaha among exhibitor factions objecting to local board setups.

## Joe Lee Expanding Work

Joe Lee, handling exploitation for the Rialto, is also free lancing in the publicity and exploitation field, offering special campaigns for stars, producers and theatres.

### Tres Bon

**The French are not so bad themselves when it comes to juggling titles. "The Prizefighter and the Lady," the Max Baer picture, appears in an advertisement in *L'Ecran*, French trade organ, as "One Heart, Two Fists."**

# No Para. Plan on Duals, Prices Looms

(Continued from page 1)

10 cent admissions or both where their practice by subsequent runs is demonstrated to injure prior runs. In other words, the company will proceed on a policy of individual situations.

Following the roll call by G. B. J. Frawley, and the opening and welcoming address by Sales Manager Neil F. Agnew, Schaefer today addressed the group on sales policies for 1934-35 at the morning session. At the afternoon meeting, John Hicks, Jr., vice-president and general manager of Paramount International, spoke for the foreign department. Agnew, Lou Diamond and Max Fleischer, reviewed short subjects.

At luncheon Adolph Zukor, Paramount head, addressed the conventioneers on the outlook for next season.

The "Hundred Percent Club" members were announced at the morning session as follows: J. J. Oulahan, Washington; I. Lesser, New York; J. B. Gardner, Columbus; B. P. Brooks, New Jersey; L. C. Lowe, Atlanta; Bert Adams, Charlotte; Jack Curry, Oklahoma City; Lester Hughes, Maine; Frank Smith, Salt Lake City; William Esch, Indianapolis; M. C. Burles, Los Angeles; P. W. Robbins, Des Moines; G. H. Haviland, Seattle; L. M. Palmquist, Minneapolis.

### Theatre Attendance Up

Theatre attendance in the United States and Canada has returned to the normal of pre-inflation days, according to the consensus of opinion of 50 leading theatre operators of the two countries attending the convention as guests of Paramount. Sam Dembow pointed out that while the code has increased materially the costs of production and exhibition, there has been to date no corresponding increase in box-office prices generally.

"The consumer of every other commodity," he said, "has during the past six months been asked to pay slightly more for his purchases. Motion picture prices have remained where they were during the worst depression days."

Dembow explained that the increased costs have been met by a general increase in attendance figures.

At the opening of the convention a one-minute period of silence was observed in tribute to the memory of two Paramount executives, Emil Shauer, who died several months ago, and Stanley Waite, who passed away last week the day before he was to have left for the convention.

### New Product Screened

Pictures screened today were "Cleopatra," "It Ain't No Sin," "The Scarlet Empress" and "Shoot the Works." Max Fleischer's new "stereopticon" Betty Boop short in color called "Poor Cinderella," won extended applause.

Percy Block, Paramount district manager in Philadelphia, reported that theatre business there was on the upgrade despite the church's boycott on objectionable films. A. F. Baker of Kansas declared himself enthusiastic over the increase in business there, attributed by him to higher type pictures.

Louis Marcus, mayor of Salt Lake City and a leading exhibitor there, was the last to arrive for the convention. John Howard of the Indianapolis exchange was unable to attend because of a sudden attack of pneumonia.

At Tuesday's meeting, Emanuel Cohen will discuss the production department before the group. In the afternoon Schaefer will make formal announcement of the 1934-35 product.

Wednesday the morning meeting will be devoted to a talk on advertising by Robert M. Gillham. Louis Phillips will review the code and Agnew will talk on sales for the coming season's product. In the afternoon Schaefer will talk on plans for 1934-35 and Zukor will give a talk. Evenings during the convention are being devoted to screenings of short subjects and feature product.

## Para. Will Confine Self to One-Reelers

Los Angeles, June 18.—Paramount will confine itself to one-reelers in the short subject field next season, it was reiterated today by Lou Diamond, in charge of shorts, at the opening session of the company's convention. He said that Paramount planned 100 of these during the new season. Included on the list are 12 "Popeye the Sailor," 12 "Betty Boop," 6 "Color Classics," 13 Grantland Rice shorts, 13 pictorials and 18 "Headliners."

## *N. E. Theatres Cuts Capital to $10,000*

Dover, Del., June 18.—New England Theatres, Inc., a Delaware corporation operating in Suffolk County, Mass., reduced its capital here today from $1,312,500 to $10,000 by exchanging its $2,500 shares without par value to 100 shares of the par value of $100 each. Martin J. Mullin is president of the company and Marion Coles, secretary.

New England Theatres, Inc., is a Paramount subsidiary.

## *No Luther Film Set*

Los Angeles, June 18.—Adolph Zukor made no promise to the Rev. Andreas Bard, pastor of St. Mark's Lutheran Church, Kansas City, to make a picture on the life of Martin Luther authored by the clergyman, it was revealed today by the Paramount president, who said he told the minister when he passed through Kansas City on his way to the convention that he would be glad to consider such a story upon submission.

## *Meek as Mr. Wiggs*

Hollywood, June 18.—Donald Meek, who recently had an important role in "Thirty Day Princess", has returned to Paramount to take the part of Mr. Wiggs in the filmization of "Mrs. Wiggs of the Cabbage Patch." Pauline Lord has the title role in the picture, which Norman Taurog is directing.

## *O'Hara Joins Writers*

Hollywood, June 18.—John O'Hara, young author whose first novel "Appointment in Sumarra" has just been published by Harcourt-Brace, reports to Paramount Tuesday for an unannounced writing assignment.

## *Signs "Baby Star"*

Hollywood, June 18.—Paramount has placed Dorothy Drake, one of the Wampas "Baby Stars," under contract.

## *Expect to Announce Trendle Detroit Deal*

Los Angeles, June 18.—One of the big features of Wednesday's meeting of theatre men affiliated with Paramount is the expected announcement concerning details of the George Trendle deal.

According to the deal, Trendle will operate all Publix units in Detroit under United Theatres Corp. Recently, Willard C. Paterson resigned as labor contact of Warners to join Trendle in his Detroit operations.

## *Helen Morgan Assigned*

Hollywood, June 18.—Helen Morgan, recently signed by Paramount, will do a lead in "You Belong to Me" with Lee Tracy and Helen Mack. Al Werker is directing.

## *Paramount Sets Title*

Hollywood, June 18.—"Fifty-two Weeks for Florette" will be released by Paramount as "You Belong to Me."

## *Giveaways Feature Grievance Hearings*

Reduced admissions and giveaways continue to highlight the majority of cases to come before the New York grievance board. Up to now most of these have been brought by Loew against independents with the major circuit victorious in decisions. At one hearing 15 cases were decided in Loew's favor. Last week eight more were added to the list. Today Loew has three coming up against the Apollo, Hollywood and Paras-Court in Brooklyn.

In addition to these cases, there are two which involve complaints against exhibitors claimed to be negotiating for theatres while present tenants are dickering. One is the complaint of Max Cohen against Harry Brandt on the Wallack and the other is Leon Rosenblatt's objection to David Weinstock's alleged negotiations for the Orpheum, Jersey City.

## *Kelly to Appeal on New Jersey Decision*

Declaring the clearance verdict granted by the New York board over theatres in Hackensack, Paterson, Union City, Palisades Park, Englewood, Jersey City and North Bergen is a "hollow victory" and that it offers no relief in the order in which he must play product, E. Thornton Kelly of the Grant Lee at Fort Lee, said yesterday he will appeal the decision to Campi.

"If that doesn't help us, we propose carrying the case up the line to Washington. The decision told us nothing we haven't known for the last five years."

## *S. & C. to Sign Code When It Is Reopened*

First among local non-assentors to sign the code when Division Administrator Sol A. Rosenblatt approves reopening it for this purpose will be the Springer and Cocalis circuit of more than 35 houses in Greater New York.

Up to now the circuit has been on the defensive at code hearings before the New York boards.

# Study Para. Suit Against Theatres

(Continued from page 1)

acquisitions, it was learned yesterday.

Suit to recover $12,237,000, the amount of the stock repurchases, was begun against members of the Paramount board of directors, which authorized the repurchases, by the Paramount trustees last April. Some of the theatre circuits which were acquired in this manner, and the probable liability of whose former owners is being studied by counsel for trustees, are Rickards & Nace, Arizona; Hostettler Circuit, Nebraska and Iowa; Kunsky-Trendle, Detroit; Great States, Illinois, and a half interest in the Dent Circuit, Texas and New Mexico.

All of the 17 defendants named in the suit begun against the 1931-32 Paramount directors have now been served with summonses with the exception of Jesse L. Lasky. Jules E. Brulatour, one of the defendants, recently obtained leave of the state supreme court here to replace the law firm of Konta, Kirchwey and Engel with Max D. Steuer as his counsel in the action. Most of the remainder of the defendants are being represented by Cravath, De Gersdorff, Swaine & Wood. All are required to file answers to the original complaint late this month.

## *Camden Drive-In Is Off on 2nd Season*

(Continued from page 1)

garage man, who was his partner. Mel Koff is manager.

This year's Fox product is the main film supply, the policy having been changed from the original short subjects. Independent product is used, although the theatre follows all of the competing houses in the territory in clearance.

## *K. C. Board Against Any Delayed Cases*

Kansas City, June 18.—Cases will be heard as scheduled and will begin promptly on the time set, and in the absence of litigants there will be no continuances, the grievance board has decided. When parties to a complaint are absent or not represented, the board will proceed with the case and render a decision.

## *More "U" Yarns Set*

Hollywood, June 18.—Universal has purchased another vehicle for Boris Karloff and Bela Lugosi. It is "The Were Wolf of London," an original by Rian James. The duo's next is "The Raven," based on Edgar Allan Poe's "The Gold Bug" and "The Raven."

The company has purchased Florence Ryerson's and Colin Clements' original, "I Murdered a Man." Edward Laemmle will produce.

## *Capital Case Reopened*

Washington, June 18.—The first real test of the powers of the local grievance board came today when the case of Max Cluster, operating the Cluster, Baltimore, against Moe Kohn of the Leader, the same city, was reopened on charges of non-compliance with a decision of the board.

# Purely Personal

RALPH BELLAMY got into town yesterday to play the leading masculine role in Slect's "Woman in the Dark," which has gone into production at the Biograph plant in the Bronx.

MO WAX and RONALD BANK are preparing a film script on the life and exploits of AUGUSTINO SANDINO, the Nicaragua rebel.

LUCILLE BALL left yesterday for Hollywood to appear in EDDIE CANTOR's next "The Treasure Hunt."

DAVE PALFREYMAN came this close to becoming Jackson Heights open golf champion last week-end.

ED KUYKENDALL plans to leave for Columbus, Miss., following Thursday's meeting of Code Authority.

AL JOLSON and his wife, RUBY KEELER, get in today from the coast on the *Santa Elena.*

MEYER BECK, U. A. exploiteer, has gone to South America on a five-week business-vacation trip.

Division Administrator SOL A. ROSENBLATT now dons glasses to relieve eye strain.

CLEMENTS RIPLEY's novel, "A Lady Comes to Town," has been purchased by M-G-M.

SIDNEY LANFIELD is in New York from Europe and leaves shortly for the coast.

MONROE GREENTHAL returns from a European vacation-business trip tomorrow.

## Pickford Sees End Of Mass Production

HOLLYWOOD, June 18.—Mary Pickford, already on record with several blasts against mass production, now sees those days in the industry drawing to a close.

"Never have I seen so many small studios busy. They are fairly humming, and using big names, too. This seems to indicate that the days of mass-production are drawing to a close. That augurs well for the screen," she said today.

## "Four Walls" Started

HOLLYWOOD, June 18.—M-G-M started production on "Four Walls" today with Gladys George replacing Mae Clarke in the leading feminine role. The company also has signed Dave Butler to direct a picture. Jean Howard has been contracted for a few films.

## Kane Now Supervisor

HOLLYWOOD, June 18.—Joe Kane, formerly associated with Charles R. Rogers at Paramount, has been appointed supervisor at Mascot Pictures. His first will be "Waterfront Lady," scheduled for production early next month.

## M-G-M Men Hit Pill

HOLLYWOOD, June 18.—Four hundred entrants turned out Sunday for M-G-M's golf tournament at Rancho. The first tee-off was at 5 A. M. Every branch of the studio's staff and personnel was well represented. Two prizes were posted for each foursome.

## "U" Salesmen from 11 States at N. O.

NEW ORLEANS, June 18.—Delegates from 11 states are here for the southern regional meeting of Universal, which opened Saturday at the Hotel Roosevelt.

W. H. Richardson, southern divisional manager, and Paul Tessier, branch manager, are in charge.

Richardson outlined the program for the coming season.

The day's session was closed with a banquet at night.

## Muhl Heading East

HOLLYWOOD, June 18.—Edward Muhl, studio business manager for Universal, has left for New York for a series of home office conferences.

## Bury Lehr's Daughter

LOS ANGELES, June 18.—Funeral services were held here today for Hilda Catherine Lehr, 18-year-old daughter of Abraham Lehr, vice-president and general manager of Samuel Goldwyn, Inc. The girl died Saturday of spinal meningitis at the home of her parents. Also surviving are a brother and sister.

## France Honors S. R. Kent

Sidney R. Kent has been admitted to the ranks of the Legion of Honor by the French government for his work in behalf of the French film industry.

HOLLYWOOD, June 18.—Slight injuries met by Mrs. Kent in a motor car accident may delay the return east of S. R. Kent.

## Columbia Meets Are Set for July 2 and 9

Columbia will hold two regional sales meetings starting July 2. The first is scheduled for Atlantic City and will run three days. Although the second isn't definitely set, it will most likely be held in Chicago about July 9 and will continue three days.

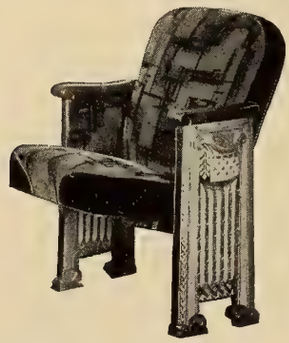
Attending the shore meeting will be home office executives and sales forces from the East and Canada, including divisional and branch men.

## Audio Booklet Issued

A booklet listing some of the new product made for the commercial field by Audio Prod., Inc., Erpi producer license, has just been released. Also listed are Audio's facilities for the producton of non-entertainment films.

WOULD YOU BUY A CAR THAT HAD NO SPRINGS ?

● If your seats are hard, lumpy, and uncomfortable, you've just about as much chance of getting and holding patronage as a manufacturer who turns out a springless car. Get the jump on your competition by reseating with comfortable, upholstered chairs.



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The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 143 NEW YORK, WEDNESDAY, JUNE 20, 1934 TEN CENTS

## Paramount to Sell 64; Sets 48 of Total

### *100 Shorts Announced for New Season*

Los Angeles, June 19.—Paramount will release approximately 64 features next season, the company's annual sales convention was told today. Forty-eight vehicles of the total were designated. Additionally, the company will have 100 shorts and 104 issues of Paramount News.

In holding designated vehicles to 48, thereby allowing a leeway of 16, the convention was informed this would allow "ample leeway to blaze new paths in picture-making with only

(*Continued on page* 8)

### *Fox Met. Plan Up In Federal Court Today*

Reorganization plans for Fox Metropolitan Playhouses will come up today before Judge Julian Mack at a creditors' hearing in the U. S. District Court. The bondholders' committee already has submitted a plan which is up today at the foreclosure sale.

Under this plan, Randforce and Skouras Theatres Corp. are to continue operation of houses now in their respective groups. Warners are understood set to make a bid for the houses in court today. If Warners' bid is presented, Nick Schenck, on behalf of Loew's, will make a competitive bid.

### *Capitol Sees Saving Of $500,000 Yearly*

Approximately $500,000 annually is expected to be saved by the Capitol in the pooling arrangement with the Paramount, it was learned yesterday. Although the deal is not yet signed, signatures are expected to be affixed sometime next week.

Admissions at the Capitol will remain the same despite elimination of stage shows, it was said.

### *M-G-M Delegation Leaves for Chicago*

M-G-M's New York delegation to the company's annual sales convention, set for June 21-23 at the Drake, Chicago, leaves on the Lake Shore Limited tonight. Sales representatives from

(*Continued on page* 9)

## 30 Listed by Radio; Stars Get Big Play

### *Two Cooper Specials Head Listing*

Chicago, June 19.—Confirming Motion Picture Daily's story that it would release 50 features and 200 shorts next season including 104 issues of Pathe News, Ned E. Depinet, president of RKO Distributing today, gave the lineup to the assembled Radiomen, listing 30 vehicles as definitely assigned and emphasizing a heavy play on stars and starring combinations.

Listed first by him were two specials which Merian C. Cooper will produce. One is "The Last Days of Pompeii" by Bulwer-Lytton and the other is "She" by H. Rider-Haggard. Cooper is in Italy doing research on the former.

Ten stars will scintillate in Radio's heavens, Depinet told the delegates.

(*Continued on page* 10)

## Catholic Prelates Talk Films Today

Cincinnati, June 19.—The Episcopal Committee on Motion Pictures, representing the Catholic Church, will meet here Wednesday and Thursday to discuss motion pictures and the church's current campaign aimed at objectionable films.

The committee has four members

(*Continued on page* 3)

### *Production Declines In Studios on Coast*

Hollywood, June 19. — Production continued to decline last week with only 33 features and 11 shorts in work as compared to 34 and 12 for the

(*Continued on page* 3)

### *Simple as A B C*

**Leon Rosenblatt and Dave Weinstock yesterday appeared before the New York clearance board on the former's complaint charging the defendant with negotiating for the Orpheum, Jersey City, while the complainant was operating.**

**Joe Lee offered a solution to the problem, which proved a weighty one.**

**He said: "If the house seats 1,400, why not give each exhibitor 700 seats and let it go at that?"**

## Would Delay Availability To End Duals

Los Angeles, June 19.—The new season may find duals wiped out of this territory. It all depends on whether or not the zoning schedule completed by the clearance board late Monday night after eight weeks of intensive work and setting back availability dates on double features house to 182 days is adopted.

The long-discussed plan to eliminate

(*Continued on page* 3)

## Congress Ends with An Eventful Record

Washington, June 19.—The 73rd Congress came to an end, leaving behind it a record of legislation of importance never attained before except by the World War Congresses.

The final session of the Congress, which began Jan. 3, was more important from the standpoint of the film

(*Continued on page* 2)

## *ITOA Seeks Court Stay To Protect Non-Signers*

The I.T.O.A., through its attorney, Milton C. Weisman, yesterday filed suit in the New York Supreme Court against Campi and the local boards seeking an injunction to prevent the board from hearing complaints filed against non-assentors until non-signers themselves are given an opportunity to file grievances or protests.

The suit comes up for hearing Friday before Judge Dore. William Whitney will act for the code board and Campi. While acting as chairman of the afternoon session of the New York grievance board, Harry

(*Continued on page* 3)

## 10 Cent Spots Want Earlier Film in 'Chi.'

### *Charge Discrimination; Seek Change*

Chicago, June 19.—Ten cent theatres are out after adjustments in the new clearance and zoning schedule which will give them a better break in earlier films.

Touched off by Andrew Cuser, who operates the 300-seat Queen Theatre, other exhibitors are expected to follow his step in what is regarded as a potential move to build up a chain of evidence sufficiently weighty to influence the deliberations of the board.

June 30 has been set as the final date for filing protests. The general

(*Continued on page* 3)

### *Baer Tells Friends He'll Make 3 Films*

Max Baer, heavyweight champion of the world, is telling friends in New York night spots he has signed contracts to make three features with as many companies.

One, he is quoted as saying, will be for M-G-M with a marine background. Two will be a police yarn, this for Paramount. Third will be for Columbia. The pugilist-actor expects to leave for the M-G-M studio to start work there in about six weeks.

### *Kuykendall Leaves Trailers to Units*

That each M.P.T.O.A. unit throughout the country will be allowed to take its own stand on M-G-M's proposal to make its own trailers was indicated yesterday as the policy of the national organization when President Ed Kuykendall sent out wires to the various units requesting that they voice their sentiments on the issue directly to the company. Kuykendall personally believes the problem is purely one of local autonomy.

### *Long Island Theatre Swap Is Reported On*

Joseph Seider of Prudential Playhouses and A. H. Schwartz of Century were yesterday reported exchanging theatres in four Long Island towns, the move reputedly designed to eliminate competition between the two circuits.

According to the report, Seider

(*Continued on page* 3)

# MOTION PICTURE DAILY

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *M. P. Club Lining Up Program for Autumn*

Plans for the fall program of the M. P. Club were worked out yesterday by the board of directors whereby previews will be presented Sunday nights. There also will be dinner and dancing for members and their guests.

Forums will be held at regular intervals. They will be broadcast nationally during lunch hour. Among speakers expected are Governor Lehman, former governor Smith, Governor Ritchie of Maryland, Professor Albert Einstein, Senator Wagner, Col. Charles A. Lindbergh, Father Coughlin and Irvin S. Cobb.

## *Kentucky Sales Tax Kills Other Bills*

LOUISVILLE, June 19.—Bills to place a tax on all amusements in Kentucky are now considered a dead issue as a result of enactment of a three per cent gross retail sales tax law, which becomes effective July 1.

## *"Drummond" for Rivoli*

"Bulldog Drummond Strikes Back" will reopen the Rivoli the middle of July. "The House of Rothschild" was first considered as a possibility, but has been dropped. The house is now being renovated.

## *Omaha Mobs Starlets*

OMAHA, June 19.—The Wampas "Baby Stars," traveling to the Shriners' convention in Minneapolis with 10 full-fledged stars, were mobbed by fans during a stopover here.

# Congress Ends with An Eventful Record

(*Continued from page* 1)

industry for what it did not do than for what it accomplished. Little or no film legislation was given consideration during the session, which was devoted toward enacting measures designed to put the New Deal machinery into full operation.

The reciprocal-tariff legislation, permitting the President to change rates of import duties in the negotiation of trade pacts with other countries, was probably the most important measure of the session, from the point of view of the picture business. Under that legislation, the President may be successful in securing the elimination of the political handicaps which have tended to reduce the market for American films in France, Poland and other countries.

The high spot of the session was reached in May, when Senator Nye of North Dakota made a bitter but futile attack upon the National Recovery Administration's handling of the code, following publication of the report of the National Recovery Review Board and the answers of General Johnson, General Counsel Richberg and Division Administrator Sol A. Rosenblatt.

### Industry Gets Off Easy

Tax legislation enacted by the session just adjourned passed by the amusement industry. No change was made in admission taxes. Members of the industry, of course, will be affected to the same extent as other business men by the changes in income tax rates and the revision of corporate, partnership and other provisions.

Corporation bankruptcy legislation, already availed of by a number of film companies, will save distressed concerns from receivership and enable them to reorganize and continue in business.

Loans to industry by the Reconstruction Finance Corp. may also aid the picture business by providing needed new capital.

On the other side of the books was the legislation placing the Government in control of the securities markets, which may slow down new financing.

During the session hearings were held on the Patman bill for supervision of production and on legislation designed to pave the way for adherence of the United States to the Rome copyright convention, no action being taken on either.

As the session just ended was the final session of the Congress, legislation not disposed of "died" upon adjournment and if still desired next session will have to be reintroduced.

Among the bills and resolutions introduced during the 73rd Congress and not acted upon were the following:

Prohibiting the transportation of crime pictures, introduced by Representative Cannon of Missouri.

Investigation of financial and business irregularities and illegal operations in the industry, by Representative Sirovich of New York.

Department of Justice investigation of production, distribution and exhibition, Representative Patman of Texas.

Copyright revision, Senator Dill of Washington.

Repeal of ban or transportation of fight pictures, Representative Celler of New York and Senator Barbour of New Jersey.

Prohibiting block and blind booking, Representative Celler of New York.

Adherence to the International Copyright Union, Representative Luce of Massachusetts.

Prohibition of interstate transportation of indecent films and pictures showing actors convicted of moral turpitude, Representative Cannon of Missouri.

Creation of a motion picture commission and ban on block booking, Representative Culkin of New York.

## Nye Introduces New Bills as Final Shot

WASHINGTON, June 19.—Making a parting gesture against the industry, Senator Nye of North Dakota, staunch defender of the Darrow board, shortly before the adjournment of Congress introduced two bills providing for censorship, prohibition on block booking, requiring the furnishing of accurate synopses of all pictures to exhibitors and amending the Clayton Act to apply to license agreements and leases. The bills were identical with those introduced in the House some time ago by Representative Patman of Texas.

The Nye bills were the only ones introduced in the Senate on the last day of the session.

## *Erpi Team Victorious*

Erpi has defeated Warners in the latest game of the M. P. League. The score was 10-5.

## *Most Down on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 32¼ | 31⅜ | 31⅜ | — ⅞ | 500 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | ..... | 100 |
| Consolidated Film Industries, pfd | 15⅝ | 15⅛ | 15⅛ | — ⅛ | 600 |
| Eastman Kodak | 101 | 100 | 100 | — ¾ | 800 |
| Loew's, Inc. | 32⅞ | 31¼ | 31¼ | —1½ | 5,000 |
| Paramount Publix, cts | 4⅝ | 4¼ | 4⅜ | — ¼ | 2,300 |
| Pathe Exchange | 2¾ | 2½ | 2½ | — ⅛ | 500 |
| Pathe Exchange "A" | 23⅞ | 23 | 23⅛ | — ½ | 2,500 |
| RKO | 2¾ | 2½ | 2½ | — ⅛ | 1,100 |
| Warner Bros. | 6⅛ | 6 | 6 | ..... | 1,600 |

## *Curb Stocks Take a Loss*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 14¾ | 13⅞ | 13⅞ | — ⅝ | 2,300 |
| Trans Lux | 1⅝ | 1⅝ | 1⅝ | — ⅛ | 200 |

## *Loew's Bonds Drop 1/8*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¾ | 9¼ | 9¼ | ..... | 19 |
| General Theatre Equipment 6s '40, ctf | 9 | 9 | 9 | — ½ | 1 |
| Loew's 6s '41, ww deb rights | 102 | 102 | 102 | — ⅛ | 2 |
| Paramount F. L. 6s '47 | 55¾ | 55 | 55¾ | + ¼ | 8 |
| Paramount Publix 5½s '50 | 55¼ | 54¼ | 55¼ | ..... | 5 |
| Warner Bros. 6s '39, wd | 53¾ | 52½ | 53 | ..... | 7 |

# *Purely Personal*

GLENDA FARRELL arrives Saturday in New York, where she will spend a week before visiting friends at Marblehead Hall, Va. After a few days there she will return here to await word to report back to the First National studios.

HERMAN STERN, head of Universal's non-theatrical department, celebrates his 20th year with the company this Saturday. He started with the old exchange on 23rd St.

CHARLES L. CASANAVE, central states division manager of the American Display Corp., is in town. Did his lunching with HAL YOUNG the other midday.

RUTH GILLETTE has been signed for a featured spot in "Woman in the Dark," now in work at the Biograph studio.

DICK ANDERSON, Universal Newsreel sales manager, off to a two week's vacation at Callicoon, N. Y.

ELISHA COOK, JR., stage player recently signed by Paramount, started for the coast yesterday by motor.

ATTORNEY GENERAL DAVID T. WILLENTZ of New Jersey will appear before Campi on an appeal.

ARNOLD VAN LEER of Columbia is vacationing. Somewhere around the M. P. Club.

WALTER EBERHARDT's nose is mute evidence of the fact he's been out in the sun.

LANNY ROSS will leave for the coast to resume work for Paramount on July 19.

KITTY CARLISLE and a friend, MRS. HORTENSE CONN, are at the Ritz Tower.

RICHARD BARTHELMESS and his wife will sail for Europe on July 15.

## *Try Out New Camera*

HOLLYWOOD, June 19.—Mascot is trying out a new camera device called a "velocitator." The camera, in a new patented "blimp," moves on duralumin tracks. Lateral and perpendicular movements, it is claimed, are controlled at any desired speed. Ernie Miller is using it on "Young and Beautiful." It was developed by the Fearless Camera Co.

## *Horne Promotes Two*

Alexander Gottlieb, for the past few months assistant to Hal Horne, director of advertising and publicity for United Artists, has been promoted to advertising manager.

Kenneth O'Brien, formerly of the publicity department, is successor to Gottlieb and is now working as assistant to Horne.

## *Hal Rosson Stricken*

HOLLYWOOD, June 19.—Hal Rosson, former husband of Jean Harlow, is in quarantine with a slight attack of infantile paralysis following a swimming party in a private pool three days ago. He is the first picture name to become afflicted in the present epidemic. At present 685 cases are on report.

# Would Delay Availability To End Duals

(Continued from page 1)

competition of previews by setting admission prices for them at 55 cents has also been adopted by the code board, the price to apply to all seats. Seen as the deathknell of five cent admissions is a third decision setting back availability dates to that type of theatre one year behind any Los Angeles first run.

Houses charging 40 cents will get pictures 21 days after downtown first runs, it is proposed in the new schedule. Thirty-five cent houses would get them 35 days; 25 centers, 49 days; 20 centers, 77 days; 15 cent houses, 126 days; five cent houses or those running five cent matinees for kids, one year.

There is nothing final in the plan of the Los Angeles clearance board or of any other board for that matter on the question of clearance. Campi points out all schedules are tentative and that they must be approved at code headquarters. Code authority, as a general matter, anticipates all proposed plans will be protested somewhere along the exhibition front.

## *Baltimore House's Films Are Stopped*

WASHINGTON, June 19.—Film deliveries to Moe Kohn, Leader Theatre, Baltimore, have been ordered stopped by the grievance board on the ground that he failed to obey the board's order to stop issuing advertising passes.

Kohn's case first came before the board on complaint of Max Cluster, operator of the Cluster. At that time he was ordered to stop advertising passes with a box-office surcharge and also to end premature advertising. He announced an appeal to Code Authority, but later withdrew it.

Cluster secured a reopening of the case and presented testimony that on three occasions passes had been obtained since the issuance of the original order. Kohn failed to appear at the hearing. He wrote to Secretary Fitzgerald that he had discontinued the practice.

Gradin Theatre, Roanoke, won a non-theatrical competition decision against R. W. Carper and Lakeside Park. Lawrence M. Corcoran, southern licensee for Western Electric, appeared as respondent.

## *Campi Speed Plans May Be Ready Soon*

Charles L. O'Reilly, R. H. Cochrane, Edward Golden, Austin C. Keough, Edward McKay and J. Robert Rubin, the joint legal and administration committee, met yesterday at Campi and recommended several plans for disposing of appeals before Code Authority and complaints before local boards.

The recommendation will be presented to Campi tomorrow for approval. Immediate hearings and quick decisions are included in the plans.

# *ITOA Seeks Court Stay To Protect Non-Signers*

### *Not Significant*

**Buffalo, June 19.—A highlight of the compliance hearing before the grievance board in which Edwin Wick, proprietor of the Majestic, was accused of disobeying a board order, came in Wick's testimony that each person who bought a ticket on "country store" nights got a present.**

**"What was the present?" Sidney Samson, presiding as chairman, asked.**

**"A sucker," Wick replied.**

**"Is that significant?" another board member asked.**

**"No, candy," Wick retorted.**

## *Buffalo Code Case Taken Out of Court*

BUFFALO, June 19.—Edwin Wick, manager of the Majestic, will withdraw from the Supreme Court his suit for an injunction to restrain the grievance board from interfering with delivery of films to his theatre.

The stipulation dropping the case, entered into today between Wick's attorney, Leo J. Rosen, and Herbert T. Silverberg, counsel for the grievance board, will be filed with Justice Samuel J. Harris Friday.

With the case removed from the courts and back under code procedure, Wick was given a hearing by the grievance board on a non-compliance charge. The board ruled he was guilty of non-compliance with its cease and desist order of May 21. Wick was given until June 25 to comply with the board's order to discontinue reduced admissions and giveaways.

After the June 25 date, it was stated, another order to film exchanges to stop delivery film will be issued unless he has complied. It was the first order of this kind that started the court action.

## *Rosenblatt Selects Actor-Writer Group*

WASHINGTON, June 19.—Representatives of actors and writers who will negotiate with producers on fair practice provisions to govern relations between employers and employes were named today by Division Administrator Sol A. Rosenblatt, as follows:

Actors: Kenneth Thomson, Ann Harding, alternate; Ralph Morgan, Chester Morris, alternate; Richard Tucker, Pat O'Brien, alternate; Robert Montgomery, Paul Muni, alternate; Claude King, Mary Astor, alternate.

Writers: Ralph Block, Gladys Lehman, alternate; John Emerson, Rupert Hughes, alternate; James Gleason, John F. Natteford, alternate; Dudley Nichols, Seton Miller, alternate; Waldemar Young, Courtney Terrett, alternate.

## *Stop 5-Cent Tickets*

PITTSBURGH, June 19.—The grievance board has ordered J. Richman, Pearl Theatre, to stop admitting children for five cents on the ground that it is cuts under the scales specified in his contracts. The complaint was brought by M. A. Rosenberg, Rialto.

(Continued from page 1)

H. Buxbaum of Fox yesterday was served with papers. Campi had not been served at a late hour last night.

Weisman yesterday stated I.T.O.A. members do not want to sign the code and still maintain their constitutional rights. He said members of the organization are conforming to the code and see no reason why they should sign it.

Reopening of the code assent date for non-signers will be set tomorrow when Campi meets and Division Administrator Sol A. Rosenblatt approves the recommendation of Campi. Exhibitors, under the plan, will be given until Aug. 15 to sign up with the provision that two assentors endorse applications which must be accompanied by a check for the first half year's assessment.

Several weeks ago Weisman filed suit seeking to enjoin code boards from preventing filing of complaints by non-assentors. The action came before Judge Alfred C. Coxe in the U. S. District Court and was withdrawn by the plaintiff last Friday.

## *ITOA Meets Today*

Returning from Philadelphia where he spoke before the Independent Exhibitors' Protective Ass'n., Harry Brandt has called a special executive session of the I. T. O. A. today to discuss the new Quaker City unit. Brandt also was in Washington over the week-end and will report on his visit on the code.

## *Production Declines In Studios on Coast*

(Continued from page 1)

preceding week. Number of features and shorts in final preparation also shows a decrease with but 27 and 16 on the starting schedule.

M-G-M leads with five features in work, two preparing and 13 editing; Fox has five, three and two; Paramount, five, three and five; Universal, four, two and zero; Warner, four, one and seven; Radio, two, three and six; Columbia, zero, three and four, while the independents have a total of eight, 10 and eight.

In the short subject division M-G-M reports two in work, three preparing and four editing; Radio has two, two and three; Roach, one, three and two; Columbia, one, one and three; Warners, one, one and one, while the independents have a total of four, five and six.

## *Long Island Theatre Swap Is Reported On*

(Continued from page 1)

would operate exclusively in Huntington and Riverhead and Schwartz in Floral Park and Bellaire.

When queried on the report yesterday an official from Century said it was "just talk."

## *To Roadshow 'Du Barry'*

"Madame Du Barry" will be roadshown in special key city situations following its world premier on Broadway the middle of next month at a $2 top.

# 10 Cent Spots Want Earlier Film in 'Chi.'

(Continued from page 1)

protest against clearance even antedates Cuser's protest and was started by Harry Nepo on the 10-cent admission situation which has the support of the recently-formed Independent Theatre Owners' Ass'n. Its members profess their indignation, alleging present protection finds many of them playing in the seventh week, although their price scale equals houses which get availability dates earlier.

Cuser's protest is aimed at the Crystal, a 2,000 seater which plays a 15-cent matinee. Playing seven weeks later, Cuser says he is forced to charge 15 cents and that the difference in the comfort and facilities of the two houses, as well as the seating capacity, makes this a hardship.

It is Cuser's contention, as it is the contention of R. Christiansen, operator of the La Salle, former "Loop" 10 center, that the general public will not wait seven weeks to save a nickel for a picture it wants to see. On the other hand, they point out, the patron who cannot afford but 10 cents is lost to both classes of houses as a theatregoer and the exhibitor in a logical 10-cent neighborhood will be forced out of business while the 15-cent house will not profit by his extinction.

The opposite view is that many 15 and 25-cent houses are now only doing a 50 per cent business and would welcome the opportunity to cut admissions, resulting in a general lowering of admissions throughout the city.

## Catholic Prelates Talk Films Today

(Continued from page 1)

who are the Most Rev. John T. McNicholas, O.P., Archbishop of Cincinnati and chairman; Right Rev. John J. Cantwell, Bishop of Los Angeles; Right Rev. John F. Noll, Bishop of Fort Wayne, and Right Rev. Hugh C. Boyle, Bishop of Pittsburgh. In addition, there will be present about a dozen priests representing other bishops who will not attend in person.

Industry representatives will be on hand to outline in detail the workings of the Studio Relations Committee and to explain last week's decision of the Hays organization directors to strengthen self-regulation under the current formula.

## *Catholics in Kansas Start Film Campaign*

KANSAS CITY, June 19.—First official Catholic anti-film action in this territory has been launched by Bishop Tief at Concordia, Kan., in a letter to his parish priests asking for Legion of Decency pledges. He has called for the organization of signature committees in each parish. Bishop Lillis of the Kansas City diocese is expected to act shortly.

Protestant denominations here are supporting the Catholic movement.

# . . . and the world

# d *smiles* with her!

FOX is mighty proud of its tiny star, Shirley Temple. Proud of her sensational, overnight success. Proud because she proves that clean entertainment is the best-paying entertainment. Proud because you can hold your head high when you announce her on your screen . . . . *Take a bow,* Shirley!

# "BABY, TAKE A BOW"

with

# SHIRLEY TEMPLE

## JAMES DUNN
## CLAIRE TREVOR

**Produced by John Stone**
**Director: Harry Lachman**

Screen play: Philip Klein and E. E. Paramore, Jr.
Based on a play by James P. Judge

FOX FOX FOX FOX FOX FOX FOX FOX FOX FOX

RKO-RADIO'S 19

# IN FIVE

"GREAT P

MA

GREAT P

WATCH FOR TOMORRO

34-35 MESSAGE

# WORDS

ROPERTIES

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W'S ANNOUNCEMENT

# Paramount to Sell 64; Sets 48 of Total

(*Continued from page* 1)

one fixed element dominating efforts —the element of showmanship."

In the starring category for the new season are Claudette Colbert, Gary Cooper, Bing Crosby, Marlene Dietrich, W. C. Fields, Miriam Hopkins, Carole Lombard, George Raft, Sylvia Sidney, Shirley Temple, Lee Tracy and Mae West. Definitely set aside for them, according to the official product lineup, are:

Claudette Colbert in "Are Men Worth It" and "The Gilded Lily." Also lead in "Cleopatra."

Gary Cooper individually starred in "Lives of a Bengal Lancer." He will co-star with Carole Lombard and Shirley Temple in "Now and Forever" and with Miss Lombard in "20 Hours in the Air."

Bing Crosby's star listing is limited in combination with Miriam Hopkins to "She Loves Me Not," although he is down for several others, but not as a star.

Marlene Dietrich in "The Scarlet Empress" and one other, untitled.

W. C. Fields in "Back Porch," although listed in the cast of others.

Miriam Hopkins only as co-star with Crosby in "She Loves Me Not."

Carole Lombard co-starred with Geo. Raft in "Rhumba"; with Lee Tracy in "The Case of Mrs. Ames"; with Cooper and Shirley Temple in "Now and Forever."

George Raft co-starred with Miss Lombard in "Rhumba" and with Sylvia Sidney in "Limehouse Nights."

Miss Sidney, aside from her co-starring vehicle, to be starred individually in "Desire."

Shirley Temple in "Now and Forever" as co-star with Cooper and Miss Lombard.

Lee Tracy co-starred in "The Case of Mrs. Ames" with Miss Lombard.

Mae West in two: "Me and the King" and "Gentlemen's Choice."

Described as the "lead off" pictures for next season, the company listed these:

### Mae West Heads List

Mae West in two. They will be "Gentlemen's Choice" and "Me and the King."

Marlene Dietrich in "The Scarlet Empress," directed by Josef von Sternberg with John Lodge, Sam Jaffe and Louise Dresser heading the cast.

Cecil B. DeMille's production, "Cleopatra," with Claudette Colbert, Warren William and Henry Wilcoxon. Cast include Ian Keith, Joseph Schildkraut, C. Aubrey Smith, Robert Warwick, Irving Pichel and Gertrude Michael.

Gary Cooper in "The Lives of a Bengal Lancer" with Cary Grant, Frances Drake, Richard Arlen and Sir Guy Standing. Directed by Henry Hathaway.

"College Rhythm" with Joe Penner of radio popularity making his film debut; Lanny Ross, Richard Arlen and Lyda Roberti. Directed by Norman Taurog.

"R. U. R.," picturization of Karel Capek's Theatre Guild play, with an all-star cast directed by Mitchell Leisen.

Bing Crosby and Miriam Hopkins in "She Loves Me Not," comedy hit of the New York stage, with Kitty Carlisle, Lynne Overman, Henry Stephenson, George Barbier and Warren Hymer. Directed by Elliott Nugent with songs by Gordon & Revel and Rainger & Robin.

Claudette Colbert in "The Gilded Lily" with Cary Grant. No director assigned.

Sylvia Sidney and George Raft in "Limehouse Nights" with Anna May Wong. Directed by Alexander Hall.

Miss Sidney in "Desire." Directed by Marion Gering.

Gary Cooper and Carole Lombard in "20 Hours by Air," described as "The Shanghai Express" of the airways.

"Sailor, Beware," picturization of the New York comedy hit with Bing Crosby slated for the lead.

"Pursuit of Happiness," another New York stage play, with Francis Lederer, Joan Bennett, Charlie Ruggles, Mary Boland and Walter Kingsford. Directed by Ralph Murphy.

"Mississippi," a show-boat story, with W. C. Fields, Lanny Ross, Evelyn Venable, Grace Bradley. Story and songs by Herbert Fields, Richard Rodgers and Larry Hart.

"Love Thy Neighbor," with the sextet that appeared in "Six of a Kind"—Charlie Ruggles, Mary Boland, W. C. Fields, Alison Skipworth, George Burns and Gracie Allen.

"Her Master's Voice" with Charlie Ruggles, Mary Boland and Joe Morrison. Directed by Marion Gering and adapted from the Broadway stage play of the same name.

"People Will Talk" with Charlie Ruggles, Mary Boland, Ida Lupino and Kent Taylor.

"Ladies Should Listen" with Cary Grant, Frances Drake, Edward Everett Horton, Rosita Moreno, George Barbier, Nydia Westman and Charles Ray. Directed by Frank Tuttle.

"Mrs. Wiggs of the Cabbage Patch," filmization of Alice Hegan Rice's story and play, with Pauline Lord, W. C. Fields, ZaSu Pitts, Evelyn Venable and Kent Taylor. Directed by Norman Taurog.

Gary Cooper, Carole Lombard and Shirley Temple in "Now and Forever," with Sir Guy Standing and Charlotte Granville. Directed by Henry Hathaway.

George Raft and Carole Lombard, the team of "Bolero," teamed again in "Rhumba." Directed by Wesley Ruggles.

Claudette Colbert in "Are Men Worth it?" Director and cast to be selected later.

"Target," a story of the Navy and the Naval Academy, with Sir Guy Standing, Richard Arlen, Evelyn Venable, Jack Oakie, Joe Morrison and Gail Patrick.

"The Glory of the Damned," described as "a spectacular world-drama with an all-star cast."

"Here Is My Heart" with Bing Crosby and Kitty Carlisle, who appear together in "She Loves Me Not." Directed by Elliott Nugent.

Charles Laughton in "Ruggles of Red Gap," Harry Leon Wilson's story with Charlie Ruggles, Mary Boland and Sir Guy Standing. Directed by Leo McCarey.

"The Big Broadcast of 1935" with Lanny Ross, Jack Oakie, Paul Gerrits and a cast of radio performers, including Jessica Dragonette and others to be selected later.

Lee Tracy and Carole Lombard in "The Case Against Mrs. Ames," the Arthur Somers Roche mystery story recently serialized in Collier's. Directed by Alexander Hall.

"One Night Stand" with Jack Oakie, Ben Bernie and his band, Gertrude Michael, Joe Morrison, Grace Bradley, Alison Skipworth and George Barbier.

Three Westerns: "Wagon Wheels" and "Home on the Range," with Randolph Scott and one other Zane Grey story to be chosen later.

### Four for Hecht-MacArthur

Four to be produced by Ben Hecht and Charles MacArthur, the first of which is "Crime Without Passion," with Claude Rains, Whitney Bourne and Margo. The second will introduce Jimmy Savo, presented against "the swirling background of the Russian revolution." Two additional Hecht-MacArthur stories will be announced later.

Cecil B. DeMille's "Buccaneer" with Henry Wilcoxon as Morgan, the pirate. Screen play by Laurence Stallings and Maxwell Anderson, authors of "What Price Glory?"

Following "The Scarlet Empress," Marlene Dietrich will star in another and as yet untitled production to be directed by Josef von Sternberg.

"You Belong to Me" with Lee Tracy, Helen Mack, Helen Morgan and Lynne Overman. Directed by Alfred Werker, who directed "The House of Rothschild."

"Ready for Love" with Ida Lupino, Richard Arlen and Elisha Cook, Jr. Directed by Marion Gering.

"Enter Madame" with Cary Grant and Howard Wilson. Directed by Elliott Nugent.

W. C. Fields in "Back Porch." Directed by Norman McLeod.

Damon Runyon's "Lemon Drop Kid" with Lee Tracy and Helen Mack. Directed by Wesley Ruggles.

"The Yellow Bargain" with Lloyd Nolan and Evelyn Venable. Directed by James Flood.

"McFadden's Flat," a Charles R. Rogers production with an all-star cast.

"Lovers in Quarantine" with Ida Lupino, Richard Arlen, Gertrude Michael and Randolph Scott.

"Evening Star," from Vina Delmar's

(*Continued on page* 9)

# *What They're Down For*

Los Angeles, June 19.—Star and cast assignments for 1934-35 as far as the Paramount lineup today gave them follow:

## *Stars and Players*

Richard Arlen — "Lives of a Bengal Lancer," "College Rhythm," "Target," "Ready for Love" and "Lovers in Quarantine."
George Barbier—"She Loves Me Not," "One Night Stand" and "Ladies Should Listen."
Joan Bennett—"Pursuit of Happiness."
Ben Bernie—"One Night Stand."
Mary Boland—"Pursuit of Happiness," "Love Thy Neighbor," "Her Master's Voice," Ruggles of Red Gap" and "People Will Talk."
Grace Bradley—"Mississippi" and "One Night Stand."
Whitney Bourne—"Crime Without Passion."
Carl Brisson—"All the King's Horses."
Burns and Allen—"Love Thy Neighbor."
Kitty Carlisle—"All the King's Horses," "Here Is My Heart" and "She Loves Me Not."
Claudette Colbert—Starred in "Are Men Worth It?", "The Gilded Lily," lead in "Cleopatra."
Elisha Cook, Jr.—"Ready for Love."
Gary Cooper—Star in "Lives of a Bengal Lancer"; co-star with Carole Lombard and Shirley Temple in "Now and Forever; co-star with Miss Lombard in "20 Hours by Air."
Bing Crosby—Co-star with Miriam Hopkins in "She Loves Me Not"; lead in "Sailor, Beware" and "Here Is My Heart."
Jessica Dragonette—"Big Broadcast of 1935."
Frances Drake—"Ladies Should Listen," "Lives of a Bengal Lancer," and "Eyes of the Eagle."
Marlene Dietrich—Star in "The Scarlet Empress." One other to come.
Louise Dresser—"The Scarlet Empress."
W. C. Fields—Star in "Back Porch"; also down for "Mrs. Wiggs of the Cabbage Patch," "Love Thy Neighbor" and "Mississippi."
Paul Gerritts—"Big Broadcast of 1935."
Charlotte Granville—"Now and Forever."
Cary Grant—"Lives of a Bengal Lancer," "Eyes of the Eagle," 'Evening Star," "Enter, Madame," "Ladies Should Listen" and "Gilded Lily."
Miriam Hopkins—Co-star with Bing Crosby in "She Loves Me Not."
Edward Everett Horton—"Ladies Should Listen."
Warren Hymer—"She Loves Me Not."
Sam Jaffe—"The Scarlet Empress."
Ian Keith—"Cleopatra."
Walter Kingsford — "Pursuit of Happiness."
Francis Lederer—"Pursuit of Happiness."
Charles Laughton — "Ruggles of Red Gap."
John Lodge—"The Scarlet Empress."
Pauline Lord—"Mrs. Wiggs of the Cabbage Patch."
Carole Lombard—Co-star with Gary Copoer in "20 Hours by Air"; co-star with Cooper and Shirley Temple in "Now and Forever"; co-star with George Raft in "Rhumba"; co-star with Lee Tracy in "The Case Against Mrs. Ames."
Ida Lupino — "Lovers in Quarantine," "Ready for Love" and "People Will Talk."
Helen Mack — "Evening Star," "Lemon Drop Kid" and "You Belong to Me."
Margo—"Crime Without Passion."
Gertrude Michael — "Cleopatra," "One Night Stand," "Lovers in Quarantine," and "Evening Star."
Rosita Moreno—"Ladies Should Listen."
Helen Morgan—"You Belong to Me."
Joe Morrison — "One Night Stand," "Target" and "Her Master's Voice."
Lloyd Nolan—"The Yellow Bargain."
Jack Oakie—"The Milky Way," "Big Broadcast of 1935," "One Night Stand," and "Target."
Lynne Overman—"She Loves Me Not" and "You Belong to Me."
Gail Patrick—"Target."
Joe Penner—"College Rhythm."
Irving Pichel—"Cleopatra."
ZaSu Pitts—"Mrs. Wiggs of the Cabbage Patch."
George Raft—"Co-star with Carole Lombard in "Rhumba"; co-star with Sylvia Sidney in "Limehouse Nights."
Claude Rains—"Crime Without Passion."
Charles Ray—"Ladies Should Listen."
Lyda Roberti—"College Rhythm."
Lanny Ross—"Big Broadcast of 1935," "College Rhythm," "Mississippi."
Charles Ruggles—"Ruggles of Red Gap," "People Will Talk," "Her Master's Voice," "Love Thy Neighbor" and "Pursuit of Happiness."
Jimmy Savo—In Hecht-MacArthur Prod.; title not picked.
Joseph Schildkraut—"Cleopatra."
Randolph Scott — "Wagon Wheels," "Home on the Range" and "Lovers in Quarantine."
Sylvia Sidney—Star in "Desire"; co-star with George Raft in "Limehouse Nights."
Alison Skipworth—"Love Thy Neighbor" and "One Night Stand."
C. Aubrey Smith—"Cleopatra."
Guy Standing—"Evening Star," "Ruggles of Red Gap," "Target," "Now and Forever," and "Lives of a Bengal Lancer."
Henry Stephenson—"She Loves Me Not."
Kent Taylor—"People Will Talk" and "Mrs. Wiggs of the Cabbage Patch."
Shirley Temple—Co-star with Gary Cooper and Carole Lombard in "Now and Forever."
Lee Tracy—Co-star with Carole Lombard in "The Case of Mrs. Ames"; leads in "Lemon Drop Kid" and "You Belong to Me."
Evelyn Venable—"The Yellow Bargain," "Target," "Mrs. Wiggs of the Cabbage Patch" and "Mississippi."
Robert Warwick—"Cleopatra."
Mae West—"Me and the King" and "Gentlemen's Choice."
Nydia Westman—"Ladies Should Listen."
Henry Wilcoxon — "Cleopatra," "Buccaneer," and "Shoe the Wild Mare."
Warren William—"Cleopatra."
Howard Wilso&—"Enter, Madame."
Anna May Wong—"Limehouse Nights."

## *Directors*

Cecil B. De Mille—"Cleopatra" and "Buccaneer."
James Flood—"The Yellow Bargain."
Marion Gering—"Ready for Love," "Her Master's Voice" and "Desire."
Alexander Hall—"The Case Against Mrs. Ames," and "Limehouse Nights."
Henry Hathaway—"Now and Forever" and "Lives of a Bengal Lancer."
Mitchell Leisen—"R.U.R."
Leo McCarey—"Ruggles of Red Gap."
Norman MacLeod—"Back Porch."
Ralph Murphy—"Pursuit of Happiness."
Elliott Nugent—"Enter, Madame." "Here Is My Heart" and "She Loves Me Not."
Wesley Ruggles—"Rhumba" and "Lemon Drop Kid."
Norman Taurog—"Mrs. Wiggs of the Cabbage Patch" and "College Rhythm."
Frank Tuttle—"Ladies Should Listen."
Joseph Von Sternberg—"The Scarlet Empress" and one starring Marlene Dietrich.
Alfred Werker—"You Belong to Me."

# News and 7 Shorts Series Make Up Para. Offering

Los Angeles, June 19.—Paramount's short subject program follows:

104 issues of Paramount News.
26 Paramount "Varieties."
18 Paramount "Headliners."
13 Paramount "Pictorials."
13 Grantland Rice "Sportlights."
12 "Popeye, the Sailor" cartoons.
12 "Betty Boop" cartoons.
6 "Color Classic" cartoons.

The last three series will be produced by Max Fleischer.

# *Plan Continental Opera*

Hollywood, June 19.—Hans Kraly, former Universal scenarist, has been signed by Paramount to do "All the King's Horses," Continental opera which will have Carl Brisson in the featured role.

# *Para. Signs 3-Year-Old*

Hollywood, June 19.—Billy Lee, three-year-old actor, dancer and singer, has been written in for a term contract at Paramount. His first assignment is "Wagon Wheels."

## Para. to Sell 64; Sets 48 of Total

(*Continued from page* 8)

"End of the World," with Cary Grant, Helen Mack, Gertrude Michael and Sir Guy Standing.

"Eyes of the Eagle" with Cary Grant and Frances Drake.

"All the King's Horses" with Carl Brisson and Kitty Carlisle.

"The Milky Way" with Jack Oakie.

"Shoe the Wild Mare" with Henry Wilcoxon.

This morning's session opened with a talk by Emanuel Cohen on new product. He related how Paramount had overcome obstacles that had existed for years between exhibition and production. He said when he took over the reins production rested on the shoulders of two men, Jesse L. Lasky and B. P. Schulberg, this being gradually changed so that now associate producers are given a certain number of pictures for which they are responsible. These producers, he explained, work hand in hand with the eastern and western editorial boards. According to Cohen, stories are no longer selected solely on the judgment of producers at the studio, but with the full cooperation of those familiar with exhibition.

Cohen introduced Jeff Lazarus and Russell Holman, who spoke of their work on the eastern editorial board, relating how they selected plays and stories with an eye to exhibition needs.

A. M. Botsford, editorial head on the coast, explained how his board functioned in connection with producers, directors and writers and with the eastern story board. He said it was no longer a one-man affair, but one of full coordination among all creative branches, all striving to meet the demands and needs of exhibition and the film-goer.

William Le Baron discussed the new product under his supervision.

## Cohen Speech Stirs Zukor's Enthusiasm

Los Angeles, June 19.—Emanuel Cohen's address this morning was characterized as the "soundest, most constructive speech ever made at a Paramount convention in the past 15 years" by Adolph Zukor in an interview with Motion Picture Daily today. "It shows we are on the right road," he said.

Zukor asserted there would be nothing said at the convention regarding the reorganization of the company. When asked about the theatre partnership and the possible return of all theatres to Paramount, he asserted that "we are drawing our partners closer together, mentally if not physically. We are strengthening the family ties."

## Modern Stories, Five Musicals Set for Para.

Los Angeles, June 19.—Modern backgrounds, liberally sprinkled with comedy and some mystery stories; two costume spectacles; two straight musicals and three films with music; six based on plays, and three westerns make up the bulk of the Paramount program.

Name authors figure very little in the list. Only four are given prominent mention. These are Francis Yeats-Brown's "Lives of a Bengal Lancer"; Arthur Somers Roche's "The Case Against Mrs. Ames"; Vina Delmar's "Evening Star," and Damon Runyon's "Lemon Drop Kid."

A general breakdown of the list:

***Originals***

"Gentlemen's Choice," Mae West comedy
"Me and the King," Mae West comedy
"Love Thy Neigbor," comedy
"People Will Talk," comedy
"Shoe the Wild Mare," comedy
"Back Porch," comedy
"The Gilded Lily," romance
"Desire," romance
"Now and Forever," romance
"Are Men Worth It?" romance
"You Belong to Me," romance
"Ever in My Heart," romance
"Ready for Love," romance
"Rhumba," dance-romance

***Mystery Melodrama***

"Limehouse Nights"
"Ladies Should Listen"
"The Case Against Mrs. Ames," by Arthur Somers Roche

***Costume***

"The Scarlet Empress"
"Cleopatra"

***Adventure***

"The Lives of a Bengal Lancer"
"20 Hours by Air"

***Musical***

"College Rhythm"
"The Big Broadcast"
"She Loves Me Not" (with music)
"Mississippi" (with music)
"One Night Stand" (with music)

***Rural Classic***

"Mrs. Wiggs of the Cabbage Patch"

***Plays***

"R. U. R."
"Sailor, Beware"
"Pursuit of Happiness"
"Her Master's Voice"
"Lovers in Quarantine"
"The Milky Way"

***Sea Stories***

"Target"
"Buccaneer"

***Novel***

"Evening Star," Vina Delmar

***Short Story***

"Lemon Drop Kid," Damon Runyon

***Westerns***

"Wagon Wheels"
"Home on the Range" Zane Grey and one other by Grey

***No Details***

"The Glory and the Damned," arms traffic
"Enter Madame"
"McFadden's Flat"
"The Yellow Bargain"
"Eyes of the Eagle"
"All the King's Horses"

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Shoot the Works"*

(*Paramount*)

Hollywood, June 19.—"Shoot the Works" is a potent blend of comedy-drama and catchy music handled with discerning judgment from every production angle.

The yarn features Jack Oakie, a 42nd Street side show barker, who owns whale shows, a flea circus and flagpole sitters. Romance enters with Dorothy Dell, who endeavors to steer him into better things. Ben Bernie and his gang, Roscoe Karns, Arline Judge, Alison Skipworth, who are part of the show, get a better offer and check out. The climax comes when Miss Dell joins the departing group to get money for herself and Oakie and to do a vaudeville act for a booking by Lew Cody.

The group becomes famous and annexes publicity from William Frawley, Broadway's ace keyhole looker. Oakie misunderstands the situation and the romance breaks, to be renewed happily thereafter. The atmosphere is loaded with showmanship and down-to-earth laughs. The entire cast renders fine performances.

Bouquets go to Howard J. Green for his screenplay and to Wesley Ruggles for his swell direction. Music by Gordon and Revel and Ralph Rainger is excellent. Ben Hecht and Gene Fowler did the original story and Claude Binyon the dialogue. This is entertainment and it's exploitable.

## *McNutt Reaches Coast*

Hollywood, June 19.—Patterson McNutt has arrived to do the screen adaptation of the play "Sailor Beware" for Paramount.

## *M-G-M Delegation Leaves for Chicago*

(*Continued from page* 1)

all over the nation will be approaching the Windy City at the same time.

In the group slated to leave here are:

Nicholas M. Schenck, president; Felix F. Feist, general sales manager; William F. Rodgers, eastern sales manager; Thomas J. Connors, southern sales manager; Edward M. Saunders, western sales manager; Fred C. Quimby, short subject sales manager; David Loew, vice-president of Loew's, Inc.; Alan F. Cummings, Jay A. Gove, John MacLeod, Edwin W. Aaron, Charles F. Deesen, M. L. Simons, Arthur Lacks, Frank E. McRoy, S. J. Levinson, Joel Bezahler, Harold Postman, Frank McRoy and Sidney S. Braunberg.

Howard Dietz, Si Seadler and Joseph Vogel follow, perhaps today.

## *Melniker Here for Talks*

William Melniker, M-G-M general manager for South America, is in town for a series of home office conferences. He will be here about two weeks.

## *Mayer, Strickling East*

Hollywood, June 19.—Louis B. Mayer and Howard Strickling left on the Chief tonight for the Chicago convention.

## *Roach Flying to Confab*

Hollywood, June 19.—Hal Roach is flying to the M-G-M sales convention in Chicago.

## *Meet Over, Warner Chiefs Visit Studio*

San Francisco, June 19.—With the close of the fourth and final Warner regional here, the company's home office executives left tonight for a 10-day visit to the studios at Burbank. In the group were Albert Warner, Gradwell Sears, S. Charles Einfeld, Norman H. Moray, Carl Leserman, Harold S. Bareford and A. W. Schwalberg.

A BOOST FOR THE BOX OFFICE

RCA VICTOR PHOTOPHONE

HIGH FIDELITY SOUND

★ Offering you complete ownership of a sound box office attraction that pays its own way. ★

RCA VICTOR Company, Inc. Camden, N. J.

# 30 Listed by Radio; Stars Get Big Play

(*Continued from page* 1)

He placed Katharine Hepburn at the head of the list and, thereafter, in this order: Irene Dunne, Ann Harding, Wheeler and Woolsey, William Powell, who has signed for two; John Boles, Francis Lederer, Ginger Rogers and Fred Astaire. In addition, a deal is on for Miriam Hopkins to star in "The Richest Girl in the World," while Johnny Weissmuller is set to star in "Three Stand Alone."

Definitely listing 30 properties and assignments, the list, as far as it went, breaks down as follows in point of starring and co-starring vehicles:

Fred Astaire and Ginger Rogers will co-star in "Radio City Revels" and "The Gay Divorce" and with Irene Dunne in "Roberta."

Irene Dunne will co-star with John Boles in "The Age of Innocence," with Fred Astaire and Ginger Rogers in "Roberta" and appear in two or three individual starring pictures.

Ann Harding in "The Fountain," "Alien Corn," and one other.

Katharine Hepburn will star in three: "Joan of Arc," "The Little Minister" and "The Forsyte Saga."

Miriam Hopkins probably will star in "The Richest Girl in the World."

Francis Lederer will star in three: "The Three Musketeers," "Romance in Manhattan" and "El Dorado."

William Powell will star in two, no titles given.

Johnny Weissmuller will star in "Three Stand Alone."

Wheeler and Woolsey are down for two: "Kentucky Kernels" is the one title announced.

### Schedule Made Public

Aside from Cooper's brace, the company divulged the following schedule:

"Joan of Arc" will star Katharine Hepburn in the title role. Pandro Berman will produce.

"The Forsyte Saga," by John Galsworthy, will star Miss Hepburn. The novel will be produced by Pandro Berman.

"The Little Minister," by Sir James Barrie, will star Miss Hepburn with a well-known male star featured. The play is now in preparation and scheduled for autumn release. Sarah Y. Mason and Victor Heerman are working on the script. Pandro Berman will supervise.

"Radio City Revels," a "large scale" musical, laid in and about the Radio City development, will have Ginger Rogers, Fred Astaire and a cast of radio names featured. Pandro Berman will produce.

"The Fountain" is one of the three to star Ann Harding with Brian Aherne featured. Jane Murfin is doing screen adaptation from novel by Charles Morgan. Pandro Berman will produce and John Cromwell will direct. In the cast to date are Jean Hersholt, Paul Lukas and Violet Kemble-Cooper.

"Alien Corn," Broadway stage play by Sidney Howard, will star Miss Harding.

"Roberta," stage musical, will co-star Irene Dunne, Fred Astaire and Ginger Rogers. Jerome Kern composed the music, with adaptation by Otto Harbach and Jerome Kern from novel by Alice Duer Miller. It will be produced under supervision of Pandro Berman.

"The Age of Innocence," based on novel by Edith Wharton, is announced as an Irene Dunne-John Boles starring special. Pandro Berman will supervise. Sarah Y. Mason and Victor Heerman wrote the screen play. Philip Moeller will direct. Laura Hope Crewe, Lionel Atwill and Julie Haydon have been cast to date.

Miss Dunne will be starred in two other productions not as yet chosen.

"The Three Musketeers," by Alexander Dumas, will star Francis Lederer. Kenneth Macgowan will produce and John Ford will probably direct.

"Romance in Manhattan," based on an original by Don Hartman, is another starring vehicle for Lederer. Salisbury Field has written the adaptation. Pandro Berman will produce. Stephen Roberts may direct.

"El Dorado," by Edgecumb Pinchon, author of "Viva Villa," and Albert Shelby Le Vino, will star Lederer. This "romance of California's golden days" will be adapted by Jane Murfin. B. P. Fineman will produce.

"The Gay Divorce," in which Fred Astaire was starred in New York and London, will star him and Ginger Rogers. Pandro Berman will produce and direction will be by Mark Sandrich, with screen play by George Marion, Jr. Alice Brady, Edward Everett Horton, Erik Rhodes and Eric Blore will be featured.

"Kentucky Kernels" will be the first of two Wheeler-Woolsey features. H. N. Swanson is associate producer. It will be an original with words and music by Bert Kalmer and Harry Ruby. The second is untitled.

William Powell will be starred in two productions, one of which will be produced by B. P. Fineman.

"Ho To Shanghai," is one of the two musical specials to be produced by Lou Brock. The second has not yet been titled.

"Jungle" is the title of the new Frank Buck picture. "Jungle" will be sponsored by the Van Beuren Corp.

"Adventure Girl," is Joan Lowell's story of her experiences made on an expedition to Central America. This film is being produced by the Van Beuren Corp.

"Three Stand Alone," novel by E. Arnot Robertson, will star Johnny Weissmuller in "the story of a girl and her two brothers brought from the jungles into civilization."

"Anne of Green Gables," novel by L. M. Montgomery, is scheduled as a modern "Little Women." Kenneth Macgowan is associate producer, with Sarah Y. Mason and Victor Heerman writing the screen play.

"By Your Leave," Broadway stage play by Gladys Hurlbut and Emma Wells, will be produced by H. N. Swanson with a cast including Mary Astor, Frank Morgan and Skeets Gallagher. William Seiter is scheduled to direct.

"Freckles," which RKO says is said to lead all fiction sales for the last 50 years, will be produced with an "outstanding" cast. Gene Stratton-Porter wrote the novel.

"Laddie," another Gene Stratton-Porter novel, will also be filmed.

"Hide in the Dark," novel by Frances Noyes Hart, author of "The Bellamy Trial," will be produced by Pandro Berman, with a cast to be announced.

"The World by the Tail," from the continental play, "Ringstrasse Number Three," by Alador Laszlo.

"The Richest Girl in the World," an original, will be produced by Pandro Berman. Miriam Hopkins probably will be starred.

"The Sea Girl," filmed by James B. Shackleford and George C. Dromgold on the Great Barrier Reef off the coast of North Australia, will be produced by Cliff Reid.

"Wednesday's Child," stage play by Leopold Atlas, will have a cast headed by a leading star and Frankie Thomas, boy of the original production. Kenneth MacGowan will produce.

"False Dreams Farewell," stage drama by

(*Continued on page* 11)

# *What They're Down For*

CHICAGO, June 19.—Definite assignments for stars, players, producers and directors, as far as Radio's product lineup went by official announcement today, follow:

## *Stars and Players*

BRIAN AHERNE—"The Fountain."
FRED ASTAIRE—Co-star with Ginger Rogers in "Radio City Revels" and "The Gay Divorce"; co-star with Miss Rogers and Irene Dunne in "Roberta."
MARY ASTOR—"By Your Leave."
LIONEL ATWILL—"The Age of Innocence."
ERIC BLORE—"The Gay Divorce."
JOHN BOLES—Co-star with Irene Dunne in "The Age of Innocence."
ALICE BRADY—"The Gay Divorce."
BRUCE CABOT—"Hudson River."
LAURA HOPE CREWS—"The Age of Innocence."
STEFFI DUNA—"La Cucaracha" (short).
IRENE DUNNE—Co-star with John Boles in "The Age of Innocence"; co-star with Fred Astaire and Ginger Rogers in "Roberta."
SKEETS GALLAGHER—"By Your Leave."
ANN HARDING—Starring in "The Fountain" and "Alien Corn."
JULIE HAYDON—"The Age of Innocence."
KATHARINE HEPBURN—Star in "Joan of Arc," "The Little Minister," "The Forsyte Saga."
JEAN HERSHOLT—"The Fountain."
EDWARD EVERETT HORTON — "The Gay Divorce."
MIRIAM HOPKINS—"The Richest Girl in the World." Tentative star.
VIOLET KEMBLE COOPER—"The Fountain."
FRANCIS LEDERER—Star in "The Three Musketeers," "Romance in Manhattan" and "El Dorado."
PAUL LUKAS—"The Fountain."
FRANK MORGAN—"By Your Leave."
ERIK RHODES—"The Gay Divorce."
GINGER ROGERS—Co-star with Fred Astaire in "Radio City Revels" and "The Gay Divorce"; co-star with Astaire and Irene Dunne in "Roberta."
FRANKIE THOMAS, JR. — "Wednesday's Child."
JOHNNY WEISSMULLER — Star in "Three Stand Alone."
WHEELER AND WOOLSEY—"Kentucky Kernels."

## *Producers*

GLENDON ALLVINE—"Hudson River."
PANDRO BERMAN—"Richest Girl in the World," "Hide in the Dark," "The Gay Divorce," "Romance in Manhattan," "Age of Innocence," "Joan of Arc," "Forsyte Saga," "Little Minister," "Radio City Revels," "The Fountain" and "Roberta."
LOU BROCK—"Ho, To Shanghai."
MERIAN COOPER—"Last Days of Pompeii," "She."
B. P. FINEMAN—"El Dorado."
KENNETH MACGOWN—"Three Musketeers," "Anne of Green Gables" and "Wednesday's Child."
CLIFF REID—"Sea Girl."
H. N. SWANSON—"By Your Leave" and "Kentucky Kernels."
AMEDEE J. VAN BEUREN—"Jungle" and "Adventure Girl."

## *Directors*

JOHN CROMWELL—"The Fountain." One with Katharine Hepburn. Set for a total of four or five.
JOHN FORD—Several, including "The Three Musketeers."
FREDERICK HOLLANDER—Not set yet.
BEN HOLMES—Six Chick Chandler comedies and six with Clark and McCullough.
WORTHINGTON MINER—Not set yet.
PHILIP MOELLER—"The Age of Innocence."
GEORGE NICHOLLS, JR.—Not set yet.
ARTHUR RIPLEY—Most of the Edgar Kennedy comedies.
STEPHEN ROBERTS—"Romance in Manhattan."
J. WALTER RUBEN—At least three.
MARK SANDRICH—"The Gay Divorce."
ALFRED SANTELL—Several major features.
WILLIAM SEITER—A Wheeler and Woolsey feature and "By Your Leave."
GEORGE STEVENS—More of "Blondes and Redheads" series and some of Edgar Kennedy series.
SAM WHITE—Six "Headliner" comedies and four two-reel musicals.

# 52 Two-Reelers and 53 One-Reelers in Lineup

CHICAGO, June 19.—Radio's shorts lineup will total 200 releases, 104 of them Pathe News.

There will be one special, "La Cucaracha," a two-reeler with Steffi Duna and Don Alvarado; 42 two-reelers and 53 one-reelers.

Two two-reelers break down into eight series:

6 Edgar Kennedy Comedies, formerly the "Average Man" series.
6 "Blondes and Redheads."
6 "Headliners."
6 "Four Star Comedies."
6 Chick Chandlers.
4 Clark and McCulloughs.
4 Ruth Ettings.
4 "Radio Musicals."

The one-reelers break down into five series:

13 "Rainbow Parade" cartoons in color, produced by Burt Gillett.
13 "Toddle Tales," cartoons produced by Gillett.
13 "Dumb-Bell Letters," a sort of "Topics of the Day" idea.
7 "Vagabond Adentures."
7 Pathe Topics, new name for Pathe Review.

Lee Marcus will produce the two-reelers and other shorts made on the coast. The Van Beuren Corp. will produce the Gillett cartoons, "Dumb-Bell Letters" and "Vagabond Adventures."

Van Beuren says he is not cutting shorts for next season on the theory double bills are passing out.

# Modern Novels, Plays High in Radio List

CHICAGO, June 19.—Modern novels and plays make up nearly half of the 30 stories announced today at the Radio sales convention. There are six of each.

In addition there are four classics or semi-classics of the present generation and two costume pictures. Only three musicals are included, and two of a historical nature. There are three originals with modern American background, a Wheeler and Woolsey comedy with musical background, and three outdoor adventure stories. No westerns are on the list, the nearest approach to it being "El Dorado," California gold days story.

Two of the classics are rural dramas by Gene Stratton-Porter, "Freckles" and "Laddie."

The lineup follows:

### *Novels*

"The Fountain," Charles Morgan.
"The Age of Innocence," Edith Wharton.
"Anne of Green Gables," L. H. Montgomery.
"Three Stand Alone," E. Arnot Robertson.
"Hide in the Dark," Frances Noyes Hart.
"She," H. Rider-Haggard.

### *Plays*

"Alien Corn."
"The Gay Divorcee."
"By Your Leave."
"The World by the Tale."
"Wednesday's Child."
"False Dreams Farewell."

### *Classics*

"The Little Minister," Sir James Barrie.
"The Forsyte Saga," John Galsworthy.
"Freckles," Gene Stratton-Porter.
"Laddie," Gene Stratton-Porter.

### *Costume*

"Joan of Arc."
"The Three Musketeers."

### *Musicals*

"Radio City Revels."
"Roberta."
"Ho, To Shanghai."

### *Historical*

"El Dorado."
"The Last Days of Pompeii."

### *Originals*

"Romance in Manhattan."
"The Richest Girl in the World."
"Hudson River."

### *Comedy*

"Kentucky Kernels," Wheeler and Woolsey (with music).

### *Adventure*

"Jungle," Frank Buck.
"Adventure Girl," Joan Lowell.
"The Sea Girl."

# As the Radio Gavel Sounded Order

CHICAGO, June 19.—*Opening session of the Radio convention at the Drake. At the dais, Jules Levy, who presided. Left to right: Robert Trillo, Al Mertz, Sol G. Newman, Phil Reisman, Lee Marcus, Ned E. Depinet, Levy, Robert F. Sisk, Cresson E. Smith and E. L. McEvoy.*

## 30 Listed by Radio; Stars Get Big Play

(*Continued from page* 10)

Hugh Stange, will be presented "on an elaborate scale with a colorful cast."

"Hudson River" will be produced by Glendon Allvine with Bruce Cabot in the cast.

The company declared its star and contract player roster totals 42. How they break down:

Women—MARY ASTOR, ALICE BRADY, HELEN BRODERICK, STEFFI DUNA, IRENE DUNNE, HAZEL FORBES, TAMARA GEVA, WYNNE GIBSON, ANN HARDING, KATHARINE HEPBURN, PERT KELTON, VIOLET KEMBLE-COOPER, FLORENCE LAKE, DOROTHY LEE, POLLY MORAN, VIRGINIA REID, BARBARA ROBBINS, GINGER ROGERS, ADELE THOMAS, THELMA TODD, HELEN WESTLEY AND THELMA WHITE.

Men—BRIAN AHERNE, FRED ASTAIRE, GENE AUSTEN, JOHN BEAL, ERIC BLORE, TOM BROWN, BRUCE CABOT, CHICK CHANDLER, RICARDO CORTEZ, SKEETS GALLAGHER, WILLIAM GARGAN, JEAN HERSHOLT, EDWARD EVERETT HORTON, EDGAR KENNEDY, FRANCIS LEDERER, BEN LYON, PAUL LUKAS, JOEL MCCREA, FRANK MORGAN, WILLIAM POWELL, GREGORY RATOFF, ERIK RHODES, FRANKIE THOMAS, JR., JOHNNY WEISSMULLER, BERT WHEELER AND BOB WOOLSEY.

Robert F. Sisk, director of advertising and publicity, and S. Barret McCormick, advertising manager, discussed exploitation plans for the new product at the morning session.

Phil Reisman, vice-president of RKO Export Corp., was the principal speaker at the afternoon session. His topic was foreign distribution. G. E. Youngman, general counsel for Radio, addressed the convention on the code.

Other speakers of the day were:

Jules Levy, vice-president and general sales manager of RKO Distributing Corp.; Cresson E. Smith, western and southern sales manager; E. L. McEvoy, eastern and Canadian sales manager; A. J. Mertz, short subject sales manager; Fred McConnell, general sales manager of the Van Beuren Corp.; Sol Newman, managing director of Radio Pictures, Ltd., of England; R. R. Doyle, managing director of RKO Radio Pictures (Australasia), Ltd.; Robert Trillo, managing director for RKO in Panama and Central America; Jacobo Glucksman, RKO's distributor in the Argentine, Uruguay, Paraguay and Chile; A. A. Schubart, chief of the contract department, and Frank Kennedy, in charge of playdates.

## Radio Dots and Dashes

CHICAGO, June 19.—S. BARRET MCCORMICK of the advertising department stole in quietly as the festivities got under way.

•

LEON BAMBERGER is being acclaimed RKO's rival to JIMMY DURANTE.

•

F. L. MCNAMEE of Philly and Washington, as usual, had some good fish stories to keep the boys interested.

•

EDDY ECKELS from the coast made his RKO convention debut.

•

FRANK O'HERON, due to a rush of last minute work, missed the convention, but wired his congratulations.

•

JULES LEVY handshaked with practically everyone at the affair in the first few minutes.

•

MIKE POLLER was passing the buck continually to A. A. SCHUBART.

•

Branch Manager HERB GREENBLATT of Cleveland planned to go on a strict dieting season, but when he heard NED DEPINET outline the big shows RKO is to produce, he realized this would be unnecessary.

•

Harmonizing is what GUY BROWN of New Orleans is most fond of. Bad sentence, but facts are correct anyway.

•

DEPINET gave LEVY the laugh each time he tried to get funny.

•

PHIL REISMAN was busy with the handshake. This is PHIL's first season as head of the export department.

•

The key to the town was presented to DEPINET before the convention got under way.

•

HARRY MELCHER of Milwaukee is growing himself a mustache to avoid any further embarrassments with police departments. HARRY was mistaken Sunday eve for Al Capone.

•

Picking violets is the principal diversion of JIMMY AMBROSE, who hails from Wisconsin and is being paged as the best dressed man.

•

Plenty of swell English overheard. The answer—LEON BAMBERGER, RKO's deacon, is around. He's the chap who planned the English lesson exploitation gag on "Little Women" with the school ladies.

•

ELY EPSTEIN, now of Philly, was formerly with the Marines with headquarters in Washington.

•

"SLICK" COLLINS showing around the latest type hairwave. The Atlanta boy denies he had it set.

•

ART GOLDSMITH of Cleveland trying to pawn off his old Chrysler to one of the boys. This is the fourth year ARTIE has tried and failed.

•

BOB SISK gave a lengthy talk on the future advertising, publicity and promotional campaigns.

•

BROWN and HUGHES of the green open spaces were demanding rooms with an ocean view.

•

"ERNIE" WHELPLEY, a "bluenose" from St. John, got the glad hand for doing a swell job in the Maritimes.

•

BOB FOLLIARD of Washington was busy explaining why he has fallen off in his game of golf. He claims it's all because of the new baby.

•

The convention's chief dialectician and mimic is HARRY ZEITELS of New Haven.

## Sales Set for 1,400 Spots, Levy Asserts

CHICAGO, June 19.—Contracts for the 1934-35 Radio lineup have been closed for 1,400 theatres. This includes big circuits as well as individual spots, Jules Levy, general sales manager, told the convention in session here today at the Drake.

Levy pointed out that the contracts were set before a single feature on the new list had been ready for showing.

## Comedy Pair at Banquet

CHICAGO, June 19.—Bert Wheeler and Robert Woolsey will head the talent lineup for the banquet which closes the Radio convention at the Drake tomorrow night. Music will be furnished by Earl Burtnett's orchestra and Ben Bernie and Morton Downey will appear. Air personalities will be furnished by the Chicago NBC studios.

# THE ONLY SHORT SUBJECTS
## Featuring the Child Sensation . . .

# SHIRLEY TEMPLE

**4 Frolics OF Youth**
TWO REELS

**7 Baby Burlesks**
ONE REEL

**SHIRLEY TEMPLE "FROLICS OF YOUTH" THAT ARE MAKING MONEY FOR THE SHOWMEN**

## "MERRILY YOURS"
**with Junior Coghlan**
"Darn good . . . The kids do swell work."—*L. A. Illustrated Daily News*

## "WHAT'S TO DO?"
**with Junior Coghlan, Harry Myers, Lila Leslie**
"Amusing . . . good fun"—*M. P. Herald*

## "PARDON MY PUPS"
**with Junior Coghlan, Kenneth Howell, Dorothy Ward**
Suggested by the story "Mild Oats" by Florence Ryerson and Colin Clements
"Altogether delightful-All do their stuff well, especially Shirley Temple"
*Rob Wagner's Script*

## "MANAGED MONEY"
**with Junior Coghlan**
Played and exploited by the Music Hall, Roxy, Mayfair and Palace Theaters, New York, and now being extensively exploited by the RKO Metropolitan Circuit

From SHOWMEN'S ROUND TABL

### *Shirley Temple Shorts*

Smart showmen are cashing in on the sky-rocketting popularity of little Shirley Temple, the wonder girl of the screen, who has swept the country by her remarkable performance in several recent features.

Several good short subjects were made under the Educational banner before she went into featured roles and should be played, regardless of whether you have played them before.

Book them in and give them a good play in all your advertising, lobby, trailers, etc. It will get you dough especially now while everyone is talking about her. Take this tip, Mr. Theatreman, and contact your Fox-Educational exchange right away.

Shirley Temple short subjects are exploitation specials in leading New York theatres.

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A.
by FOX Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 144 NEW YORK, THURSDAY, JUNE 21, 1934 TEN CENTS

# Loew's-Warners Join in Bid for Fox Met. Houses

## 52 from MGM; Shorts-181; Newsreel-104

### *Forty for New Season Listed by Titles*

CHICAGO, June 20.—Fifty-two features, 181 shorts and 104 issues of Hearst Metrotone News comprise M-G-M's lineup for 1934-35. The assembled home office and the sales force from the United States and Canada will get the detail, as far as the company is announcing it at this time, on Thursday. This will be the opening of three convention days at the Drake.

Announcing 52 as its total, Felix F. Feist, general sales manager, will list 40 properties by titles, refer to a story by Michael Arlen, sans title, and two unnamed all-star feature comedies. The remainder of the program will go unannounced.

The official program contains no

(*Continued on page* 6)

### *Clofine Lining Up Hearst Reel Staff*

Lining up of a staff of cameramen for the new Hearst Metrotone News gets under way this week. Mike Clofine, editor, is setting up the staff to work under him and expects to complete the lineup in three weeks.

The policy of the newsreel under the Hearst organization's own supervision will virtually remain the same as it is now. When Hearst breaks away from Fox in October, there will

(*Continued on page* 6)

### *Clamp Down on New Film School Racket*

HOLLYWOOD, June 20.—The M. P. Producers Ass'n. is clamping down on another new film school racket.

These asserted exponents of the drama are now combing the various hospitals and singling out convalescents, who have taken a new lease on life. The racketeers figure the invalids will snap up several yards of dramatic school coupons in their anxiety to get out and do things.

### *Every Labor Fight's Been Adjusted: NRA*

WASHINGTON, June 20.—Every labor controversy that has arisen in the industry since the code became effective has been successfully arbitrated under the compact, it is declared by

(*Continued on page* 8)

## Para. Led in Film Profits In '33—Cohen

LOS ANGELES, June 20.—That Paramount's 1933 production profit was "greater than that of any other company," is the belief of Emanuel Cohen, Paramount production head, voiced in his address to the company's sales executives and theatre operating partners in attendance here at the annual sales meeting.

The 1933 performance, he pointed out, followed a production loss of $5,000,000 in 1932. As a result, Cohen said, Paramount has "ample funds and tremendous encouragement"

(*Continued on page* 8)

### *Decision Reserved In Chase Bank Suit*

Decision was reserved yesterday by the U. S. Circuit Court of Appeals here on an action brought by Chase National Bank as trustee seeking authorization to file a claim against Paramount Publix for the full amount of a $20,000,000 bond issue and to receive interest payments on the entire issue.

Paramount trustees are contesting the action and are seeking to have the entire claim expunged. Referee Henry K. Davis ruled last spring that Chase's claim should be only in the amount of bonds actually deposited with it by their owners, or approximately $18,500,000. The U. S. District Court upheld the ruling on review and the appeal in the present case was sought by both Chase and Paramount.

### *Just a Trifle*

**"The Skourases," said Attorney Saul E. Rogers yesterday, addressing the court in criticism of the Fox Metropolitan reorganization plan, "pin most of their hopes on a participation in the future profits of the circuit. They're not interested in that $75,000 per year salary."**

**"No," observed Federal Judge Julian Mack, "in the motion picture business a salary of that kind doesn't seem to mean so much."**

## Depinet Gets Strong Praise As RKO Quits

CHICAGO, June 20.—Ned E. Depinet, president of RKO Distributing Corp., was lauded as the man who kept the company going "in its darker days" at the closing session of the RKO convention at the Drake today. The speaker was J. R. McDonough, president of RKO.

McDonough described Depinet as

(*Continued on page* 7)

### *Jersey Overbuying Charges Dismissed*

Although the first two overbuying complaints were decided in favor of the complainants, the New York grievance board yesterday dismissed a third case, which was filed by Jennie

(*Continued on page* 8)

### *Surprise Move Made at Court Hearing Upon Reorganization*

Loew's and Warners joined forces yesterday to put in a $4,000,000 cash bid for the Fox Metropolitan circuit in a surprise move at a hearing on the plan of reorganization sponsored by bondholders of the circuit before Judge Julian W. Mack in U. S. District Court here.

The offer, if accepted by the Fox Met bondholders, would make available to them an additional $1,500,000 in cash now in the custody of Irving Trust Co., as receiver for the circuit. The division of the $5,500,000 aggregate amount would give to the holders of the $13,000,000 bonds of Fox Met an approximate cash settlement of 42 cents on the dollar.

The Fox Met bondholders' committee, author of the plan of reorganization which would continue operation of the circuit by Skouras and Randforce, asked and was granted an adjournment of the hearing before Judge Mack until this afternoon, immediately upon being apprised of the joint

(*Continued on page* 8)

## Bishop for Board To Control Films

KANSAS CITY, June 20.—Naming a board of three outstanding persons—probably a Catholic, a Protestant and a Jew—with full powers to control films was suggested today by Bishop John J. Cantwell of Los Angeles while here en route to Cincinnati. In the Ohio city he will take part in the Catholic conference on the campaign against objectionable films.

He said he believed many film executives were "sympathetic" toward a cleanup.

"The Will H. Hays organization has not succeeded in carrying out its

(*Continued on page* 8)

### *Nebraska and Iowa Worry Over Boycott*

OMAHA, June 20.—Independents in Nebraska and western Iowa who have been feeling the pinch of the Catholic campaign against alleged salacious films, met here today to consider proposals to combat the boycott.

Several reported the boycott has affected the first half of June business

(*Continued on page* 8)

## *Ten Committees Urged To Speed Campi's Work*

Ten committees to hear all appeals and recommend decisions are provided in a plan to prevent Campi's activities from becoming hopelessly clogged. The proposal will be submitted to Code Authority today by the joint legal and local board administration committee named to take action on the problem.

Each of the 10 Campi members will be chairman of one committee, to be supplemented by two other men, whose names are to be drawn from a

(*Continued on page* 7)

MOTION PICTURE DAILY

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## "Curiosity Shop" Is Set as a B. & D. Film

British and Dominions of London will produce Charles Dickens' "Old Curiosity Shop," declared Herbert Wilcox yesterday. He has been in New York for several weeks.

Wilcox stated he planned to use an American star and an American director and photograph the picture in the locales mentioned by the author.

B. & D. now owns the rights to "Brewster's Millions," having purchased the property from Paramount through the Century Play Co.

## Child Loses His Suit

Richard Washburn Child's plagiarism suit against James Hagan, playwright, and Paramount has been dismissed by Federal Judge John M. Woolsey and costs have been awarded to the defendants. Child contended "One Sunday Afternoon" had been taken from his novel, "The Avenger."

## R. A. Roberts Buried

ST. LOUIS, June 20.—The funeral of Russell A. Roberts, former film editor for Fox, has been held here. He also was connected with RKO at one time. Roberts was 58 years old and had been in ill health for several years. His brother, Edward C. Roberts, and four sisters survive.

## Disney Tries Mystery

"Who Killed Cock Robin?" will be Walt Disney's first mystery melodrama. It'll be in color.

# Insiders' Outlook

SO they got together. It isn't all quite clear as yet, but on the basis of what happened in Federal Court in this town yesterday, the Skourases and Randforce are dangling on a limb insofar as their continued operation of the Fox Met houses are concerned. Interesting and totally unexpected as a development, this came about through a business coalition between Loew's and Warners, for this deal at least, and resulted in a cash bid for the 79 metropolitan area houses involved which the bondholders' protective committee will have difficulty in shaking off. . . .

▼

Interesting from another angle and indicating, if not assuring, a cessation of the potential warfare between Loew's and Warners in this area is the consummation of a product deal, mentioned by Albert Warner in San Francisco, which gives Loew half of Warners' 60 and RKO the other half for the new season. The current now appears to be swirling strongly toward a compromise and a business understanding that will take better care of Warners in New York and keep Loew's out of Warner situations elsewhere. That'll save somebody's fingers from being scorched. . . .

▼

The Paramount-Capitol pool isn't getting on any too well and this before it actually starts. The deal is not off, but enthusiasms have cooled somewhat. Remarked a chap yesterday: "It's never a deal until the papers are signed." He proved he's been around, thereby. Conversation yesterday had it the Brooklyn Paramount will go to Loew's if the pool on this side of the river is signatured. Prudence Bonds, a substantial creditor in this instance, doesn't appear hot for the idea. Paramount is reported perspiring over it. Charlie Moskowitz, for Loew's, advises forgetting it. . . .

▼

Curious twist. Distributors who have nothing to do with the Carnera-Baer fight pictures find their percentages in the New York district sailing skyward, because the draw of the squared ring opus is sending up grosses with the percentagers benefiting where ordinarily they might not. In several instances, distributors are getting checks from exhibitors such as they never dreamed of. Those fight films are wending their way merrily across the country, by the way. This, despite the Federal law which is supposed to limit exhibition to the state that housed the scrap. . . .

▼

That much denied deal between Paramount (British) and H. and G. Kinemas—meaning Phil and Syd Hyams as well as Major Gale—may go considerably beyond that which the deal itself indicates. It indicates, for one thing, that major companies, now that the worst of the depression is history, are sticking to their original idea of remaining factors in the theatre field, whether here or abroad. It indicates to some, moreover, that Paramount is preparing to throw down the gauntlet to Gaumont British supremacy in England. . . .

▼

The history behind the scenes is interesting. Probably, it has never been published on this side of the water. Here goes: When Will Evans was managing director of Provincial Cinematograph Theatres, which subsequently provided the substantial backbone of what is now known as G. B., he is understood to have made it very clear that no Paramount picture would play those houses as long as he had anything to say about them. Evans had considerable to say for some time and that was that. The argument appears to have involved some of the Paramount personnel which Evans couldn't see. . . .

▼

Came the time later when Paramount determined to take over the Astoria circuit, located variously in London suburbs. Somewhere in that situation was a promise from John Cecil Graham, managing director for Paramount in England, to the C. E. A., which corresponds to the M.P.T.O.A. here, that his company would not expand theatrewise beyond plans already made. Third angle deals more directly with Gaumont British and its attitude, as expressed often by some of those in the outfit that count, that G. B. couldn't see booking Paramount, or any product company for that matter, unless the product played all of the houses in the big British chain regardless of what first runs Paramount, or any other company, may have had in the West End (Times Square) of London. . . . ▼

That's background. Currently, this ancient history appears to be shoved aside for latter day plans, including purchase of the H. and G. houses, all large, all de luxe and all in London suburbs; a flotation, perhaps by the London Provincial Bank to the tune of $9,000,000 or maybe it will be $10,000,000 and consolidation of Paramount's own holdings into one company together with Astoria Cinemas and H. and G. Those who profess to be familiar with the plan and its possibilities see the way pointed toward expansion up and down the British Isle under the aegis of the broadened company. That is where the competition with Gaumont British looms. . . . KANN

## Stocks Off on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 31 | 31 | 31 | — 3/8 | 200 |
| Consolidated Film Industries | 3 1/2 | 3 1/2 | 3 1/2 | ..... | 300 |
| Consolidated Film Industries, pfd | 15 | 15 | 15 | — 1/8 | 400 |
| Eastman Kodak | 100 | 99 1/2 | 99 3/4 | — 1/4 | 1,200 |
| Fox Film "A" | 14 1/2 | 14 1/2 | 14 1/2 | — 3/4 | 200 |
| Loew's, Inc. | 31 1/2 | 31 1/4 | 31 1/4 | ..... | 3,500 |
| Paramount Publix, cts | 4 3/8 | 4 3/8 | 4 3/8 | ..... | 400 |
| Pathe Exchange | 2 1/2 | 2 1/2 | 2 1/2 | ..... | 100 |
| Pathe Exchange "A" | 23 1/8 | 22 7/8 | 23 | — 1/8 | 800 |
| RKO | 2 1/2 | 2 1/2 | 2 1/2 | ..... | 300 |
| Warner Bros. | 5 7/8 | 5 5/8 | 5 3/4 | — 1/4 | 4,500 |

## Curb Issues Show a Slump

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 5/8 | 12 7/8 | 13 1/4 | — 5/8 | 4,000 |
| Trans Lux | 1 1/2 | 1 1/2 | 1 1/2 | — 1/8 | 100 |

## Paramount F. L. Bonds Up 7/8

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 9 | 9 | — 1/4 | 1 |
| General Theatre Equipment 6s '40, ctf | 9 | 8 7/8 | 9 | ..... | 6 |
| Loew's 6s '41, ww deb rights | 102 | 102 | 102 | ..... | 10 |
| Paramount Broadway 5 1/2s '51 | 44 1/8 | 44 1/8 | 44 1/8 | — 1/8 | 6 |
| Paramount F. L. 6s '47 | 54 3/4 | 54 | 54 3/4 | + 7/8 | 3 |
| Paramount Publix 5 1/2s '50 | 55 1/2 | 55 | 55 1/2 | + 1/2 | 7 |
| Warner Bros. 6s '39, wd | 60 1/4 | 59 3/4 | 60 | — 1/8 | 4 |

*To help maintenance of proper air conditions in the theatre the year 'round*

**AIR CONDITIONING CHARTS**

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1790 BROADWAY NEW YORK

# WHAT DID WE TELL YOU

## ABOUT 1935-QUALITY SHOWS FROM WARNER BROS. THIS SUMMER!

ONE MILLION READ THIS IN LAST WEDNESDAY'S WORLD-TELEGRAM

### *Cinema Speeds Summer Pace; Presents Hits*

### "Fog Over Frisco" Is Leading the List.

By WILLIAM BOEHNEL.

INSTEAD of proceeding according to precedent—it is customary for the cinema to go into its warm-weather repose at this time of the year and, except for the usual run of program offerings, not stick its head out of its summer retreat until late August or early September—the cinema has yielded several pleasant surprises recently.

The first was a brisk, staccato melodrama called "Fog Over Frisco," which is still at the Strand. The story is every bit as fascinating as its title, and is full of gunplay, chases on land and sea, murder and kidnaping and other hair-raising machinery of homicide thrillers.

**Thriller's Duty Well Done.**

If the duty of a thriller is to thrill, then "Fog Over Frisco" has had no peer this year. A grand cast, headed by Bette Davis, Margaret Lindsay and Donald Woods, works its rapid-fire situations up into a fine lather of excitement.

**And Coming Right Up!**

KAY FRANCIS in "DR. MONICA"*

JOE E. BROWN in "CIRCUS CLOWN"°

DEL RIO in "MADAME DU BARRY"*

"HERE COMES THE NAVY" with JAMES CAGNEY and PAT O'BRIEN*

CHARLIE RUGGLES in "FRIENDS OF MR. SWEENEY" with Ann Dvorak*

ROBINSON in "MAN WITH TWO FACES"°

"DAMES" with KEELER, POWELL, BLONDELL*

FRANCIS-HOWARD in "BRITISH AGENT"°

KEELER-POWELL in "FLIRTATION WALK"*

*A Warner Bros Picture °A First National Picture Vitagraph, Inc, Distributors

# RKO-RADIO'S MESSAG

# "GREAT PROPERTIES MAKE GREAT PICTURES"

**THE LITTLE MINISTER** *by Sir James M. Barrie starring* KATHARINE HEPBURN . . . **ROBERTA,** *queen of musical romances . . lilting melodies by Jerome Kern . . .* **FRECKLES,** *Gene Stratton Porter's enduring classic . . .* **THE AGE OF INNOCENCE,** *Edith Wharton's Pulitzer Prize Novel co-starring* Irene Dunne *and* John Boles . . . **RADIO CITY REVELS** *dazzling cavalcade of screen and radio stars in one mighty show . . .* **BY YOUR LEAVE . . . WEDNESDAY'S CHILD . . . THE FORSYTE SAGA,**

# E IN FIVE WORDS

*John Galsworthy's great epic starring* Katharine Hepburn . . . **WHEELER AND WOOLSEY** *in two shows . . the first* "Kentucky Kernels" . . . **THE FOUNTAIN** *starring* Ann Harding . . . *Merian C. Cooper's production of* **SHE** . . **THE ENCHANTRESS** . . *H. Rider Haggard's world's thrilling book* . . . **FALSE DREAMS FAREWELL** . . . **HO! FOR SHANGHAI,** *produced by* Lou Brock . . . **LADDIE,** *Gene Stratton Porter's most beloved book* . . . **THREE STAND ALONE** *starring* Johnny Weissmuller . . . **THE GAY DIVORCE** *with* Fred Astaire and Ginger Rogers . . . . **ANNE OF GREEN GABLES** *"Little Women" of this new season* . . **FRANK BUCK'S "JUNGLE"** . . . **THE THREE MUSKETEERS,** *starring* Francis Lederer . . . **HIDE IN THE DARK,** *best mystery story since "Bellamy Trial"* . . . **EL DORADO** *starring* Francis Lederer, *great love of "Autumn Crocus"* . . . **TWO GREAT STORIES** *starring* William Powell . . . **RICHEST GIRL IN THE WORLD** . . . **ALIEN CORN** *starring* Ann Harding *in the Pulitzer Prize Play by Sidney Howard* . . . **THE WORLD BY THE TAIL** *with* Fred Astaire and Ginger Rogers . . . Merian C. Cooper's *Gigantic Spectacle Drama* **THE LAST DAYS OF POMPEII**

# RKO-RADIO REPEATS

# "PRODUCTIONS *NOT* PREDICTIONS"

# 52 from MGM; Shorts-181; Newsreel-104

(*Continued from page* 1)

mention of Greta Garbo, who is understood to have signed a contract for two more pictures. It says nothing about Laurel and Hardy, who, according to Hollywood report, will make two features. While Leo lists as stars and players, among others, Marie Dressler, William Powell, Myrna Loy, Gloria Swanson, Warner Baxter, Jackie Cooper, Lionel Barrymore, Loretta Young, Constance Bennett, and Helen Hayes no pictures are assigned to them and the promise is made other players will be "announced as the season progresses."

In the lineup are these:

"The Merry Widow" with Maurice Chevalier and Jeanette MacDonald. Ernst Lubitsch directed and Irving Thalberg produced. The cast includes Edward Everett Horton, Una Merkel, George Barbier and Minna Gombell.

"David Copperfield," by Charles Dickens, George Cukor will direct and David O. Selznick produce. Hugh Walpole, Dickens authority, will sit in on the production.

"The Good Earth," by Pearl Buck. Geo. Hill will direct from a script by Frances Marion and Thalberg will produce. Exteriors already have been filmed in China.

Joan Crawford and Clark Gable in "Chained." Story by Edgar Selwyn with Clarence Brown directing. Hunt Stromberg will produce. Cast includes Otto Kruger, Stuart Erwin, Una O'Connor and Marjorie Gateson.

### Shearer in "Barretts"

Norma Shearer in "The Barretts of Wimpole Street" with Fredric March opposite and Charles Laughton in the support. Sidney Franklin directed and Thalberg produced.

Clark Gable, Wallace Beery and Robert Montgomery in "Mutiny on the Bounty." Frank Lloyd will direct and Thalberg produce.

Jeanette MacDonald and Nelson Eddy as leads in "Naughty Marietta," Victor Herbert operetta. Robert Z. Leonard will direct and Hunt Stromberg produce.

"Marie Antoinette," based on Stefan Zweig's best-seller. Norma Shearer in the title role, Charles Laughton as Louis XVI and Herbert Marshall as Count Fersen. Sidney Franklin will direct. Thalberg will produce.

"Biography," stage play, will be made as "Biography of a Bachelor" with Ann Harding and Robert Montgomery in the leads. E. H. Griffith will direct and Thalberg produce.

"In Old Vienna," an orginal by Vicki Baum with book and lyrics by Oscar Hammerstein II and music by Sigmund Romberg. Ramon Novarro and Evelyn Laye will play the leads. Harry Rapf will produce.

"Indo-China," starring Joan Crawford with Victor Fleming directing. Bernard Hyman will produce.

Wallace Beery will star in "West Point of the Air," to be produced by Monta Bell. Richard Rossen will direct. Robert Young will play a lead.

Jean Harlow in "His Brother's Wife," an original by George Auerbach. Lawrence Weingarten will produce.

"Movie Queen," an original by Sidney Skolsky, will be a starring vehicle for Marion Davies. Lucien Hubbard will produce.

"Sequoia," described as a "thrilling story of animals and people of the far western forests," with Jean Parker and Russell Hardie in the leads.

Oscar Hammerstein II will make his debut as a producer with "A Lady Comes to Town," in which Clark Gable and Jeanette MacDonald will co-star.

Two all-star comedies featuring M-G-M contract players to be produced by Charles Riesner and Jack Cummings. Among those appearing will be Jimmy Durante, Charles Butterworth, Louise Fazenda, Stuart Erwin, Ted Healy, Una Merkel.

Michael Arlen's story of Iris March, a sensation as a book and a play, appears on the list. Hollywood reports declare this refers to "The Green Hat."

"China Seas," by Crosbie Garstin.

"Soviet," by Jules Furthman.

"What Every Woman Knows," by Sir James M. Barrie.

"Tish," by Mary Roberts Rinehart.

"Timberline," by Gene Fowler, a current best-selling novel.

"Vanessa," by Hugh Walpole, last in his Rogue Herries series.

"The Wind and the Rain," by Merton Hodge, a Broadway stage play.

"No More Ladies," by A. E. Thomas, current New York play.

"Forsaking All Others," based on the drama by Edward Roberts and Frank Morgan Cavett.

"Her Excellency's Tobacco Shop," by Luzlo Bus Fekete, European stage play.

"The Casino Murder Case," by S. S. Van Dine, latest Philo Vance novel.

"Wicked Woman," by Anne Austin, a novel of the South.

"Evelyn Prentice," by W. E. Woodward.

"The Gravy Game," by Harry Stuhldreher and W. Thornton Martin.

"Any Port in a Storm," by Guy Gilpatric, based on the *S. S. Glencannon Saturday Evening Post* and *Red Book* stories.

"The Bugle Sounds," by Major Zinovi Pechkoff, novel of the Foreign Legion.

"Jungle Red Man," based on the book by Harold Noice.

"Repeal," by Charles Francis Coe, a *Saturday Evening Post* serial.

"Living in a Big Way," novelette by Louis Bromfield.

"Man Crazy," by Vina Delmar, published serially in *Liberty*.

"Pamela Thorndyke," by Moss Hart, author of "As Thousands Cheer."

"Death on the Diamond," by Cortland Fitzsimmons.

"The Winning Ticket," by Robert Hopkins.

"Black Chamber," by Major Herbert O. Yardley.

The New York group, headed by Feist, arrived here this afternoon and found delegates from the four corners of the land on deck and ready for the opening session. Nicholas M. Schenck and Louis B. Mayer, contrary to earlier plans, will not attend. Howard Dietz, Si Seadler and Joseph Vogel are expected to leave New York Thursday afternoon.

J. S. MacLeod is business manager of the convention and Selvyn Levinson, his assistant. The general convention committee is composed of Charles E. Kessnich, chairman; John E. Flynn, George A. Hickey, Walter F. Hayner, William A. Scully, Samuel A. Shirley, Harris P. Wolfberg and Robert Lynch. The reception and house committee is composed of Samuel A. Shirley, chairman; Louis Amacher, Salem E. Applegate, Clarence J. Briant, Frank J. Downey, Clayton T. Lynch, Ralph Pielow, Sam Shurman, Jay E. Willingham, Maurice N. Wolf and William H. Workman.

Felix Mendelssohn heads the enter-

(*Continued on page* 7)

## *Leo Makes Them Roar*

**FELIX F. FEIST**
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**WM. F. RODGERS**
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**THOS. J. CONNORS**
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**SI F. SEADLER**
**Advertising Department Manager**

# *Clofine Lining Up Hearst Reel Staff*

(*Continued from page* 1)

be no lapse of releases, the newsreel picking up where the combined Fox-Hearst semi-weekly leaves off. Newspaper hookups and radio tieups will continue.

E. B. Hatrick, in charge of Hearst's film interests, already has closed with Gaumont Newsreel in England for an exchange of clips. He is now in Paris and from there goes to Rome, Berlin and Vienna on other deals which are expected to give the newsreel complete international coverage. Hatrick returns the middle of next month.

## Current Novels, Stage Hits Favored by M-G-M

CHICAGO, June 20.—The field of current literature and the stage have been thoroughly combed by M-G-M for material. Of the 40 titles to be announced at today's session of the sales convention about half are the output of well known authors in recent months and seven are successful stage plays. Eight originals are on the list.

Oriental interest is capitalized by the choice of three stories, Pearl Buck's "The Good Earth," "Indo-China" and "China Seas."

Three musicals, all of the operetta type, are included. There is only one biographical costume film, "Marie Antoinette," and one from the classics, "David Copperfield." Jimmy Durante is set for two unnamed comedies described as all-star.

The list breaks down this way:

***Musicals***

"The Merry Widow"
"Naughty Marietta"
"In Old Vienna"

***Biographical-Costume***

"Marie Antoinette"—Stefan Zweig

***Classic***

"David Copperfield"—Charles Dickens

***Novels***

"Tish"—Mary Roberts Rinehart
"Timberline"—Gene Fowler
"Vanessa"—Hugh Walpole
"The Casino Murder Case"—S. S. Van Dine
"Wicked Woman"—Anne Austin
"Evelyn Prentice"—W. E. Woodward
"The Gravy Game"—Harry Stuhldreher and W. Thornton Martin
"The Bugle Sounds"—Major Zinovi Pechkoff
"Jungle Red Man"—Harold Noice
"Repeal"—Charles Francis Coe
"Living in a Big Way"—Louis Bromfield
"Man Crazy"—Vina Delmar
"Pamela Thorndyke"—Moss Hart
"Death on the Diamond"—Moss Hart
Story of Iris March (believed based on "The Green Hat")—Michael Arlen

***Plays***

"The Barretts of Wimpole Street"
"Biography of a Bachelor"
"What Every Woman Knows"
"The Wind and the Rain"
"No More Ladies"
"Forsaking All Others"
"Her Excellency's Tobacco Shop"

***Originals***

"Chained"
"His Brother's Wife"
"Movie Queen"
"Soviet"
"Any Port in a Storm"
"The Winning Ticket"
"Black Chamber"
"A Lady Comes to Town"

***Oriental***

"The Good Earth"
"Indo-China"
"China Seas"

***Sea Story***

"Mutiny on the Bounty"

***Air Story***

"West Point of the Air"

***Outdoor Adventures***

"Sequoia"

***Comedies***

Two with Jimmy Durante and all-star cast

## 52 Features and 181 Shorts from M-G-M

(Continued from page 6)

tainment committee. Running mates are Walter E. Banford, Rudolph Berger, Leroy Bickel, Frank D. Drew, Frank C. Hensler, John P. Byrne, John J. Maloney, Jake J. Milstein, Edward K. O'Shea, Grover C. Parsons and William B. Zoellner. Screening committee: Harris P. Wolfberg, chairman; Edwin M. Booth, Henry A. Friedel, Ira Furman, James W. Hanlon, Arthur Lacks, David A. Levy, Maurice N. Saffle, Harry J. Shumow, Wade W. Willman and Langdon Willham. Publicity committee: Si Seadler, chairman; M. L. Simons and W. R. Ferguson. Exploitation and decorations committee: William R. Ferguson, chairman; Morris Abrams, Fred Bartow, William G. Bishop, E. B. Coleman, Benny L. Darrow, C. C. Deardourff, Bert McKenzie, Claude E. Morris, and Norman W. Pyle.

## M-G-M Sets 181 Shorts; 104 Issues of Newsreel

CHICAGO, June 20.—M-G-M will have 181 one and two-reelers on its 1934-35 list, conventioneers will be told today at the Drake. These will be produced at the Hal Roach Studio and the Culver City plant, and by James A. FitzPatrick. In addition, there will be 104 issues of Hearst Metrotone News as usual.

About 35 per cent of the shorts will be made in Technicolor. Eight FitzPatrick Traveltalks will be in color, an innovation for this series, as will six musical revues and 13 musical cartoons.

Laurel and Hardy will contribute three two-reel comedies, in addition to the full length features they have scheduled.

There will be eight two-reel Charley Chase comedies.

Seven special two-reelers starring Irvin S. Cobb.

Eight Thelma Todd-Patsy Kelly co-starring comedies.

Six "Our Gang" two-reelers.

Six two-reel musical revues.

Thirteen single-reel musical cartoons.

Twelve Pete Smith "Oddities."

Six Pete Smith "Goofy Movies."

Eight FitzPatrick "Traveltalks."

## Cukor Has Over 100 English Film Tests

HOLLYWOOD, June 20.—George Cukor brought back more than 100 tests from England. He hopes to get about 67 players out of the collection for "David Copperfield." Optional contracts with 12 were signed in England.

Casting started today, with the idea of dividing the Hollywood English talent with that selected from abroad.

## Operating Three More

RKO is now operating the Uptown, Midtown, Costello and Yorktown theatres, according to the Film Board of Trade. Lee Ochs has notified the board that RKO has assumed all contracts outstanding.

## Mantell Returns Home

Edmund Mantell, Bronx independent circuit operator, has returned from a three months' trip to Europe.

# What They're Down For

CHICAGO, June 20.—Star, player, producer and director assignments for 1934-35, as far as announced by M-G-M, follow:

## Stars and Players

GEORGE BARBIER—"The Merry Widow."
WALLACE BEERY—Co-star with Clark Gable and Robert Montgomery in "Mutiny on the Bounty;" star in "West Point of the Air."
CHARLES BUTTERWORTH—Lead in two all-star comedies, titles not set.
JOAN CRAWFORD—Star in "Indo-China;" co-star with Clark Gable in "Chained."
MAURICE CHEVALIER—"The Merry Widow."
MARION DAVIES—Star in "Movie Queen."
JIMMY DURANTE—Lead in two all-star comedies, titles not set.
NELSON EDDY—"Naughty Marietta."
STUART ERWIN—"Chained;" lead in two all-star comedies, titles not set.
EDWARD EVERETT HORTON—"The Merry Widow."
LOUISE FAZENDA—Lead in two all-star comedies, titles not set.
CLARK GABLE—Co-star with Joan Crawford in "Chained;" co-star with Jeanette MacDonald in "A Lady Comes to Town;" co-star with Robert Montgomery and Wallace Beery in "Mutiny on the Bounty."
MARJORIE GATESON—"Chained."
MINNA GOMBELL—"The Merry Widow."
RUSSELL HARDIE—Lead in "Sequoia" with Jean Parker.
ANN HARDING—"Biography of a Bachelor."
JEAN HARLOW—Star in "His Brother's Wife."
TED HEALY—Lead in two all-star comedies, titles not set.
OTTO KRUGER—"Chained."
EVELYN LAYE—"In Old Vienna."
CHARLES LAUGHTON—"The Barretts of Wimpole Street" and "Marie Antoinette."
JEANETTE MACDONALD—Co-star with Clark Gable in "A Lady Comes to Town;" leads in "The Merry Widow" and "Naughty Marietta."
FREDRIC MARCH—"The Barretts of Wimpole Street."
HERBERT MARSHALL—"Marie Antoinette."
UNA MERKEL—"The Merry Widow;" lead in two all-star comedies, titles not set.
ROBERT MONTGOMERY—Co-star with Wallace Beery and Clark Gable in "Mutiny on the Bounty;" lead in "Biography of a Bachelor."
RAMON NOVARRO—"In Old Vienna."
UNA O'CONNOR—"Chained."
JEAN PARKER—Lead in "Sequoia."
NORMA SHEARER—Star in "The Barretts of Wimpole Street" and "Marie Antoinette."
ROBERT YOUNG—"West Point of the Air."

## Producers

MONTA BELL—"West Point of the Air."
OSCAR HAMMERSTEIN II—"A Lady Comes Comes to Town."
LUCIEN HUBBARD—"Movie Queen."
BERNARD HYMAN—"Indo-China."
HARRY RAPF—"In Old Vienna."
CHARLES F. REISNER and JACK CUMMINGS—Two all-star comedies.
DAVID O. SELZNICK—"David Copperfield."
HUNT STROMBERG—"Naughty Marietta" and "Chained."
IRVING THALBERG—"The Merry Widow," "The Good Earth," "The Barretts of Wimpole Street," "Mutiny on the Bounty," "Marie Antoinette" and "Biography of a Bachelor."
LARRY WEINGARTEN—"His Brother's Wife."

## Directors

CLARENCE BROWN—"Chained."
GEORGE CUKOR—"David Copperfield."
VICTOR FLEMING—"Indo-China."
SIDNEY FRANKLIN—"The Barretts of Wimpole Street" and "Marie Antoinette."
E. H. GRIFFITH—"Biography of a Bachelor."
GEORGE HILL—"The Good Earth."
ROBERT Z. LEONARD—"Naughty Marietta."
FRANK LLOYD—"Mutiny on the Bounty."
ERNST LUBITSCH—"The Merry Widow."
RICHARD ROSSON—"West Point of the Air."

# Ten Committees Urged To Speed Campi's Work

(Continued from page 1)

list yet to be submitted. Each committee will be evenly balanced, with one representative each for distributors, independent exhibitors and affiliated exhibitors.

After the committees hear appeals, reports will be made to Campi with a recommendation for decision. Committees will be in continuous session, hearing appeals as they are filed. Litigants will be given an opportunity to appear before the committee hearing a case. No decision will be made by any committee.

The plan follows lines of the New York clearance and zoning board. The main board here is supplemented by three advisory committees, one for each territory. Individual advisory groups hear protests against present schedules first and then submit recommendations to the main board, which sits Thursday. Litigants appear before advisory committees and also can appear before the main board for additional testimony.

Parceling of appeals will virtually eliminate hearings before Campi, but in cases where complications arise another hearing may be referred to Code Authority.

All Campi will have to do, should the plan be approved today by Division Administrator Sol A. Rosenblatt and Code Authority, will be to pass on recommendations by appeals committees. Campi will have to meet at least every two weeks to make decisions.

Before Code Authority today are more than 37 appeals. Only 31 of the 68 originally on the docket have been disposed of and more are arriving daily. An important decision is due today on the 10 per cent cancellation issue as it affects United Artists.

The joint committee setting up the plan for expediting appeals consisted of Edward Golden, J. Robert Rubin, Charles L. O'Reilly, Edward McKay, R. H. Cochrane and Austin Keough.

All appeals when coming before Campi committees are treated as new cases regardless of what has happened at local code board hearings. Several opinions will be handed down by Code Authority today, one of which will be the Rogowsky-Skouras appeal.

## Refuses to Reopen Labor

Division Administrator Sol A. Rosenblatt has refused a request of the I.T.O.A. to reopen the labor provision of the code as it affects booth operation.

## Depinet Gets Strong Praise as RKO Quits

(Continued from page 1)

the man "whose enthusiasm and faith had kept Radio Pictures alive.

"The great work of the sales force headed by Depinet pulled the company through its depression," McDonough went on, and he said it was but simple justice to him to say that he was largely responsible for the fact that the company today "enjoys a reputation of value among exhibitors, some 1,500 of whom have signed contracts for the new season product without even knowing what it would consist of."

McDonough also lauded the efforts of B. B. Kahane, president of RKO Studios, Inc., for his work in maintaining the quality of Radio films. He said Kahane had in two years made himself a respected leader in Hollywood, and everyone had the right to believe that with him at the head of the studio Radio would continue its present speed. McDonough dedicated himself to the leadership of the company's executives who, he said, were the company's "greatest asset."

The convention closed with a dinner at the Drake tonight. Bert Wheeler and Robert Woolsey headed a program of entertainers.

On the dais were: McDonough, Kahane, M. H. Aylesworth, president of NBC and chairman of the board of RKO Radio Pictures; Major L. E. Thompson of the RKO Theatre Corp.; Depinet; Jules Levy, vice-president and general sales manager of RKO Distributing Corp.; Phil Reisman, vice-president of RKO Export Corp., and Sol Newman, managing director of RKO Radio Pictures, Ltd., of England.

Conventioneers return to their respective headquarters Friday. Several executives remain in Chicago for a few days for conferences.

## N. O. and Vancouver Win in RKO's Drive

CHICAGO, June 20.—Award announcements in the company's playdate contest were made today at the closing session of the Radio convention by Jules Levy, vice-president and general sales manager. It was a 10-week contest started when Ned E. Depinet was named president and ran from March 17 to May 25.

First and second prizes, a full week's salary for all the employes of the two exchanges, went to New Orleans and Vancouver. The others, winning a half week's salary, were Minneapolis, Philadelphia, Winnipeg and Chicago.

## Shorts to Get Feature Care, Says Lee Marcus

CHICAGO, June 20.—Shorts are to receive as much attention as features, declared Lee Marcus at the Radio convention here today at the Drake. They will be treated as "abbreviated major productions," he said, with as much effort per foot as features.

"The success factors of a two-reeler and a feature are identical," he declared. "The essentials for both are —variety, plenty of time for preparation of scripts, competent writers and directors, and new faces to meet the constantly changing public taste."

# Para. Led in Film Profits In '33—Cohen

(Continued from page 1)

for carrying out its new season program. He stated that in 1931 and a large part of 1932 Paramount's pictures were the second most expensive in the business, yet their box-office results ranked them near the bottom of the market.

Cohen asserted Paramount will concentrate on the quality of its product. He declared the company's position had been aided by the development of new and better talent. Cohen outlined the efforts being made by Paramount to keep its product from offending.

"One of the greatest steps of progress made has been the decentralization of our theatres and their operation by the men who built them," he added.

George J. Schaefer, general manager of Paramount, asserted the company "will not have to borrow one red cent from anywhere to meet production costs next year."

Adolph Zukor, Paramount head, said Paramount will meet the problems confronting it "as we met emergencies before." He declared he acceded to a trusteeship for the company to protect its employes, adding that "the future will guarantee Paramount a business course safe and sure."

## Series of Regionals Is Set by Paramount

Los Angeles, June 20.—A schedule of regional meetings to follow the convention was released by Paramount today. The first will open in San Francisco June 25. The second will be in Chicago at the close of the San Francisco meeting. A third is slated for Atlanta June 29-30. On July 2-3 a meeting will be held in Washington. The final regional will be in New York July 6-7.

## Bishop for Board To Control Films

(Continued from page 1)

code, because it has been given no power," he said. "I believe the motion picture industry can solve its problems by handing over strong powers to a board composed of three outstanding citizens."

Federal censorship may follow any failure to clean up, he said.

## *Nebraska and Iowa Worry Over Boycott*

(Continued from page 1)

about 50 per cent. Many who had figured the campaign a spasmodic affair, report the boycott is gaining.

Catholics are receiving weekly instructions on suitable and unsuitable motion pictures. This week's list blacklisted three pictures, "The Black Cat" at the Orpheum, "Now I'll Tell," at the World and "Where Sinners Meet" at the Brandeis.

# *Loew's-Warners Join in Bid for Fox Met. Houses*

(Continued from page 1)

Loew's-Warner offer yesterday. Headed by Morton Bogue of Beekman, Bogue & Clark, attorney for the bondholders' committee, the principals in the plan of reorganization went into an immediate conference with the Loew's-Warner representatives yesterday.

The joint offer by Loew's and Warners came as a distinct surprise to observers who were prepared to witness, instead, a probable competitive battle between the two companies for control of Fox Met. While it was generally expected that both Warners and Loew's would make a bid yesterday for the properties, it was believed that Loew's would enter the fray only in the event Warners' bid was sufficiently large enough to interest the bondholders, the object of the Loew bidding being directed, it was believed, at preventing Warners from acquiring the circuit and thereby upsetting circuit control in the metropolitan area.

### Warner-Skouras Contest

The reversal of this situation, which resulted in the joint $4,000,000 cash bid yesterday by Loew's and Warners acting together, is understood to have been brought about by Warners' determination to contest Skouras participation in the reorganized Fox Met and the realization by both Loew's and Warners that, acting alone or in opposition to each other, there was little or no chance for either of making a bid sufficiently large to interest the Fox Met bondholders.

An understanding between the two companies is reported to have been reached on Monday of this week. A. C. Blumenthal, private investment operator, was said to have been largely responsible for bringing it about. Blumenthal marshaled 45 Fox Metropolitan $1,000 bonds and with them organized an opposition bondholders' group, favorable to the Loew's-Warner offer as counter to the bondholders' committee plan of reorganization.

Saul E. Rogers, as counsel for the Blumenthal bondholders, led off at yesterday's hearing with a criticism of the reorganization plan, which he described as being "not a plan of reorganization at all, but merely a continuation of the receivership policies offering bondholders nothing more than a hope of a gradual liquidation of the claims if, as and when the company earns sufficient amounts."

Leopold Friedman, Loew's attorney, then made the $4,000,000 cash offer on behalf of Loew's and Warners. J. Robert Rubin, vice-president of M-G-M, and Abel Cary Thomas, head of Warners' legal staff, offered cash deposits as evidences of good faith, but the court, viewing the offer as valid, did not require a deposit.

An adjournment to June 28 to consider the offer was asked by counsel for the bondholders' committee, but counsel for Randforce objected to the delay, stating that he felt the issue should be settled at once, as his clients, he felt, should not be expected to operate, conserve and build up Fox Met houses now controlled by them for an indefinite period "and for the benefit of the outside bidders." Judge Mack ruled that, if the Loew's-Warner offer is accepted eventually, the deal is to be considered effective as of yesterday and any losses or expenses incurred by Randforce thereafter will be chargeable to the estate.

Counsel for Skouras interposed that the passing of control of the houses to Loew's might lead to a new anti-trust action such as ensued when Fox obtained control of Loew's several years ago. Rogers, who was general counsel of Fox at the time, advised the court that he "believed the anti-trust laws had no bearing on Loew's participation in the present deal."

Reliable sources reported yesterday that Warners' decision to align with Loew's in a joint bid for the circuit was the outgrowth of ill feeling over recent happenings in St. Louis involving, in particular, a proposed deal for the Ambassador, Missouri and Grand Central. The deal, which was not consummated, was to have been engineered by Warners and Skouras jointly. Retaliation through Warner participation in a Fox Met deal was viewed with favor in the Warner camp, according to these sources.

### How Houses Would Be Split

If the Loew's-Warner bid is accepted, it is said, Warners would take all of the Fox Met holdings in New Jersey and the remainder, in New York and Brooklyn, would go to Loew's. Both M-G-M and Warner product would be interchanged.

The principal assets of Fox Met which are being bid for are 79 theatre leaseholds with an average life of more than 16 years and eight theatre fee properties.

The Loew's-Warner bid was the only "outside" bid made yesterday. David W. Kahn, attorney, who told the court some time ago that he was prepared to offer $3,000,000 cash for the assets, did not put in an appearance at the hearing. Kahn is reported to have been representing Walter Reade, Joseph Plunkett and Frank V. Storrs, as a combine.

Indications are that if a majority of the Fox Met bondholders are not in favor of accepting the Loew's-Warner bid, the bondholders' committee may petition for reorganization under Section 77 B of the new Federal bankruptcy laws and under the protection of these statutes will forward their plan of reorganization as already drawn. The committee, representing about 85 per cent of the bondholders, is believed to be in a position to consummate the reorganization plan under the new bankruptcy laws which require the approval of only two-thirds in amount of creditors.

## *Vogel Among Judges*

A-Mike Vogel of *Motion Picture Herald*, Charles E. Lewis of *Showmen's Round Table* and Albert L. Warner will act as judges of the best exploitation campaign on "The Circus Clown." There will be 14 prizes.

## *Gerke Rites Tomorrow*

Funeral services will be held tomorrow morning for Mrs. Fred L. Gerke, aunt of Colvin Brown, vice-president of the *Quigley Publications*. She is survived by her husband, who is in the 16mm. business here.

# Trustees Hold Up All Action On Paramount

Pending final naming by the U. S. District Court here on July 10 of permanent trustees of Paramount Publix under the new bankruptcy laws, all matters pending under the old bankruptcy, including the Saenger theatres reorganization plan, will be held in abeyance, it was learned yesterday.

The former Paramount trustees in bankruptcy, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, have been named temporary trustees under the new bankruptcy laws, pending the creditors' hearing before Judge Alfred C. Coxe, July 10, at which time, it is expected, the appointments will be made permanent. In the meantime, however, all deals inaugurated under the old bankruptcy will not be pressed at hearings before referees in bankruptcy and new deals will not be entered into by the trustees except those of a routine or non-controversial nature.

The first of a number of important pending deals to be delayed is the Saenger reorganization plan, which was to have been passed upon today by Referee John E. Joyce at a creditors' meeting. An adjournment until after July 10 will be taken by counsel for the trustees today and a new petition may be filed in the meantime, retaining the essential Saenger reorganization plan but conforming to technical changes brought about by the new bankruptcy laws.

A second important deal which will be held in abeyance is a permanent operating agreement for the United Detroit Theatres, now being operated by George W. Trendle on a temporary basis. Trendle's offer of a permanent operating partnership is scheduled for hearing before the referee in bankruptcy on Monday, but will also be adjourned until after July 10.

## *Every Labor Fight's Been Adjusted—NRA*

(Continued from page 1)

the National Recovery Administration in its official organ, *The Blue Eagle*. In most cases, it is pointed out, the arbitration settlements resulted in increased wages or employment.

"The motion picture code is the only one in which every employer and every union organization of workers in an industry has signed an agreement to arbitrate before resorting to lockouts or strikes," the publication asserts.

## *Jersey Overbuying Charges Dismissed*

(Continued from page 1)

Jelin of the Opera House, New Brunswick, N. J.

The woman exhibitor charged RKO with buying up all first run product for the State and Rivoli in that city, claiming she had only 38 pictures for the current season.

RKO contended it had bought 317 for its two houses, which use six a week under present policies. In dismissing the complaint, the board found that RKO needed all the product it had bought.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 145 NEW YORK, FRIDAY, JUNE 22, 1934 TEN CENTS

# Favor Hays Plan, But Church Campaign Stays

## Catholic Pledges Reach 4,539,000

**Hollywood, June 21.—Gerard Donnelly, S.J., associate editor of the Catholic organ *America*, reports 4,539,000 Catholics having signed the "Legion of Decency" pledge to boycott all indecent pictures.**

**The quota had been set for 5,000,000 originally.**

## Catholic Bishops Issue Statement in Cincy On Film Drive

CINCINNATI, June 21.—The renewed efforts of the industry at self-regulation were viewed with sympathy in a statement issued after a meeting today of the Catholic Bishops' Committee on Motion Pictures at the residence of the Archbishop of Cincinnati in Norwood. The prelates, however, made it emphatic that the drive of the Legion of Decency, which has gathered its forces on a nation-wide front, must be maintained.

The members of the committee are Archbishop John T. McNicholas, Bishop John J. Cantwell of Los Angeles, Bishop Hugh C. Boyle of Pittsburgh and Bishop John F. Noll of Fort Wayne.

The statement follows:

"During the past several months the Catholic Bishops' Committee on Motion Pictures, in cooperation with the authorities of all the dioceses of the country, has been waging a campaign of protest against the destructive moral influence of evil motion pictures. There has been no wish to harm nor destroy the motion picture business, but the evil character of portions of many motion pictures and the low standards of some motion pictures have forced the bishops to take direct and aggressive action in

(Continued on page 32)

## Warners Get $4,000,000 In Erpi Case

### Six Year Old Litigation Finally Settled

Settlement of all pending litigation between Warners and Erpi was made public late yesterday, providing for the payment to Warners of $4,000,000 in cash and negotiable notes. Terms and necessary papers are understood to have been agreed upon and signed at least three weeks ago.

Under the settlement Warners agree to the surrender by their subsidiary, the Vitaphone Corp., of its right to participation in future royalties received by Erpi from its licensees, and, in addition, Warner Bros. Pictures, Inc., continues as a licensee of Erpi's. In addition to these considerations and the conclusion of all litigation between the two, the settlement clears the accounts of both companies, one against the other, outstanding at various dates.

The $4,000,000 payment to Warners is to be made by Erpi with

(Continued on page 31)

## Money Worry Not Hurdled Yet—Schaefer

LOS ANGELES, June 21.—Satisfied with the progress Paramount has made during its business crisis, George J. Schaefer nevertheless warned conventioneers at a late session Wednesday evening that many financial problems continue to face the organization. "Our faith, mental and physical endurance were taxed to the limit, yet

(Continued on page 30)

## 38 Starring Vehicles in M-G-M Lineup

Thirty-eight of M-G-M's 52 for the new season will be starring vehicles, although eight of the total, listed as specials, will play title over casts.

Giving more detail than the product lineup divulged to the conventioneers on Wednesday, how the product apportions itself, according to the company's advertising insert which ap-

(Continued on page 31)

## Goldman Organizes; Prepares to Return

DOVER, Del., June 21.—William Goldman Theatres, Inc., has been chartered here with capital stock of 100 shares, no par value. The incorporators are J. Vernon Pimm and Albert G. Bauer of Philadelphia and R. L. Spurgeon of Wilmington.

This company indicates Goldman is preparing to return to exhibition. For years prominent in St. Louis and latterly zone manager for Warners in Philadelphia, Goldman effected a settlement on his contract a few months ago and since has been on the inactive list.

## Para. Is Reported After A.B.C. Chain

Reports current in New York and London insist Paramount (British) is negotiating with John Maxwell of Associated British Cinemas, Ltd., as a parallel deal to the purchase of the

(Continued on page 27)

## Warners May Pull Out of St. Louis

ST. LOUIS, June 21.—Warners are expected to withdraw from local theatre operation in September when the lease on the Shubert Rialto expires.

They entered the local situation

(Continued on page 27)

## Cleveland Enthused Over Death of Duals

CLEVELAND, June 21.—Exhibitors are enthusiastic over the impending single feature policy which will apply throughout Greater Cleveland beginning July 8. At a meeting of the Cleveland M. P. Exhibitors Ass'n, a rising vote of appreciation was accorded M. B. Horwitz for his work in eliminating duals.

The *Catholic Universe Bulletin* hails elimination of duals as marking "the first victory in the Bishop's Crusade for clean films."

## *Bond Holders Seen Against Loew-W. B. Bid on Fox Met.*

**Loew's out of Newark, North Bergen and Jersey City, N. J., leaving the field clear for Warners. The latter out of Broadway and Brooklyn, turning the Warner Hollywood, Brooklyn and New York and Brooklyn Strands to Loew's—this was reported yesterday an eventuality if the combination bid on the Fox Met, circuit wins. C. C. Moskowitz of Loew's denies.**

**The angle is reported delaying the Paramount-Capitol pool as well.**

With a declaration from counsel for the Fox Metropolitan bondholders' protective committee that he would recommend rejection of the Loew-Warner joint offer of $4,000,000 cash for the circuit's 79 leases and eight theatre fee properties, and another from U. S. District Court Judge

(Continued on page 27)

## Group of 50 Will Give Campi Aides

Campi will have a panel of approximately 50 to draw from to set up the 10 committees on appeals' hearings to expedite work of the major body. Names of exhibitors, exchange men and other personnel from all parts of the country will be on the

(Continued on page 32)

## U. S. Trade Body May Judge Plaints

WASHINGTON, June 21.—Cases involving violations of the code may be brought before the Federal Trade Commission under an arrangement which has been worked out for the

(Continued on page 27)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## "Vergie Winters" Is Turned Down in Ohio

COLUMBUS, June 21.—The censor board here refused a permit today for "The Life of Vergie Winters." Consensus of local trade opinion is that rejection of the picture came as a gesture for the benefit of the meeting of Catholic bishops which opened today at Cincinnati.

A second factor credited in trade circles with influencing the decision is the recent crusade carried on here by Dr. B. F. Lamp, secretary of the Ohio Council of Churches, calling upon censors to reject objectionable films in their entirety in preference to deleting only certai nscenes.

A number of first run situations hereabouts had set in the film.

## Music Hall Beats Roxy

The Music Hall nine beat the Roxy ushers on the diamond yesterday by a score of 10-9.

Standings in the M. P. Baseball League are:

| | Won | Lost |
|---|---|---|
| Erpi | 2 | 0 |
| National Broadcasting | 1 | 0 |
| Columbia | 1 | 1 |
| RKO | 0 | 0 |
| Warner Club | 0 | 1 |
| Rockefeller Center, Inc. | 0 | 2 |

## I. T. O. A. Sail on July 11

The I. T. O. A. will hold a boat ride July 11. The entire membership has pledged support to the event.

## Sign for a Colbert

HOLLYWOOD, June 21.—Warners have made a deal with Claudette Colbert for one picture.

# Purely Personal

ED KUYKENDALL, M. P. T. O. A. president, leaves for Detroit today to attend the International Conference of Rotary there. He returns east in time for the June 28 meeting of M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware at Philadelphia then journeys to Atlanta for the Southeastern Theatre Owners' convention, July 1 to 3, and returns to his home at Columbus, Miss., July 4.

KING VIDOR arrives in New York on July 11 with a print of "Our Daily Bread," Viking production directed by him for U. A. release. The purpose of his visit will be to arrange for an early release of the film and to gather material for future Viking films.

LEWIS JACOBS, one of the editors of *Experimental Cinema,* has been signed to direct a film based on the life and drama of the Hopi Indians. JOHN L. NELSON, recently with the Museum of the American Indian, will be the producer.

O. W. JACKSON, head of O. W. Jackson & Co., manufacturers of Tyl-O-Mats, left with Charles Moskowitz for an extended inspection tour of the Loew's theatres throughout New England.

STANLEIGH FRIEDMAN of the Warner legal department sailed on the *Majestic* Wednesday night. That day however, he went up the Hudson on the Warner Club boatride. It was his bon voyage party.

NORMAN DRYDEN, who plays the lead in "The Tell-Tale Heart," flew in from the coast to make personal appearances with the picture, now current at the 55th St. Playhouse.

I. W. SCHLESINGER, financier and large South African theatre owner, is en route to London after a visit of several weeks with his brother, M. A. SCHLESINGER.

DIVISION ADMINISTRATOR SOL A. ROSENBLATT was in town early to clean up some business on other codes before attending yesterday's Campi session.

MRS. M. G. ASHCRAFT, treasurer and manager of Imperial Electric & Mfg. Co. of Los Angeles, is in town demonstrating the new D. C. Arc Lamp.

RICHARD BARTHELMESS made his first appearance on the radio last night as a guest star on RUDY VALLEE's coast-to-coast program on the NBC network.

HARRIET RATNER, Universal assistant purchasing agent, leaves the force for a while to prepare the bassinet. HARVEY NASS will substitute.

THOMAS J. VALENTINE, who did the sound effects on "Wild Cargo," is equipping the Red Barn at Locust Valley, L. I.

BOB SMELTZER, Warners eastern district manager with headquarters in Washington, is in New York for conferences with A. W. SMITH, Jr.

ALBERT TREYNOR'S "Hawk of the Desert," has been bought by Fox. SOL M. WURTZEL will produce.

MERVIN LIGHT, Broadway stage actor, has signed a contract with Warners and starts today for the studios.

NAT KARSON, well-known caricaturist, is in London. "Burning the town up and vice versa," he pens.

EUGENE PALLETTE, actor, and his wife are in New Orleans en route from Hollywood to New York.

GORDON KAHN'S original, "Gigolette" has been purchased by BILL SAAL. It will be Select's second.

SID LEHMAN, U. A. salesman in Washington, is in town for a week's vacation.

MONROE GREENTHAL, just in from the Continent, is telling of the swell time he had in Paris.

MRS. WILL WHITMORE is enjoying a long vacation in Texas, visiting her family.

MIRIAM MARCH, dancer, opens today at the Paramount in a featured spot.

CHARLES ROSENZWEIG is back from his tour of First Division exchanges.

SIDNEY SAMUELSON is on another vacation.

ARNOLD VAN LEER leaves for Atlantic City this week-end.

LESLIE HOWARD is aboard the *Majestic,* England-bound.

KAY FRANCIS sails tomorrow for Europe aboard the *Rex.*

EDNA MAY OLIVER returned from Europe yesterday aboard the *Rex.*

KITTY CARLISLE arrived in town by plane yesterday, vacation-bent.

## Most on Big Board Weaken

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30¾ | 30¾ | 30¾ | — ¼ | 100 |
| Eastman Kodak | 99⅜ | 99¼ | 99⅜ | — ⅜ | 200 |
| Fox Film "A" | 14¼ | 14 | 14 | — ½ | 900 |
| Loew's, Inc. | 31⅝ | 31¼ | 31¼ | ..... | 1,400 |
| Paramount Publix, cts | 4⅜ | 4¼ | 4¼ | — ⅛ | 2,700 |
| Pathe Exchange | 2¾ | 2½ | 2½ | ..... | 700 |
| Pathe Exchange "A" | 23¼ | 22¾ | 22¾ | — ¼ | 1,100 |
| RKO | 2½ | 2½ | 2½ | ..... | 700 |
| Warner Bros. | 5⅞ | 5¾ | 5⅞ | + ⅛ | 2,300 |

## Trans-Lux Rises ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¼ | 12⅞ | 13¼ | ..... | 2,100 |
| Trans-Lux | 1⅝ | 1⅝ | 1⅝ | + ⅛ | 100 |

## Many Bonds Take a Loss

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¼ | 9⅛ | 9¼ | + ¼ | 2 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8½ | 8½ | — ½ | 1 |
| Keith B. F. 6s '46 | 68⅛ | 68⅛ | 68⅛ | — ⅞ | 1 |
| Loew's 6s '41, ww deb rights | 101⅞ | 101½ | 101½ | — ½ | 7 |
| Paramount Broadway 5½s '51 | 43 | 43 | 43 | —2 | 4 |
| Paramount F. L. 6s '47 | 55 | 55 | 55 | — ¾ | 12 |
| Paramount Publix 5½s '50 | 55¾ | 55⅛ | 55¾ | + ¼ | 28 |
| Pathe 7s '37, ww | 99 | 98½ | 98½ | —1 | 3 |

## "Rothschild" Gross At Astor $258,777

"The House of Rothschild," which closed its two-a-day run at the Astor Tuesday night, occupied the house for 14 weeks and did a bulked gross of $258,777.

The week-by-week tally:

| Week Ending | Gross |
|---|---|
| March 20 | 21,167 |
| March 27 | 23,600 |
| April 3 | 23,500 |
| April 10 | 23,730 |
| April 17 | 23,000 |
| April 24 | 19,500 |
| May 1 | 19,600 |
| May 8 | 18,000 |
| May 15 | 16,900 |
| May 22 | 15,800 |
| May 29 | 14,780 |
| June 5 | 13,200 |
| June 12 | 15,400 |
| June 19 | 10,600 |
| Total | $258,777 |

"The Life of Vergie Winters," which closed a week at the Music Hall Wednesday night, grossed $67,000.

"Are We Civilized?" which did a week at the Rivoli, now dark, did an estimated $9,500.

## "Rothschild" for Rivoli

"The House of Rothschild" is definitely set to reopen the Rivoli around July 18.

## Eastern Dividend

TORONTO, June 21.—Its regular semi-annual dividend of $3.50 on its preferred stock, payable July 31 to stock of record June 30, has been declared by Eastern Theatres, Ltd.

## Drops Rand from Show

SYRACUSE, June 21.—At the request of local Catholic churchmen Loew's State has canceled Sally Rand's appearance in the show opening tomorrow.

## Korda After Robeson

LONDON, June 21.—Alexander Korda is reported after Paul Robeson for a role in "Kongo Raid."

## Trans-Lux for Bklyn.

An addition to the Trans-Lux chain is planned at 561-563 Fulton St., Brooklyn, at a cost of $100,000.

*To help maintenance of proper air conditions in the theatre the year 'round*

**AIR CONDITIONING CHARTS**

*Fit the pocket or may be tacked on wall. Only limited number available. Order now. Price 25 cents.*

BETTER THEATRES
1790 BROADWAY NEW YORK

# *They are* PICTURES *now!*

**Set your dates from the pages of the BIG Fox BOOK for . . .**

**AUGUST!**
**SEPTEMBER!**
**OCTOBER!**

EXTRA Fox Showmanship News EXTRA

SEASON 1934-35

# STAR POWER GREATEST IN FOX HISTORY SAYS S. R. KENT IN KEYNOTE MESSAGE!

HAVING put its own financial house in order, Fox Film Corporation faces the coming season with every ounce of manpower and all its resources free to devote themselves to the sole task of producing outstanding motion pictures.

We have recognized that one of the grave problems in present day exhibition is the scarcity of box office personalities. To solve this problem, the production department of this company during the last year has literally scoured the world for talent. From the legitimate stage, from Europe and from the ranks of the most promising of the younger players, we have recruited a large and growing company of talented artists. Already some of these newcomers have registered heavily with the public. Others, in whose talent and personalities we have equal confidence, will be introduced on the screens of the world during the coming season.

The development of new personalities is not alone a problem of Fox Film Corporation. It is a problem of every producing company and every exhibitor. The exhibitor has just as big a stake in the discovery and nurturing of talent as the producer, and he should advertise and exploit these new people for his own benefit and the benefit of the industry at large.

In our Annual Announcement Book, which is now in the hands of the world's leading exhibitors, we have displayed the pictures of Fox personalities and also have outlined some of the productions which we will release next season. We have purposely refrained from advertising all of our productions, preferring to set forth in this book only those pictures that are definitely formulated and which it is our intention to make. Thus, exhibitors can place more reliance on the productions we have announced, while at the same time, our studio will not have its hands tied but will have ample opportunity to enlarge its plans as the season progresses. In addition to the pictures that we do list in the book, we have several other very important ones which we shall announce later.

In the following pages we show you some of the company of Fox players and the pictures which we will release in August, September and October. These pictures are either already completed or are actually in production.

Our production department, under the direction of Mr. Winfield Sheehan, is functioning better than it ever has in the history of this company. Around him Mr. Sheehan has gathered a notable staff of writers, and also has assembled a group of directors whose records prove their ability to make pictures that will suit the public taste.

With this program and with these producing resources at hand we are extremely confident that Fox Film Corporation, during the coming year, will deliver to the screens of the world a product that will bring prestige and profit to every exhibitor playing it.

S R Kent

President, Fox Film Corporation

SIEGFRIED RUMANN

JANET GAYNOR

VIRGINIA LOOMIS

CLAIRE TREVOR

RAUL ROULIEN

NORMAN FOSTER

DRUE LEYTON

WILL ROGERS

HUGH WILLIAMS

NICK FORAN

HARRY GREEN

CONCHITA MONTENEGRO

CHARLES BOYER

HAROLD LLOYD

ROSEMARY AMES

MITCHELL • DURANT

HERBERT MUNDIN

ALICE FAYE

# FOX SHOWMANSHIP STARS

NED SPARKS

MONA BARRIE

JOHN BRADFORD

PEGGY WOOD

WARNER BAXTER

WARNER OLAND

***CHARLES FARRELL***

***"PAT" PATERSON***

***LILIAN HARVEY***

***JOSE MOJICA***

***SHIRLEY TEMPLE***

***JOHN BOLES***

JOE COOK

DAVE CHASEN

JAMES DUNN

ROCHELLE HUDSON

HELEN TWELVETREES

TITO CORAL

VICTOR JORY

MAXINE LOOMIS

LEW AYRES

FRANK MELTON

SPENCER TRACY

ROGER IMHOF

MADELEINE CARROLL

PEGGY FEARS

KETTI GALLIAN

as seen by the famous French artist, Edouard Chimot, whose fame circles the globe.

STEPIN FETCHIT

Big is right! Big enough for a road show . . . big enough for a $2 showing. That's *exactly* what "The World Moves On" is.'"A "special" in every sense of the word. No doubt you've heard about it . . . and are wondering when you can date it in. We don't blame you! It will be a Big Day when you do!

FOX SHOWMANSHIP NEWS

*With* PRIDE

FOX FILM *presents*

# THE WORLD MOVES ON

## MADELEINE CARROLL

and

## FRANCHOT TONE

Produced by Winfield Sheehan

Directed by John Ford

Story and screen play by Reginald Berkeley

*You'll cheer this . . .*

*Note — This picture will be separately licensed and will not be included in any general license of FOX 1934-1935 product*

Smart showman that he is... and your top-draw comedy star...Harold Lloyd has done it again! Stepped out and got the Clarence Budington Kelland Saturday Evening Post serial (*and* best-seller). Gathered together a swell supporting cast (*Look at them!*) And made a corking laugh-and-suspense knockout...with *plenty* of love interest. Not only *different,* but his *best*...and that's SOMETHING!

FOX SHOWMANSHIP NEWS

# HAROLD LLOYD *in* THE CAT'S-PAW

## STORY READ BY MILLIONS BOUGHT BY HAROLD LLOYD

As the first of his new comedies to be released by Fox Film Harold Lloyd has selected the widely read "The Cat's Paw" a story by Clarence Budington Kelland which published in the Saturday Evening Post made an enormous status when it appeared in serial form. It is because of the story's tremendous popularity and public interest that the star purchased it, departing from his past practice of making his pictures from original screen stories.

Still well remembered and treasured are the comedies which established Lloyd as one of the greatest box-office attractions of the motion picture industry. Among his consistent successes were "Grandma's Boy," "The Freshman," "Safety Last," "Girl Shy," "The Kid Brother" and "Speedy." More recently the comedian made "Welcome Danger," "Feet First" and "Movie Crazy."

The last named comedy was filmed in 1929, and since then Lloyd has been inactive, thereby depleting the annual grosses of the nation's theatres. His return to production therefore is regarded as a bonanza of new prosperity to exhibitors everywhere.

The supporting cast assembled by Harold Lloyd for "The Cat's Paw" includes Una Merkel, Alan Dinehart, Grant Mitchell, Warren Hymer, Nat Pendleton and George Barbier. Sam Taylor, responsible for many of the comedian's past successes, directed.

### *A Statement of Fact—*

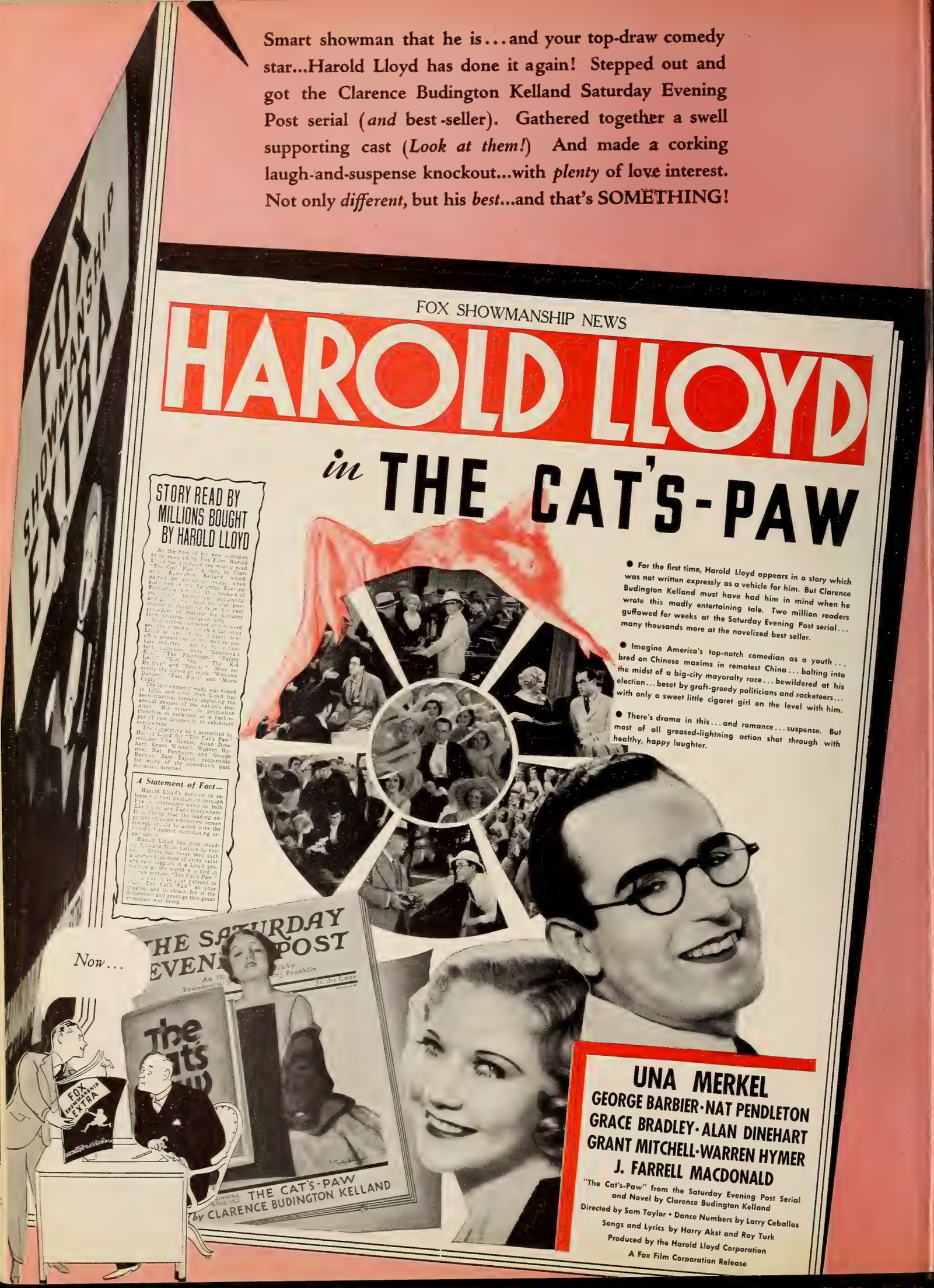
Harold Lloyd's decision to release his next production through Fox is interesting news to both Exhibitors and Fans everywhere. It is fitting that the leading exponent of clean wholesome screen comedy should be allied with the world's foremost distributing organization.

Harold Lloyd has gone steadily forward from success to success. There has never been such a combination as mint of story value and cast appeal in a Lloyd production as the world will find in this new picture, "The Cat's Paw." ... Come to your patrons to "The Cat's Paw" at your theatre, and to obtain for it the distinction and prestige this great comedian will bring.

● For the first time, Harold Lloyd appears in a story which was not written expressly as a vehicle for him. But Clarence Budington Kelland must have had him in mind when he wrote this madly entertaining tale. Two million readers guffawed for weeks at the Saturday Evening Post serial... many thousands more at the novelized best seller.

● Imagine America's top-notch comedian as a youth... bred on Chinese maxims in remotest China... bolting into the midst of a big-city mayoralty race... bewildered at his election... beset by graft-greedy politicians and racketeers... with only a sweet little cigaret girl on the level with him.

● There's drama in this... and romance... suspense. But most of all greased-lightning action shot through with healthy, happy laughter.



Here's the kind of a show that hits women where they live . . . in the heart . . . how they'll sympathize with this girl . . . who didn't think she was good enough for an unspoiled love . . . but was big enough to risk her life for the youth whose affection she refused. A great role for Rosemary Ames . . . and she makes the most of it.

FOX SHOWMANSHIP NEWS

DAILY GRAPH

EXTRA

# UNKNOWN BEAUTY KILLS 'SWEETIE' TO SAVE LIFE OF YOUTH SHE SPURNED

*Mystery woman then disappears;—Police on trail!—Boy silent;*

NRA WE DO OUR PART

# WANTED

## ROSEMARY AMES

PERT KELTON • HENRY B. WALTHALL

Produced by Sol M. Wurtzel  Directed by Louis King

Screen Play by Lester Cole and Stuart Anthony

**Rosemary Ames Achieves Greatness in Throbbing Love Sacrifice Tale!**

Hailed by audiences as a superlative actress of brilliant promise in her last FOX picture . . . Rosemary Ames steps forth in a vividly dramatic portrayal of a woman who deemed herself unworthy of a clean, unspoiled youth . . . but bravely dared to sacrifice everything she held dear to protect him from peril! *Absorbing entertainment for women everywhere!*

Just what Lilian Harvey needs to leap *way* up in front. This has *everything!*... Marvelous romance... the tender, "Seventh Heaven" kind. Plenty of production value. And music? It builds up to Franz Schubert's "Song of Love"... the one that makes the women dream about their first kiss. FOX is lining up a great supporting cast. Brother, it's *in!*

FOX SHOWMANSHIP EXTRA

FOX SHOWMANSHIP NEWS

# AS YOU WANT HER!

# LILIAN HARVEY

## starring in a sparkling story with music!

# "SERENADE"

• The romance immortalized by that deathless refrain . . . Franz Schubert's "Song of Love"... emerges as one of the most beautiful and appealing stories of the screen. Perfect for the exceptional talents of Lilian Harvey... tuneful with haunting melody . . . its rich emotional values insure certain and widespread success.

**Produced by John Stone Directed by Paul Martin**
**Story by Richard Carroll**
**Screen play by Lynn Starling**

FOX

Charlie Chan is a movie habit with millions of people. When those Chan fans see Warner Oland snooping around London's Limehouse . . . dodging death . . . and showing Scotland Yard how to track a murderer . . . they'll get a dozen *new* kinds of shivers. And every shiver means money in your bank account.

FOX SHOWMANSHIP NEWS

## WARNER OLAND RETURNS TO FIRST LOVE AS "CHARLIE CHAN"

**Insists on playing sleuth he made immortal on screen**

Movie fans will be delighted to learn that Warner Oland again will appear in two pictures this year as Charlie Chan, Earl Derr Biggers' detective character. The pictures are "Charlie Chan in London" and "Charlie Chan in Paris."

Despite his success in other roles, such as he portrayed in "Shanghai Express," "As Husbands Go" and "A Passport to Hell," Oland feels most at home as "Chan." The screen original, he portrayed the fiction sleuth in "Charlie Chan Carries On," "The Black Camel," "Charlie Chan's Greatest Case," and, recently, "Charlie Chan's Courage."

His continued association with the role, plus a physical appearance identical with the mythical detective have caused millions to regard Warner Oland as Charlie Chan, himself.

# CHARLIE CHAN IN LONDON

*Earl Derr Biggers' famous character played by*

# WARNER OLAND

*Now let's meet the people's friend . . .*

Chan . . . Earl Derr Biggers' famous character
again! Far and away the most popular of
modern fiction detectives . . . suave, mellow, kindly . . .
but fearless, tireless, relentless in hounding crime . . .
wise sayings have b household words . . . his
s unfailing b s year FOX shows him
in Londo raught slums . . . thread-
in darkest dens of Paris.

Produced by John Stone

Directed by George Hadden

Screen play by Philip MacDonald

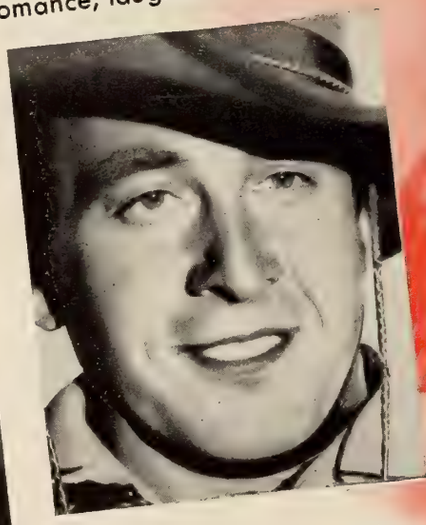
FOX

When George O'Brien and Zane Grey get together... it's time to think about preferred playing time. Saturday nights and Sundays . . . with the house packed full of kids . . . of *all* ages. *We're telling YOU!* This is the first of a series with George . . . your box office reliable! Just the beginning of a lot of good news.

FOX SHOWMANSHIP NEWS

# AMERICA'S ACE OF WESTERN AUTHORS JOINS THE TOP-RANKING STAR OF OUTDOOR FEATURES

Both box office champions of their kind! Zane Grey consistently clicks with crowd-thrilling tales of pulse-throbbing action. George O'Brien heads all drawing-power lists of outdoor feature stars. Here . . . with both at their best . . . you have a tale that brims with excitement, romance, laughter, suspense...and hell-for-leather s-p-e-e-d!



Zane Grey

## ZANE GREY'S

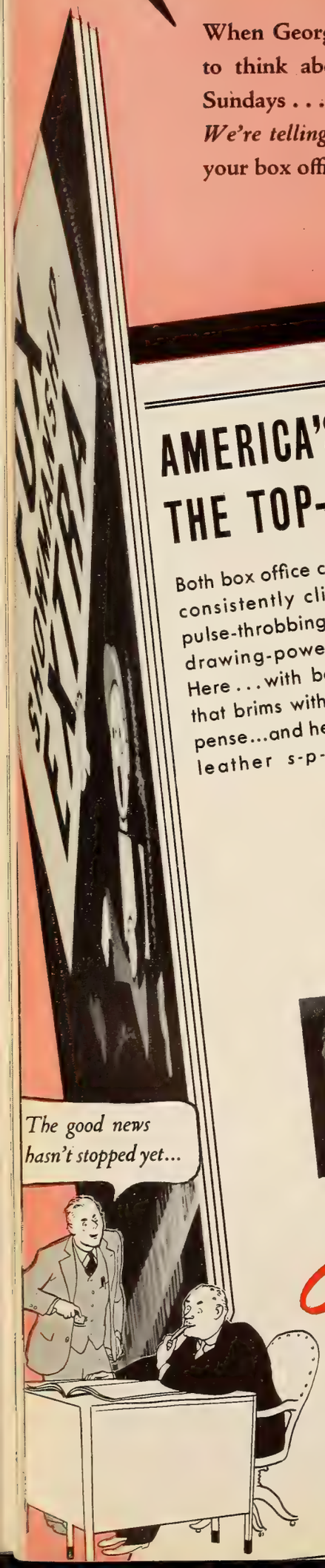
# The DUDE RANGER

*with*

# GEORGE O'BRIEN

Produced by Sol Lesser and John Zanft

Directed By Eddie Cline



Joe Cook! Another star scoop for FOX . . . *and you!* And look who's with him . . . smiling Jimmy Dunn . . . Alice Faye, that front-page blonde . . . Joe's cuckoo stooge, Dave Chasen . . . and good ole Stepin Fetchit! Yessir! THAT'S a cast! It needs a marquee-stretcher. A million laughs . . . a thousand gags . . . and those cock-eyed Joe Cook machines. *What* a show . . . what a *show!!!*

Janet Gaynor! That would be plenty. But she's teamed with her "State Fair" boy friend...Lew Ayres. And that's *more than enough* for your lights. With a peach of a supporting cast. The story? Another new role for Janet...different...that makes her more lovable than ever. She starts out as a kitchen slavey... and how your heart aches for her. Which is just what your crowds pay for.

FOX SHOWMANSHIP NEWS

# The GREATEST Marquee name in Show Business

with her "State Fair" sweetheart!

## JANET GAYNOR and LEW AYRES in "SERVANTS' ENTRANCE"

*And these favorites . . .*

**NED SPARKS • LOUISE DRESSER**
**WALTER CONNOLLY • G.P.HUNTLEY,Jr.**
**SIEGFRIED RUMANN**

**Produced by Winfield Sheehan • Directed by Frank Lloyd**

Novel by Sigrid Boo • Screen play by Samson Raphaelson

From wealth, luxury and ease—daughter of the rich—Janet goes to cooking, cleaning and children—a servant girl! Looking for adventure and finding romance with handsome, romantic Lew Ayres.

Women will go for it—and the men will follow! Box office bonanza for every theatre in the land!

FOX

This has what it takes! One of those hotsy-totsy romances that make both men and women wish they were in on it (*you know!*) Gorgeous styles. Plenty of laughs and action. And (*this is important*) Charles Boyer. How *he* handles the girls . . . and how *they* react! Talk about lessons in love. Even *you* may learn something!

FOX SHOWMANSHIP EXTRA

FOX SHOWMANSHIP NEWS

# Romantic Adventure runs high as Bride is stolen on Wedding Night

Exciting to every woman is this dashing adventure in love . . . of an oil king's daughter . . . who invents a bogus prince as a means of crashing society . . . fakes a wedding . . . but is kidnaped by the handsome rogue. Laughter and song . . . love and suspense . . . to pack your house with happy crowds!

# Captive Bride

Tentative Title

with

## CHARLES BOYER

A Jesse L. Lasky Production
Directed by Dorothy Arzner

FOX

FOX is one company that keeps out of ruts...a policy that gave you some of your greatest money pictures. Put this in that class! FOX got Erik Charell...Europe's prize long-run producer (his hits run for *years!*)...backed him to the limit...and that's "Caravan." Call it monumental...colossal...or what have you! One of the swellest entertainments you ever treated your customers to. And, boy, *it's geared for RECORDS!*

How would you like another "David Harum" from Will Rogers? This is it! A character as famous as "David" himself... Irvin S. Cobb's "Judge Priest"... loved by every Saturday Evening Post and Cosmopolitan reader (*there's millions of them!*) Imagine our Will as the mellow, popular, smart-as-a-whip Judge. And think of the *business* he'll do!

FOX SHOWMANSHIP EXTRA

FOX SHOWMANSHIP NEWS

# A DOWN-TO-EARTH HIT FOR SKY-HIGH GROSSES!

*Starring*

# WILL ROGERS

Irvin S. Cobb

Saturday Evening Post and Cosmopolitan readers . . . millions of them . . . know and love the mellow Judge . . . whose quaint wit and shrewd kindness draw him into many a scrape . . . and many a scrap, too . . . but always bring him out the winner

# JUDGE PRIEST

with

**ANITA LOUISE**
**ROCHELLE HUDSON**
**VICTOR JORY**
and
**STEPIN FETCHIT**

Produced by Sol M. Wurtzel
Based on the stories by Irvin S. Cobb
Directed by John Ford
Screen play by Dudley Nichols and Lamar Trotti

FOX

Who are your ten best box office authors? Right!...the first time...Mary Roberts Rinehart! Here at her best...meaning a super-super best-seller. The story of a woman who tried many adventures...but almost missed the greatest...love. Told with that gripping vitality that excites every sympathy!

FOX SHOWMANSHIP NEWS

# Millions are waiting to see it! Year's biggest love drama..By America's favorite author!

## *Mary Roberts Rinehart's*

# THE STATE VERSUS ELINOR NORTON

### THE BIGGEST OF HER BEST-SELLERS

Produced by Sol M. Wurtzel. Directed by Hamilton MacFadden

...itics every-
...the greatest
...a's best loved
...x production
...er will be one
...outstanding
hits

Not a courtroom drama —but the intensely absorbing story of a woman who lived and loved. Reams of publicity—miles of space —have "sold" it to your patrons before you get it!

FOX

"Baxter is box office!"... sounds like a song... and many's the time you've sung it! Big he always is... especially in those he-man parts. Witness "In Old Arizona" and "The Cisco Kid!" This is another with plenty of wallop... Warner Baxter as an aerial daredevil... who romances around between flights. A great dish for the men, too!

FOX SHOWMANSHIP EXTRA

## FOX EXHIBITORS COME FROM ALL WALKS OF LIFE

Doctors, lawyers, political chiefs, as well as men from divers other professions, may be found among the picture showmen of the nation, according to the reports sent in by the various Fox Film exchanges throughout the country.

Listed are names of men and women who, aside from operating highly profitable theatres, hold important places in their communities, and who, were they not drawn to the picture business by a natural love for it, could be equally as successful in numerous other lines of endeavor.

Persons who hold political office, men who on a minute's notice could don surgical garb and perform the most delicate of operations, financiers who have come to the aid of their communities in times of stress, former athletic champions, self-made men—you'll find them all as you scan these paragraphs about exhibitors on this and other pages.

◇ ◇ ◇

In Chicago, you're sure to encounter **BARNEY BALABAN** on a bridle path or on the lake in his yacht when he's off duty. He's an ardent equestrian and a good sailor. He handles finance and general supervision of Public Balaban & Katz, leaving operation matters to his brother, **JOHN WALTER IMMERMAN** serves as general manager of the circuit, and **JULES RUBENS** is the hard-working manager-director. **E. E. ALGER** is active in down-state exhibitor activities.

◇ ◇ ◇

**SCHOENSTADT & SONS** (*the latter are Arthur and Henry*) have a thriving Chicago circuit. In addition they go in for real estate and operate the Piccadilly Hotel.

◇ ◇ ◇

**M. KENWORTHY'S** reputation as one of the fairest and squarest exhibitors in the Northwest was gained operating the Kenworthy Theatre in Moscow, Idaho.

◇ ◇ ◇

*It was only through* **JOSEPH LEVENSON'S** *good reputation as a lawyer—he's in partnership with his brother,* **MAX**—*that he was able to secure a permit to build a theatre in the exclusive residential suburb of Brookline, Mass. He also operates the only newsreel and short subject theatre in New England. It's in the South Station terminal.*

◇ ◇ ◇

Show business has lured **JEAN CAMPOPIANO**, a graduate of Harvard Law School and an outstanding criminal lawyer, away from his practice. He spends most of his time operating the Capitol Theatre in Lawrence, Mass., now.

◇ ◇ ◇

Next to theatre operation, bridge is the passion of **HERBERT EFFINGER**, general manager of the Chamberlain Circuit in Philadelphia.

◇ ◇ ◇

*The oldest exhibitor in the Denver territory is* **FRED LEE** *of Lamar, Colo., a gentleman and a keen showman.*

◇ ◇ ◇

**OSCAR HANSON** is an enthusiast for exhibitor's associations. He is general manager of both the Associated Theatres, Ltd., and of Allied Exhibitors of Canada, Ltd. Hunting and fishing are his hobbies.

◇ ◇ ◇

**A. J. BELAIR** has secured Fox first-run in Wilmington, with the result that he is one of the happiest and most successful exhibitors in the State of Delaware.

◇ ◇ ◇

**PURCELL**, *general Penn-Stats Amusetown, Pa., has es- as an outstanding*

◇ ◇ ◇

*to meet a typical p in on H. F. KIN- by Circuit in North*

◇ ◇ ◇

*FELD, general uit that bears Francisco, be- side to every As a re-*

**MORGAN** *eral manager of Francisco, is Duck*

*Midland Theatres, another distribu- shooting, wor- diversions. nipal*

◇ ◇ ◇

"Sm... SHEAR... Circui... circui...

◇ ◇ ◇

ED... as New ...to his ...eat de-

FOX SHOWMANSHIP NEWS

# YOU Ordered Us To Star Him!

**Fearless adventurer in the sky—romantic lover on the ground! Just as the fans of both sexes want to see him. Thrills in the clouds that will keep their eyes riveted to the screen—love drama that will make their hearts beat with his! How they'll crowd your theatre to see it.**

FOX

## FOX *answers with*

# WARNER BAXTER *in* HELL *in the* HEAVENS

*with*

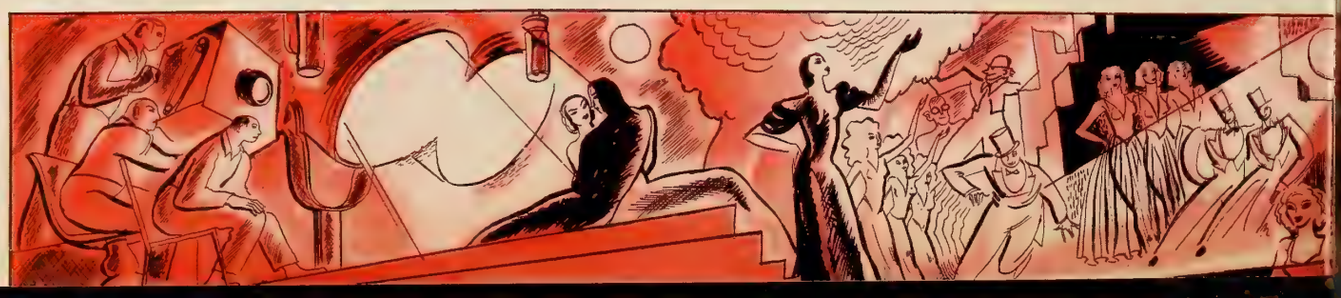
## HERBERT MUNDIN HUGH WILLIAMS

Produced by Al Rockett

Directed by John G. Blystone

# *and* FOX *is ready with* RELEASE DATES, *too!*

| *Release Date* | *Production* | *Cast* |
|---|---|---|
| Aug. 10 | **WANTED** | Rosemary Ames, Pert Kelton, Henry B. Walthall |
| Aug. 17 | **THE CAT'S-PAW** | Harold Lloyd, Una Merkel |
| Aug. 24 | **SERENADE** | Lilian Harvey |
| Aug. 31 | **THE WORLD MOVES ON** | Madeleine Carroll, Franchot Tone |
| Sept. 7 | **THE DUDE RANGER** | George O'Brien |
| Sept. 7 | **CHARLIE CHAN IN LONDON** | Warner Oland |
| Sept. 14 | **SERVANTS' ENTRANCE** | Janet Gaynor, Lew Ayres |
| Sept. 21 | **THE STATE VERSUS ELINOR NORTON** | A brilliant cast now being selected |
| Sept. 28 | **CARAVAN** | Charles Boyer, Loretta Young, Jean Parker |
| Oct. 5 | **HELL IN THE HEAVENS** | Warner Baxter |
| Oct. 12 | **JUDGE PRIEST** | Will Rogers |
| Oct. 19 | **FUN ON THE AIR** | Joe Cook, James Dunn, Alice Faye |
| Oct. 26 | **CAPTIVE BRIDE** *(tentative title)* | Charles Boyer |



Printed in U. S. A.

## Para. Is Reported After A.B.C. Chain

(Continued from page 1)
H. and G. Kinemas, Ltd. The rumors tie in with a reported plan on Paramount's part to develop an English circuit to rival Gaumont British.

Los Angeles, June 21.—John W. Hicks, Jr., vice-president of Paramount International, denies any negotiations are afoot to take over the Maxwell interests or any other English houses "at this time."

London, June 21.—Paramount officials qualified to comment on the report the company was seeking the Maxwell theatres are in Los Angeles. John Maxwell is out of the city until Monday and his office professes to have no knowledge of the report. It does, however, point out that the identical rumor was denied some time ago.

### *Creditors' Claims To Await Trustees*

All creditors' claims against Paramount Publix scheduled for hearings within the next few weeks are being postponed indefinitely, pending the naming of permanent trustees of Paramount under the new bankruptcy laws, it was learned yesterday.

Large claims being contested by Paramount trustees and affected by the postponements include those of the Indemnity Insurance Co. for $229,842; the Citizens Trust & Savings Bank, Los Angeles, for $58,749, and the First National Bank of Boston for $225,000. All were scheduled for hearings yesterday and postponed indefinitely. Indications are that they will be placed on the calendar again for hearing after July 10, when Judge Alfred C. Coxe is expected to name the temporary trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, as permanent trustees.

Special reorganization matters are also being postponed until after that date. Consideration of a reorganization plan for Saenger theatres, scheduled for yesterday before Referee John E. Joyce, was postponed until July 13.

### *Para. Stockholders Getting Plan Ready*

Paramount Publix stockholders, through their protective committee, are expected to advance a plan of reorganization under the new bankruptcy laws in the near future, it was learned yesterday.

The stockholders' protective committee engaged Coverdale & Pitts, prominent firm of consulting engineers, to prepare a report on Paramount's present condition with a view to formulating such a plan.

The Paramount bondholders' protectime committee is cooperating with Kuhn, Loeb & Co. on a plan which is described as being in an advanced stage now.

### *Fight Films in Ohio*

Cleveland, June 21.—Full of the usual mystery as to how they crossed the state line, the Carnera-Baer fight pictures, nevertheless, have been booked over the entire RKO, Warner and Shea circuits and into all key spots in the territory.

# *Bond Holders Seen Against Loew-W. B. Bid on Fox Met.*

(Continued from page 1)
Julian W. Mack that the attitude of the bondholders' committee would carry considerable weight in determining the final disposition of the circuit, it appeared yesterday that the 87-theatre split-up might not be between Loew's and Warners.

It was brought out at the adjourned hearing before Judge Mack that the Loew-Warner representatives had been unable to effect an agreement at a conference Wednesday afternoon with counsel for the bondholders' committee, which represents more than 85 per cent of the outstanding $12,500,000 issue of Fox Met. notes. At the conference, Morton G. Bogue, counsel for the bondholders, advised J. Robert Rubin and Leopold Friedman of Loew's and Abel Cary Thomas of Warners that they would accept the $4,000,000 cash offer for the Fox Met. bonds, but would not accept it, as urged by Loew's and Warners, for the assets of the circuit, which are the 87 theatres in Manhattan, Brooklyn, Long Island and New Jersey.

Bogue meets with the bondholders' committee this morning and will recommmend rejection of the Loew-Warner offer in its present form, he told the court yesterday. Judge Mack requested that Rubin be permitted to present the Loew-Warner side at the committee meeting and Bogue consented. The hearing before Judge Mack will resume this afternoon, at which time the attitude of the bondholders' committee is expected to be made known and is expected to be the decisive factor in acceptance or rejection of the Loew-Warner offer by the court.

#### Kahn Makes Appearance

David W. Kahn, representing Walter Reade, Joseph Plunkett and Frank V. Storrs as a combine, advised the court yesterday that his clients might put in a new bid in the event of a foreclosure sale in the next few days. Kahn had informed the court some time ago that his clients were prepared to offer $3,000,000 cash for the circuit but did not put in an appearance in court Wednesday when the Loew-Warner $4,000,000 offer was made.

Minority bondholder groups representing approximately $160,000 of the $12,500,000 Fox Met. securities, expressed approval of the Loew-Warner cash offer as opposed to the bondholders' committee reorganization plan, which continues Skouras and Randforce as operators of Fox Met. These groups, which urged acceptance of the offer to the court yesterday, include the holders of $45,000 of Fox Met. bonds which were lined up by A. C. Blumenthal as the keystone for the Loew-Warner offer.

Fox Met. bonds advanced from 32 to 40 during the past two days, apparently on the strength of the $4,000,000 offer, which, with approximately $1,500,000 in unpledged cash in the possession of the receiver for the circuit, would give the bondholders approximately 42 cents on the dollar for their claims. Some doubt as to the validity of the present market's strength was voiced by the minority bondholders in court yesterday in urging acceptance of the cash offer.

Still another bondholders' group, representing $150,000 in amount, asked the right to withdraw from participation in the event the bondholders' reorganization plan was eventually affirmed by the court.

Atwood C. Wolf, attorney for the landlord of the State, Jersey City, which is one of the leaseholds in the Fox Met. assets, opposed the Loew-Warner offer, declaring that the immediate competition for the State now consists of one Loew's and one Warner theatre. If the house came under Loew's or Warner operation, he said, his client feared that it would be allowed to deteriorate and eventually be turned back to him, as Jersey City, he said, could not support three first run houses. He told the court that this had been the landlord's experience several years ago during the period in which Fox held control of Loew's. The Jersey City theatre was under lease to Fox at the time but was neglected, Wolf said, in favor of the Loew's theatre when control of the latter passed to Fox.

#### Wants Quick Action

Counsel for Randforce urged immediate action on the Loew-Warner offer, declaring that Randforce is unable now to negotiate new season film deals with any distributor, due to uncertainty over ultimate control of the houses. Both Rubin and Thomas contradicted the statement and declared that M-G-M and Warners stood ready to make new season deals with Randforce.

In reporting his unwillingness to accept the Loew-Warner cash offer for the leaseholds, Bogue told the court that some of the Fox Met. landlords have the right to cancel their leases in the event of a sale, and, as a result, the bondholders' committee might be liable in the event it was unable to deliver all the 79 leases. He also stated that the committee was unable to deliver its 50 per cent stock interest in Skouras and Randforce holdings, sought by the bidders, because that stock was in the possession of the trustees under the Fox Met. mortgage. He also stated that the Skouras and Randforce operating contracts could not be canceled because the 50 per cent stock interest was matched by an equal amount held by those operators.

Rubin described all objections as "straw men" set up by the bondholders' counsel and declared that none of them was regarded as a genuine difficulty by the bidders.

### *Smalley to Danbury*

William Smalley, upstate New York exhibitor, left last night for Danbury, Va., where his mother is ill. Smalley attended Campi on an appeal from an Albany grievance board decision against him.

### *Wilk, Wallis to Coast*

Jacob Wilk, story editor for Warners, and Hal Wallis, studio executive, left for the coast yesterday.

## U. S. Trade Body May Judge Plaints

(Continued from page 1)
handling of unfair trade practice charges under the codes.

The first step was taken last week when the commission announced that two rubber companies had appealed to it after failing to secure consideration from their code authority. At the same time the National Recovery Administration filed a cross-complaint, charging violation of code provisions.

The commission has not yet made clear just how it will operate, but it is understood a business man will be able to carry his case to the commission, which will cite the code authority to appear before it. Conversely, a code authority may complain, in which event the business man will be cited. The commission will sit as a judicial body as distinguished from its role in ordinary cases, where it fills the multiple roles of prosecutor, judge and jury.

## Warners May Pull Out of St. Louis

(Continued from page 1)
some time ago when Fanchon & Marco stepped into the downtown situation with a deal for the Ambassador, Missouri and Grand Central, the move being made primarily to assure the company an outlet in the event Warners could not get together with F. & M.

Insiders now hear definite steps have been taken to continue giving Warners a play in the three houses when, and if, they are taken over by F. & M. some time in September. No one will talk on the report deal and refer all inquiries to New York, where the deal is reported to be in negotiation.

### *"Dubbed" Slipping-David*

"Dubbed" pictures are makeshifts and no longer interest French audiences, yesterday declared Chas. David, general studio manager of Pathe-Natan, important French producing, distributing and exhibitiong company, who leaves by air for Hollywood and a study of American production methods this morning.

### *"U" Signs Mona Smith*

Hollywood, June 21.—Mona Smith, brought out here under contract to M-G-M several months ago, has secured a release and Universal has snapped her up for a long term ticket. Her first will be the feminine lead in "Million Dollar Ransom" with Phillips Holmes.

### *Shapiro Back to Boston*

William D. Shapiro, who is planning a trip to the coast shortly, leaves today for Boston after several days here.

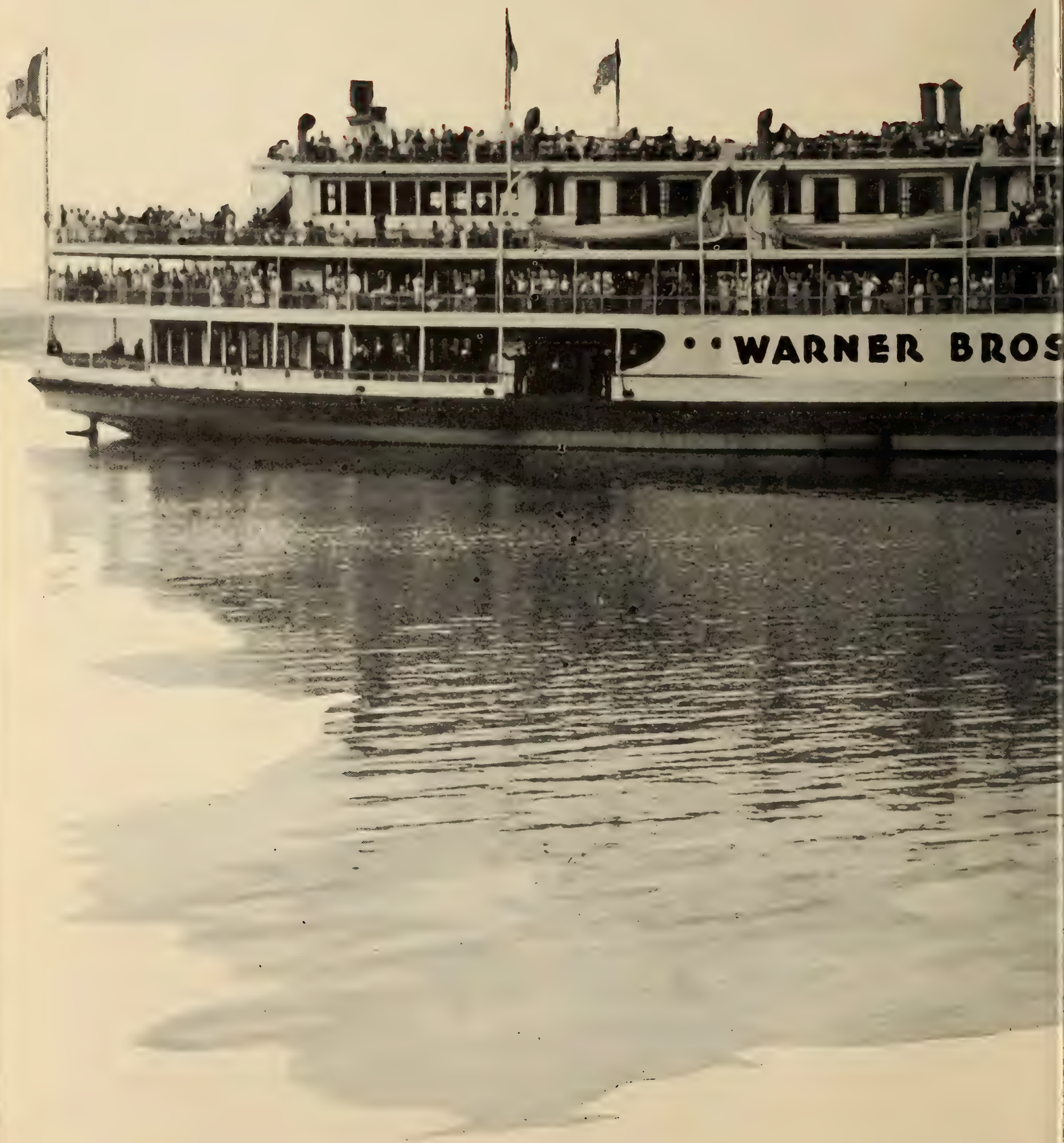
### *Goetz Back from Coast*

Harry Goetz, president of Raliance, is back from the coast, where he conferred with Edward Small on the company's plans for next year.

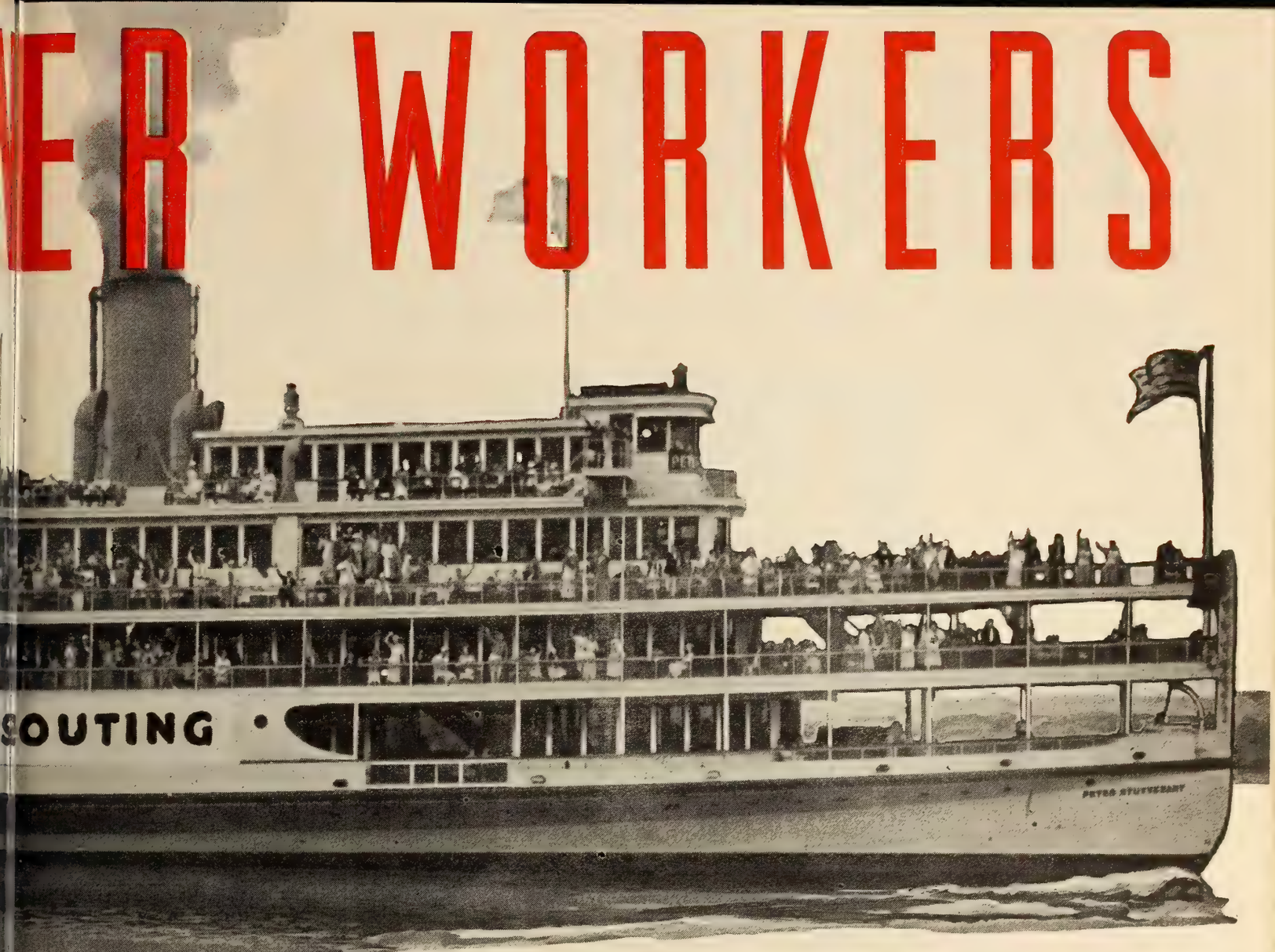
### *Three to Broadcast*

Hollywood, June 21.—Ann Harding, John Boles and Fred Astaire will be featured on next Sunday's "Hollywood on the Air" program.

# HAPPY WARN



# ER WORKERS




...CELEBRATING THE NEWS THAT THEIR COMPANY WILL MAKE THE 10 BIGGEST PICTURES OF 1934-'35...

"ANTHONY ADVERSE"
"GOLD DIGGERS OF 1935"
MUNI in "BLACK HELL"
"LAFAYETTE ESCADRILLE"
"CAPTAIN BLOOD" by SABATINI
AL JOLSON in "CASINO DE PAREE"
A KEELER and POWELL MUSICAL
"FAREWELL TO SHANGHAI"
"SWEET MUSIC" • "SWEET ADELINE"

AND 50 OTHER FEATURES—130 VITAPHONE SHORTS

Vitagraph Inc. Distributors

# Money Worry Not Hurdled Yet—Schaefer

(*Continued from page* 1)

I am asking for further help because we are not yet out of the woods.

"The industrial world has had a hard struggle during the past five years, but Paramount's was one of the hardest. Without the cooperation and loyalty of our manpower, we would have not been able to pull through," he continued.

Adolph Zukor declared that after 15 months of the closest organization scrutiny, the trustees had found nothing against his conduct and judgment.

No radical departures in advertising policy will mark company plans for the new season, Robert F. Gillham, director of advertising and publicity declared. Heavy barrages will be concentrated on at least 10 of the biggest pictures in the lineup, while others will be given as much as required. He stated radio will be used more extensively, as will other media where the expense involved is not too heavy since economy will be the keynote of all future campaigns.

Theatre partners met with Schaefer behind closed doors and developments were shrouded in mystery. It is understood, however, the discussions were preliminary to decision on future operations with nothing of a conclusive nature expected to be reached at this time.

The convention is practically over. Individual meetings between district and branch managers were held today and in the evening a party given by Emanuel Cohen. Friday and Saturday will find the delegates on their own. Saturday evening the special starts its return journey east.

## Maintained Confidence Despite Raids—Cohen

Los Angeles, June 21.—Paramount developed confidence among its players in the face of "terrific raiding efforts," Emanuel Cohen told the convention. Additional excerpts from his address, already covered in highlight, follow:

"One of the reasons we did not meet with you last year," Cohen said, addressing the meeting on behalf of the studio force, "is that we could not honestly give you more than a hope for the new season. We are glad today because most of the water is under the bridge. We have arrived at a state of organization now which can produce a successful year.

"It isn't one picture, or two, that spells success for a large company like ours. If I am to ask you to have confidence in our plans, such confidence cannot be based merely on my asking it. After all, the play is the thing and pictures are the foundation of the industry. We must definitely face the fact that a production company depends upon its production assets of the moment. If you are bankrupt in production assets, your pictures are bankrupt, and when you face bankruptcy in production, no court can help you out by authorizing you not to pay your bills.

"From 1920 to 1930 Paramount had not added any new talent to its ployers' roster. Analyze the players that Paramount had. Some of them declined in popularity; others were being used in such a manner as tended to defeat any chance of building them to box-office popularity. Our first job was to develop the players we had; second, to develop new, promising material. Since then we have added definite star strength. Our search for new players is now organized thoroughly, both here and abroad.

### Won Players' Confidence

"Certain deliberate rumors have been circulated to the effect that we have lost a lot of players, when we have lost only three. The fact that they left at one time gave birth to these rumors. In all cases we have been justified. In face of terrific raiding efforts we developed confidence among our players in our hope of rehabilitation. It was not a question for a time of merely making pictures, but actually a question of remaining in business.

"In the case of directors, we have developed them from our own ranks. Some already show more promise than many established in the high-salary brackets. I refer to Mitchell Leisen, Al Hall, Henry Hathaway and Gil Pratt.

"In 1932, we had just two producers—Bud Lighton and Lord Sheldon. Since, we have added seven established producers, all of whom, working with other heads of production units, enjoy a free interchange of ideas and mutual help."

Adolph Zukor, Paramount head, announced a policy of good taste. He said the company would bend every effort to keep its product clean.

## *Paramounteers in Camera*

*Los Angeles.—Mostly Paramount theatre partners, forgetting business for lunch at the Ambassador. Shot on the opening day of the convention*

*Foreign department in varied attire. Left to right: M. J. Messeri, John W. Hicks, Jr., Montague Goldman, Phil Hyams (pointing), Earl St. John, Eugene Zukor, Carl York, Mel Shauer and John L. Day.*

*Bob Gillman, demonstrating he's judicious about his trade papers, Eugene Zukor and Russell Holman.*

*Mostly the Southwest. Left to right: S. R. Simpson, Oklahoma City; C. E. House, San Antonio; Jack Duggar, Dallas; John J. Curry, Oklahoma City, and Harold E. Pickett, Dallas.*

## *Ida Lupino Ill*

Hollywood, June 21.—Ida Lupino, Paramount player, is down with a slight attack of infantile paralysis. Her doctors say she is responding favorably to antitoxins.

*The twosome up front: Harry L. Nace, Phoenix, and Leon Netter, New York. Photographed in the Ambassador lobby.*

# 38 Starring Vehicles in M-G-M Lineup

(Continued from page 1)
peared in *Motion Picture Herald* yesterday, is this:

### *Specials*

"The Merry Widow" with Maurice Chevalier and Jeanette MacDonald.
"David Copperfield," no assignments.
"The Good Earth," no assignments.
"Chained," starring Clark Gable and Joan Crawford.
"The Barretts of Wimpole Street," starring Norma Shearer.
"Mutiny on the Bounty," starring Clark Gable, Wallace Beery and Robert Montgomery.
"Marie Antoinette," starring Norma Shearer.
"Naughty Marietta," with Miss MacDonald and Nelson Eddy.

### *Star Pictures*

Two Lionel Barrymore.
One Warner Baxter-Myrna Loy.
Two Wallace Beery.
One Constance Bennett.
One Joan Crawford.
Two Marion Davies.
One Marie Dressler-Wallace Beery.
One Clark Gable.
One Jeanette MacDonald.
One Ann Harding-Robert Montgomery.
Two Jean Harlow.
One Helen Hayes.
Two Laurel and Hardy.
One Robert Montgomery.
One Ramon Novarro.
One Jean Parker.
Two William Powell.
One Gloria Swanson.

Cosmopolitan will deliver four.

## M-G-M 100% Behind Code, Declares Feist

CHICAGO, June 21.—M-G-M stands 100 per cent behind the code, said Felix F. Feist, general sales manager, at the initial session of the company's convention here today.

"I want every man in this organization who is in any way connected with the operation of the code to remember first of all that he is representing the United States government," he asserted. "Metro is wholeheartedly behind the code in letter and spirit."

Sidney Bromberg, home office attorney, answered code questions from a legal angle, while Feist invited questions on the practical application of the code.

The convention struck a solemn note when a standing tribute was paid to the memory of Marcus Loew.

## M-G-M Lists 17 Stars, 53 Featured Players

CHICAGO, June 21.—M-G-M personnel "work sheet" lists 17 stars and 53 featured players. How the company's production talent breaks down:

### *Stars*

Lionel Barrymore, Wallace Beery, Jackie Cooper, Joan Crawford, Marion Davies, Marie Dressler, Clark Gable, Greta Garbo, Jean Harlow, Helen Hayes, Evelyn Laye, Jeanette MacDonald, Robert Montgomery, Ramon Novarro, William Powell, Norma Shearer, Gloria Swanson.

### *Featured Players*

Brian Aherne, Katherine Alexander, Elizabeth Allan, Virginia Bruce, Ralph Bushman, Charles Butterworth, Mary Carlisle, Leo Carrillo, Mady Christians, Ruth Channing, Mae Clarke, Douglas Dumbrille, Jimmy Durante, Nelson Eddy, Stuart Erwin, Madge Evans, Muriel Evans, Louise Fazenda, Preston Foster, Betty Furness, Gladys George, C. Henry Gordon, Russell Hardie, Ted Healy, William Henry, Louise Henry, Jean Hersholt, Irene Hervey, Jean Howard, Isabel Jewell, Otto Kruger, Myrna Loy, Florine McKinney, Una Merkel, Frank Morgan, Karen Morley, Maureen O'Sullivan, Jean Parker, Rosamund Pinchot, Nat Pendleton, Esther Ralston, May Robson, Shirley Ross, Maurice Schwartz, Martha Sleeper, Lewis Stone, Franchot Tone, Robert Taylor, Henry Wadsworth, Lucille Watson, Johnny Weissmuller, Diana Wynyard, Robert Young.

### *Directors*

Harry Beaumont, David Butler, Richard Boleslavsky, Charles Brabin, Clarence Brown, George Cukor, Jack Conway, Frank Davis, Victor Fleming, Chester Franklin, Sidney Franklin, Tay Garnett, E. H. Griffith, George Hill, Wm. K. Howard, Gregory La Cava, Frank Lloyd, Robert Z. Leonard, Ernst Lubitsch, Dudley Murphy, Edwin L. Marin, Irving Rapper, Charles Riesner, Richard Rosson, Edward Sedgwick, Paul Sloane, George Seitz, W. S. VanDyke, Sam Wood.

### *Dialoguers, Scenarists*

Marcel Achard, Zoe Akins, Vicki Baum, S. N. Behrman, Arthur Bloch, Ethel Borden, John Paddy Carstairs, Lenore Coffee, Ruth Cummings, Mercedes DeAcosta, Raymond Doyle, John Emerson, Howard Estabrook, Lawrence Eyre, John Farrow, Jules Furthman, Harvey Gates, Frances Goodrich, Eve Greene, Joseph Gollomb, Albert Hackett, Bert Hanlan, John C. Higgins, Oscar Hammerstein, Monckton Hoffe, Irene Homer, Robert Hopkins, Arthur Hyman, Talbot Jennings, Horace Jackson, Nika Justin, Edwin Knopf, Arthur Kober, Charles Lederer, Rowland Leigh, Hal Long, Anita Loos, Josephine Lovett, John L. Mahin, Herman Mankiewicz, Joseph Mankiewicz, Frances Marion, John Meehan, Willard Mack, Tom Miranda, J. K. McGuinness, Harold Noice, John T. Neville, Robert Pirosh, Robert Presnell, Charles A. Powell, Arthur Richman, Allen Rivkin, John Russell, Howard E. Rogers, Wells Root, Florence Ryerson, John M. Saunders, Joel Sayre, E. Richard Schayer, Bernard Schubert, Zelda Sears, George Seaton, Harry Segall, Joe Sherman, Pete Smith, Ralph Spence, Bella Spewack, Sam Spewack, Donald Ogden Steward, C. Gardner Sullivan, Harvey Thew, Ernest Vajda, Salka Viertel, Lewis Waller, Hugh Walpole, Claudine West, Carey Wilson, Walter Wise, P. J. Wolfson, Edgar A. Woolf, Herbert O. Yardley.

Under special contract for one or more pictures: Maurice Chevalier and Loretta Young.

Borrowed from 20th Century: Constance Bennett and Fredric March.

Borrowed from Paramount: Charles Laughton and Herbert Marshall.

# *Leo's Boys Get Together*

CHICAGO, June 21. — WILLIAM ("Billy") FERGUSON, here since last Friday working on the convention, breathed a sigh of relief as the first session got under way today. He's been working like a beaver trying to outdo the World's Fair.

●

FELIX F. FEIST's right hand is practically sore from passing out the handshakes.

●

"Sheriff" GEORGE HICKEY, western district manager, forgot his badge, but he's here with his coast crew who are the only one's respecting his police powers.

●

Several features and shorts are on tap for screening. These will be shown at night after the business sessions.

●

HOWARD DIETZ and SI SEADLER arrive tomorrow accompanied by JOE VOGEL. DIETZ and SEADLER are headlined for talks on advertising for Friday. FERGUSON will give the lowdown on exploitation.

●

MIKE CLOFINE is pinch hitting for E. B. HATRICK, who is now in Paris. CLOFINE will disseminate information on the new Hearst Metrotone newsreel.

●

Although he was scheduled to attend in person, EDWIN C. HILL will talk to conventionites via the screen. He has his address recorded on film and will give the boys a sample of what "The Globe Trotter" will be like.

●

FRED C. QUIMBY, general sales manager of shorts, arrived last night and couldn't wait until the session got under way. He's got plenty to tell the boys in the way of shorts and trailer contracts. QUIMBY brought with him a print of the first IRVIN S. COBB short.

●

JAMES A. FITZPATRICK, producer of Traveltalks, arrives tomorrow. He is planning to talk on his new color series, the first of which will be shown here. It's "Tulip Time in Holland."

●

HOWARD STRICKLING admits he isn't good at speeches. He may even cancel his plans to go to New York before returning to the coast.

●

LOUIS B. MAYER may talk to the boys over long-distance phone from the coast. MAYER was slated to be on hand, but last minute developments held him in Hollywood.

●

HAL ROACH, instead of returning west after the confab, goes east for home office conferences.

●

HARRIS P. WOLFBERG, midwest district manager, went into a huddle with FRANK DREW, manager in Cleveland, on the dual situation. On July 8, twin bills end in Cleveland, which is a good sign for Leo's output, DREW holds.

### *They Stick*

**Chicago, June 21.—Seventy per cent of its personnel has been with M-G-M five years or more, it was disclosed at the company's convention today by Felix F. Feist, general sales manager.**

## Promotions Within Ranks, M-G-M Policy

CHICAGO, June 21. — Promotions within the ranks will be the keynote next year, the same as this, for M-G-M, sales officials attending the annual sales convention here intimated today.

## Coast Designates Unassigned Stories

HOLLYWOOD, June 21.—Although the M-G-M product lineup, made public in Chicago Wednesday, merely referred to four properties without cast assignments, talk around the lot ties in the quartet with definite names.

"Tish" has long been on tap as a Marie Dressler vehicle. Production depends upon her health. "Vanessa" and "What Every Woman Knows" are viewed here as Helen Hayes vehicles and "The Casino Murder Case" as a William Powell subject.

# Warners Get $4,000,000 In Erpi Case

(Continued from page 1)
$2,500,000 in cash; $1,300,000 in negotiable promissory notes, and an amount not to exceed $200,000 payable on certain unstated contingencies.

The litigation between the two was begun early in 1928 when arbitration proceedings were initiated relating primarily to the amount of participation to which Vitaphone was entitled in the royalties received by Erpi from its licensees. The proceedings continued intermittently over a period of several years at a cost of $1,000 per day. When they were abandoned without anything decisive having resulted, the controversy was renewed in Federal district courts and has continued up to the present time. The litigation is understood to have cost both companies well over $250,000 each.

### New Agreement Rumored

Whether or not Warners have signed a new licensing agreement with Erpi was not stated and could not be established, but inside stories on the settlement, which comes as no surprise, have indicated that a new agreement was part of the deal.

The formal statement, issued jointly by both groups last night, follows:

"A settlement has been reached of the long-standing controversy between Warner Bros. Pictures, Inc., and Electrical Research Products, Inc. This controversy began early in 1928 when arbitration proceedings were initiated, relating primarily to the amount of participation of Warner Bros. Pictures, Inc.'s subsidiary, the Vitaphone Corp., in the royalties received by Electrical Research Products, Inc., from its motion picture licensees. The controversy has continued in various forms ever since and has resulted in extensive court proceedings.

"The settlement clears accounts of the parties outstanding at various dates and in addition provides for the surrender by the Vitaphone Corp. to Electrical Research Products, Inc., of its right to participation in future royalties. In addition to clearing the accounts, Electrical Research Products, Inc., pays Warner Bros. Pictures, Inc., $2,500,000 in cash, $1,300,000 in negotiable promissory notes and an amount not to exceed $200,000 payable on certain contingencies.

"The agreement disposes of the arbitration and all litigation between the parties and provides that Warner Bros. Pictures, Inc., shall remain a licensee of Electrical Research Products, Inc."

## *Ross Makes Changes*

CHICAGO, June 21.—Harry A. Ross, president of Ross Federal Service, Inc., who is here attending the M-G-M convention as he did the RKO meetings, has made these changes in his organization: W. O. Reddon, Des Moines transfers to Albany. Harry Schriffin, Albany manager goes to Des Moines.

# Favor Hays Scheme for Self-Control

(Continued from page 1)

safeguarding the moral well-being of their people.

"These recent activities against motion pictures which offend decency and morality were launched only after years of vain hope that the producers of these pictures would realize the harm being done and take positive steps to correct the trend. The committee is not hostile to the entertainment business; in fact, it recognizes entertainment as a virtual necessity in modern life, but such entertainment must be of a wholesome character, and to that objective the committee has earnestly addressed its efforts.

"The Legion of Decency, whose members pledge themselves not to patronize theatres showing offensive films, has gathered to its banner many thousands of adherents wherever it has been introduced. Plans are being developed to extend its membership to every town and city in the United States and to invite all persons in sympathy with its purpose to lend their support.

### Theatre Business Hurt

"The committee has been informed that, through the loyal cooperation of our Catholic people, together with a widespread response on the part of many others who believe that a purification of the cinema is an outstanding moral issue of the day, the motion picture theatres have suffered a severe curtailment of patronage. This curtailment has prompted the Motion Picture Producers and Distributors of America, Inc., to send Mr. Martin Quigley of New York City and Mr. Joseph I. Breen of Hollywood to the meeting of the Episcopal committee today.

"The companies which are members of the above-named organization are reputed to be responsible for approximately 90 per cent of the films produced in the United States. These companies are: RKO Pictures Corp., Fox Film Corp., Metro-Goldwyn-Mayer Corp., Paramount Pictures Corp., Warner Brothers, First National Pictures Corp., Columbia Pictures Corp., Hal Roach, Educational Pictures, Inc., Universal Pictures Corp., United Artists, Inc., Walt Disney Prod., Pathe, Inc., Principal Pictures, Inc.

### Discuss Hays Plan

"The representatives of the association submitted a proposal covering certain specific revisions of the industry's plan of self-regulation.

"The committee has been pleased to receive these representatives and to learn from them of the renewed efforts towards enforcement of the industry's plan of self-regulation, effective as of July 1, 1934, which have been decided upon. The committee is informed that the producers' jury in Hollywood, a part of the original machinery of enforcement of the production code, which was adopted in April, 1930, has been abandoned and that additional local authority has been assigned to the code administration, which administration is to be given an amplified personnel. In the past the producers' jury has functioned ineffectively.

"The final responsibility for the character of the motion pictures to be issued by the organized industry has been accepted by the board of directors of the organized industry. The court of last resort in the settlement of any disputes which may arise between the studios and the code administration will be this board of directors.

"The Episcopal committee views with favor the renewed efforts of the organized industry to discharge its responsibility of issuing only such motion pictures as may conform with reasonable moral standards. The committee believes that the production code if given adequate enforcement will materially and constructively influence the character of screen entertainment. Hence it is disposed to lend encouragement and cooperation to these efforts, which it hopes will achieve the promised results.

### Won't Halt Campaign

"Our Catholic people, however, are counselled that in the long run the desired result of a wholesome screen can be assured only through unfailing opposition to evil motion pictures. The widespread interest in and loyal support of our campaign of protest must be maintained in order that the producers of motion pictures may constantly be aware of the demand for clean entertainment. The salacious and otherwise objectionable type of motion picture must be avoided.

"The Episcopal committee hopes that the results of the organized industry's renewed efforts looking toward adequate self-regulation will be followed by an adequate moral improvement in the pictures shown, and thus it is hoped that the Catholic Bishops may be relieved of what otherwise will be the imperative necessity of continuing indefinitely and of extending the campaign of protest."

The Episcopal committee approved of a national committee of priests, members of which are as follows: Rt. Rev. Mgr. Hugh L. Lamb, D.D., Chancellor, Archdiocese of Philadelphia; Rev. Edward Roberts Moore, Ph.D., head of the Division of Social Action, Catholic Charities of the Archdiocese of New York; Rev. George F. Johnson, Ph.D., Associate Professor of Education, Catholic University of America, Washington, D. C., and executive secretary, Department of Education, National Catholic Welfare Conference; Rev. F. G. Dineen, S.J., rector St. Ignatius Church, Chicago; Rev. John J. Devlin, St. Victor's Church, West Hollywood, Cal.

The formation of a "Council of the Legion of Decency" was approved.

## *250 at Award*

**Montreal, June 21.—More than 250 theatre managers, distributors and others witnessed the presentation of the *Quigley Publications* Awards for May to Gene Curtis, manager, and Kenneth Finlay, advertising manager, of the Palace, by Mayor Camillien Houde of this city at the Mount Royal Hotel last night.**

# Group of 50 Will Give Campi Aides

(Continued from page 1)

list, each of which will be approved first by Campi at its next meet.

Each of the 10 committees will consist of one Campi member as chairman. He will draw two other men from the panel list to sit with him. Every committee will be evenly balanced with one distributor and an independent and affiliated exhibitor.

Because of the imminence of the selling season and disposition on part of sales executives to clear Campi's docket of appeals as soon as possible, the appeals groups will meet four days a week. Committees, after hearing cases, will only recommend decisions and take no definite action on disposition. Campi reserves the right to hear additional testimony after committees have suggested a verdict.

Decisions by Campi will be made within 15 days after hearings by committees. About 20 names for the panel already have been culled by Code Authority and about 30 more will be added before the next session for approval.

MOTION PICTURE DAILY described this plan yesterday.

## *Non-Theatrical Gets Service Terminated*

BUFFALO, June 21.—Exchanges were ordered not to supply films to Nathan Bornkessel, non-theatrical account, following a hearing before the grievance board. H. P. Harper, manager of the Hub, Sea Breeze, resort town near Rochester, complained that Bornkessel was showing pictures free on a screen placed on an extension out over Lake Ontario, to attract attention to a concession. Only shorts were shown, but even this was ruled to be an unfair trade practice.

The complaint was brought against Charles E. Mason, operator for Bornkessel, who was said to have contracted for the film.

## *Campi in Fog Over U.A.10% Cancellation*

Campi yesterday was in a fog on the U. A. 10 per cent cancellation problem now before it for determination. No action was taken by the body, which turned the matter over to the legal committee. The legal minds will hand down an opinion today or tomorrow.

## *Gov't Alternates Named*

BUFFALO, June 21.—Three government alternates to sit on the code boards when needed have been approved by Administrator Sol A. Rosenblatt. They are Francis D. DiBartola, attorney; former City Court Judge Samuel J. Dickey and former Sheriff Charles A. Freiberg.

## *N. O. Clearance Set*

NEW ORLEANS, June 21.—After six hours of deliberation, the zoning board has completed a plan for the city which has been submitted to the New York office. With revised clearances, it will be ready for operation by July 2.

# Open Sesame On Changes In Code Set

Public hearings on all amendments to the code as recommended by Code Authority were unanimously approved by Campi yesterday. Code Authority takes the stand that any additions to the code will be above board and anyone having something to say should speak his mind at the open sessions in Washington.

First open discussions will be on a recommendation of the code's legal committee, which has decided it a violation of the code for an exhibitor not to pay an assessment after signing the code. The step was taken pursuant to the new NRA rules and regulations regarding assessments for upkeep of codes.

Division Administrator Sol A. Rosenblatt will set dates for the hearings.

The plan of allocating the $180,000 assessment among producers and distributors also will be subjected to public hearings. This date has not yet been set, either.

## *Seven Appeals Mark Busy Day at Campi*

Campi yesterday heard seven appeals for which litigants appeared to submit additional testimony. Following the open sesame, an executive session was held and a decision arrived at in the Egyptian, De Kalb, Ill.-U. A. 10 per cent cancellation issue. An opinion is being handed down with the decision.

Mrs. Clare Boothe Brokaw, for the second time, was absent from open discussions on appeals. Harold S. Bareford will be chairman of next Thursday's session.

Campi is awaiting an adiministrative order from Washington granting non-assentors the right to sign the code with certain provisions. Division Administrator Sol A. Rosenblatt has approved the plan and the order is expected any day.

The cases heard were:

Reliance Theatres, Inc., Palace, Lockport, N. Y., against Schine Theatrical Co.; William C. Smalley, Norwich, N. Y., against Schine Enterprises, Gloversville, N. Y.; Ernest J. Wolfe, Avalon, Lowville, N. Y., against Schine, Watertown, N. Y.; Rubin Frels, Uptown and Victoria, Victoria, Texas, against Jefferson Amusement Co., Queen, same city; S. E. Pirtle, Orpheum, Jerseyville, Ill., against all houses in Alton, Ill.; Harry Nagel, Dream, Indianapolis, against M. Margolis, Rivoli, same city; Harry Nagel, Dream, Indianapolis, against Paramount theatre, same city.

## *Delay General Hearing*

The general hearing on a new clearance and zoning schedule for Port Jefferson and surrounding area was adjourned yesterday by the New York board until July 3. Several members were unfamiliar with the purpose of the meeting and were unprepared, causing the delay.

Protest of the Disbury, Waldon, N. Y., for elimination of the 14-day clearance by the Broadway, Ritz and Academy in Newburgh was denied. The Disbury wanted open bookings on all pictures.

# "Little Man" Kansas City Wow, $5,800

KANSAS CITY, June 21.—"Little Man, What Now?" was the Uptown's sensation, nabbing $5,800 against a normal $3,500. It built considerably after opening and was held for a second week.

Another hit was "Little Miss Marker" at the Newman, on a double bill with "The Crime of Helen Stanley." Because of the long show there were many turnaways, but the take went to $7,000, above par by $1,000.

The quality of the Tower's stage shows has shown improvement, reflected in a strong $5,700 for "Wild and Wooly" as the stage attraction with "The Party's Over" on the screen.

"Twentieth Century," billed with "Sisters Under the Skin," at the Mainstreet was off, as was "Sorrell and Son," the Midland's feature.

Total for the week was $31,000. Average is $31,500.

Estimated takings for the week ending June 14:

**"TWENTIETH CENTURY" (Col.)**
**"SISTERS UNDER THE SKIN" (Col.)**
MAINSTREET—(3,049), 25c, 8½ days, plus Saturday late show. **Gross:** $5,500. (Average, $7,000.)

**"SORRELL AND SON" (U. A.)**
MIDLAND—(4,000), 25c, 6 days, plus Saturday midnight show. **Gross:** $7,000. (Average, $10,000.)

**"LITTLE MISS MARKER" (Para.)**
**"THE CRIME OF HELEN STANLEY" (Col.)**
NEWMAN—(1,800), 25c, 8 days, plus Saturday late show. **Gross:** $7,000. (Average, $6,000.)

**"THE PARTY'S OVER" (Col.)**
TOWER—(2,200), 25c, 7days, plus Saturday midnight show. Stage: "Wild and Wooly," featuring Carter Bros. Co., Bernie Green and Bess, Wilfrid Dubois, 3 Singing Sweethearts. **Gross:** $5,700. (Average, $5,000.)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
UPTOWN—(2,000), 25c, 7 days. **Gross:** $5,800. (Average, $3,500.)

# "Villa" Montreal Grosser, $10,500

MONTREAL, June 21.—The chief rave last week was "Viva Villa," which headed the bill at the Palace and was given a vigorous advertising campaign. The result was a good $10,500, quite a bit ahead of rival attractions.

The Princess came out nicely with two British films, "Sorrel and Son" and "Trouble," which are released in the United States by United Artists, the take here being a par $6,000. The Capitol rang up $8,000 on "Murder at the Vanities" and "She Made Her Bed." The weather was fair and rather cool.

Total business was $31,000. Average is $36,500.

Estimated takings for the week ending June 16:

**"MURDER AT THE VANITIES" (Para.)**
**"SHE MADE HER BED" (Para.)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,000. (Average, $9,000)

**"THE CRIME DOCTOR" (Radio)**
**"FINISHING SCHOOL" (Radio)**
LOEW'S—(3,115), 25c-35c-50c-65c, 7 days. **Gross:** $7,500. (Average, $10,500)

**"VIVA VILLA" (M-G-M)**
**"SLEEPING CAR" (British)**
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $10,500. (Average, $11,000)

**"SORRELL AND SON" (British)**
**"TROUBLE" (British)**
PRINCESS—(2,272), 25c-35c-50c-65c, 7 days. **Gross:** $6,000. (Average, $6,000)

# "Princess" Is Capital High As Takes Gain

WASHINGTON, June 21.—Box-office intakes picked up a little last week, with the total rising to $62,000 from $57,100 the previous week. Loew's Palace resumed first runs.

Loew's Fox again took top honors, with $17,900 on "Thirty Day Princess" and a stage show composed of Benny Davis & Revue, Three X Sisters, Arthur LeFleur and Harry Burns & Co.

First of the current season's Universal product not to play the Rialto was "Little Man, What Now?" which took $16,200 at the Earle. Stage show included Gracie Barrie, Paul Remos & His Toy Boys, Harry & Frances Usher, Joe Termini and Dick & Edith Barstow.

Loew's Palace resumed its undisputed third place position with $14,500 for "Sadie McKee" which was held.

Warner's "As the Earth Turns" was satisfactory at $4,100.

Running "Sorrell and Son" five days, RKO-KKeith's resumed its Friday opening with "The Crime Doctor." "Sorrell and Son" was only fair with $4,300, or a total of $6,100 for the week.

Estimated takings, exclusive of tax, for the week ending June 14:

**"LITTLE MAN, WHAT NOW?" (Univ.)**
EARLE—(2,218), 25c-77c, 7 days. Stage show. **Gross:** $16,200.

**"THE WITCHING HOUR" (Para.)**
LOEW'S COLUMBIA—(1,232), 25c-40c, 7 days. **Gross:** $3,400.

**"THIRTY DAY PRINCESS" (Para.)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage show. **Gross:** $17,900.

**"SADIE McKEE" (M-G-M)**
LOEW'S PALACE—(2,363), 35c-77c, 7 days. **Gross:** $14,500.

**"AS THE EARTH TURNS" (Warners)**
METROPOLITAN—(1,600), 25c-40c, 7 days. **Gross:** $4,100.

**"WHERE SINNERS MEET" (Radio)**
RKO-KEITH'S—(1,830), 25c-55c, 2 days. **Gross:** $1,800.

**"SORRELL AND SON" (U. A.)**
RKO-KEITH'S—Five days to complete week of above. **Gross** (5 days only): $4,300. (Total, 7 days, $6,100)

## *Public to Dictate on Entertainment—Lee*

The present agitation for clean pictures is interpreted by Arthur A. Lee, vice-president of the Gaumont British Picture Corp. of America, as a reflection of "a concrete determination on the part of the public to force producers and exhibitors to recognize its rights to dictate its requirements in the matter of entertainment and, further, its intention to see that these requirements are met, at least insofar as wholesomeness of theme and treatment are concerned."

According to Lee, "it is wholly possible to produce suitable adult entertainment which is also fit for juvenile consumption."

## *Three Star Films Set*

Edward G. Robinson, Boris Karloff and Warner Baxter are down for one picture each on Columbia's new lineup, scheduled at 48, eight of which will be Tim McCoy westerns. Jack Holt is slated for four. Howard Hawks is scheduled to direct the unnamed Robinson film.

## *No Nerve Center*

**Kansas City, June 21.—The height of something was achieved by a patron at Dubinsky's Liberty. After seeing a two hour and 40 minute show of films and vaudeville for 15 cents, he demanded the theatre pay his parking fee, which was 15 cents, because other theatres offer free parking.**

# "Thin Man" Is Frisco's Only Hit, $20,000

SAN FRANCISCO, June 21.—With grosses sagging all through the first run belt, "Thin Man" managed to pull a strong $20,000, over normal by $1,000, at the Warfield.

The Orpheum has gone to double bills with a stage show added.

Total first run business was $59,700. Average is $70,000.

Estimated takings:

***Week Ending June 12:***
**"MOST PRECIOUS THING IN LIFE" (Columbian)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage: Vaudeville, band. **Gross:** $11,200. (Average, $13,000)

***Week Ending June 13:***
**"LITTLE MAN, WHAT NOW?"**
ORPHEUM—(3,000), 15c-25c-35c-40c, 7 days. Arthur Tracy on stage. **Gross:** $8,500. (Average, $9,000)

***Week Ending June 14:***
**"HELL CAT" (Col.)**
**"STOLEN SWEETS" (Chesterfield)**
FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage: Vaudeville. **Gross:** $5,500. (Average, $9,000)

**"FOG OVER FRISCO" (Warners)**
**"SPRINGTIME FOR HENRY" (Fox)**
PARAMOUNT—(2,670), 15c-35c-40c-65c, 7 days. **Gross:** $8,500. (Average, $12,000)

**"MURDER AT THE VANITIES" (Para.)**
ST. FRANCIS—(1,400), 15c-35c-40c-65c, 7 days. **Gross:** $6,000. (Average, $8,000)

**"THIN MAN" (M-G-M)**
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage: Vaudeville, band. **Gross:** $20,000. (Average, $19,000)

## *Seider Buys Into 2 More*

Joseph Seider has acquired an interest in Charles Lewis' two theatres, the Garden, Springfield, and State, Ozone Park, L. I. Lewis has at the same time acquired an interest in four of Seider's houses in Long Island and negotiations are on whereby a total of 21 houses will be included in a new setup between the two.

Russell Cohen, formerly interested in the Lewis houses, has stepped out.

## *To Serve Buffet Lunches*

The M. P. Club is not entirely closing down the refreshment service for Saturdays during the summer. A buffet lunch will be available instead of the regular luncheon.

## *Clara K. Young Returns*

HOLLYWOOD, June 21—Clara Kimball Young, one of the stars of silent days, has returned to the screen in Universal's "Romance in the Rain."

## *Ellington for Capitol*

Duke Ellington and his band have been booked for the Capitol starting June 29. "The Thin Man" will be on the screen.

# "Men White" Capitol Hit; Gets $61,000

"Men in White" helped the Capitol take a slap at the summer slump. With Leo Carrillo and Abe Lyman and his band on the stage to help out, the take went up to $61,000.

In the meantime the rest of the Broadway grosses were nothing to get excited about. "Sisters Under the Skin" touched $59,000 at the Music Hall, and the Paramount took only $28,000 with "Many Happy Returns" and a stage show.

"House of Rothschild" reached $15,400 in its 13th and final week at the Astor. "Little Man, What Now?" was good for $10,000 at the Palace "Such Men Are Dangerous" had a weak $17,000 at the Roxy.

Estimated takings:

***Week Ending June 12:***
**"HOUSE OF ROTHSCHILD" (U. A.)**
ASTOR—(1,012), 55c-$2.20, 13th week, 7 days. **Gross:** $15,400.

**"BORN TO BE BAD" (U. A.)**
RIVOLI—(2,000), 35c-99c, 2nd week, 7 days **Gross:** $9,900.

***Week Ending June 13:***
**"LOVE CAPTIVE" (Univ.)**
MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $5,500.

**"SISTERS UNDER THE SKIN" (Col.)**
RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $59,000.

***Week Ending June 14:***
**"MEN IN WHITE" (M-G-M)**
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Abe Lyman and band, also Leo Carrillo and others. **Gross:** $61,000.

**"LITTLE MAN, WHAT NOW?" (Univ.)**
PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $10,000.

**"MANY HAPPY RETURNS" (Para.)**
PARAMOUNT—(3,700), 35c-99c, 7 days Stage show. **Gross:** $28,000.

**"WORLD IN REVOLT" (Mentone)**
RIALTO—(2,300), 25c-65c, 12 days. **Gross:** $18,000.

**"SUCH WOMEN ARE DANGEROUS" (Fox)**
ROXY—(6,200), 25c-65c, 7 days. Vaudeville. **Gross:** $17,000.

**"FOG OVER FRISCO" (Warners)**
STRAND—(2,000), 25c-$1.10, 7 days. **Gross:** $14,616.

***Week Ending June 15:***
**"THIRTY DAY PRINCESS" (Para.)—4 days**
**"CRIME DOCTOR" (Radio)—3 days**
RKO CENTER—(3,700), 25c-55c, 7 days. **Gross:** $5,000.

# "Little Man" Good Indianapolis Draw

INDIANAPOLIS, June 21.—"Little Man, What Now?" ran up a fine $4,000 at the Lyric last week. This was the first week without stage shows at 20 cents to 40 cents.

"Many Happy Returns" pulled a good $4,500 at the Circle. Other spots were below normal.

Total first run business was $14,000. Average is $10,000 without the Lyric.

Estimated takings for the week ending June 16:

**"WILD GOLD" (Fox)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)

**"MANY HAPPY RETURNS" (Para.)**
CIRCLE—(2,800), 20c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

**"LITTLE MAN, WHAT NOW?" (Radio)**
LYRIC—(2,000), 20c-40c, 7 days. **Gross:** $4,000.

**"SORRELL AND SON" (U. A.)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

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RONALD COLMAN

in

"BULLDOG DRUMMOND STRIKES BACK"

with

LORETTA YOUNG
WARNER OLAND
CHARLES BUTTERWORTH
UNA MERKEL

directed by ROY DEL RUTH

*To be released* JULY 20TH

20th CENTURY PICTURES

"The best picture 20th Century has turned out!" —Los Angeles Daily News

Constance BENNETT

Fredric MARCH

in

"THE AFFAIRS OF CELLINI"

with

FRANK MORGAN
FAY WRAY

Directed by GREGORY LA CAVA
from the hit play "The Firebrand"
by Edwin Justus Mayer

*To be released* AUG. 3rd

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The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 146 | NEW YORK, SATURDAY, JUNE 23, 1934 | TEN CENTS

## Silverstone Made Head of U. A. Abroad

### *To Direct All European Activity from London*

By BRUCE ALLAN

LONDON, June 22.—Joseph M. Schenck, president of United Artists, said today that Maury Silverstone would handle all of U.A.'s European activities in the future. He will have an enlarged staff and office here.

One of the other objects of his visit, he said, was to induce Alexander Korda to make six pictures annually for U.A. release. He will help him with directors and players, he said, and has suggested Fredric March and Ronald Colman.

The reconstructed London Pavilion will be reopened about the end of

(*Continued on page* 3)

## Reliance to Have Six, States Goetz

An augmented 1934-35 program was made public yesterday by Harry Goetz, president of Reliance, who is back from the coast after conferences there with Edward Small on plans for the new year.

The company will make three in addition to "The Count of Monte

(*Continued on page* 3)

## Pictures Reply to Objections—Hays

"There is but one answer and only one answer to reasonable objections to pictures and that is the pictures themselves," declared Will H. Hays late yesterday in formally announcing the

(*Continued on page* 4)

## *Ohio Censor Denies Drive Affected Ban*

COLUMBUS, June 22.—Dr. Beverly O. Skinner, censor head, denies the ban on "The Life of Vergie Winters"

(*Continued on page* 4)

## *Signs Griffith*

**London, June 22.—Herbert Wilcox, managing director of British & Dominions now in New York, has signed D. W. Griffith to direct Charles Dickens' "Old Curiosity Shop."**

## *Coast Indies Plan National Campaign to Protect Doubles*

**Hollywood, June 22.—Protests against the new zoning schedule will be voiced at a meeting of the Independent M. P. Producers' Ass'n. called for Monday night.**

**The schedule, as drawn, penalizes the showing of dual bills. Ken Goldsmith, speaking for the association, said exhibitors should operate their businesses without the influence of monopolistic bodies. The association will launch a nationwide campaign to sustain duals, he said.**

## Para. Expects $20,000,000 From Exports

LOS ANGELES, June 22.—Paramount expects to gross $20,000,000 abroad during the coming season, according to word passed on to the convention by George J. Schaefer.

A variety of interesting slants on conditions overseas have come to light during the sessions. There are, for instance, double features in England. While American exhibitors are struggling with the problem the same situation has long since solved itself in England, according to J. C. Graham, general manager for Great Britain.

"One man's poison is another man's meat," he said. "Following the World War there were 200 or 300 major features in the United States which it had been impossible to transport to Great Britain. These, together with the product

(*Continued on page* 3)

## *Para. Stockholders May Offer Own Plan*

The Paramount Publix stockholders' committee, which represents 46 per cent of the 3,380,121 shares outstanding, will offer its own plan of

(*Continued on page* 3)

## Modification Of Code Seen In NRA Plan

WASHINGTON, June 22.—Possible modification of the film code is seen in plans of the National Recovery Administration to revise codes to eliminate unworkable provisions, clauses which involve radical prohibitions on respectable sections of industries, or "conscript" unwilling groups, and any other sections which require the strong arm of the Government for enforcement.

Warning that arbitrary provisions and methods of enforcement must be dropped has been issued by the Administration, which holds that "it is a perfectly reasonable assumption that no material factor in American life will object to such codes so long as they are not used as a subterfuge for the accomplishment of some unworthy

(*Continued on page* 4)

## *Memphis to Repeat Sandwich Showings*

MEMPHIS, June 22.—The Orpheum has decided to repeat the Sunday sandwich show experiment, following a visit here of Aaron Courshon and

(*Continued on page* 2)

## *Little Hope for Theatres Seen in Government Loans*

WASHINGTON, June 22.—Regulations issued by the Reconstruction Finance Corp. to govern the making of loans to industry indicate that exhibitors will find it difficult to secure the money for improvements to theatres.

Producers needing working capital and unable to obtain it from their usual sources on reasonable terms, however, are expected to find the corporation sympathetic to their needs. A maximum of $500,000 will be loaned to any single concern. Loans may run for as long as five years.

Briefly, loans will be made primarily to supply needed working capital such as for the payment of labor and the purchase of materials. In general

(*Continued on page* 4)

## Loew-Warner Offer Lure to Fox Met Group

### *Bondholders Favor It; Want Quick Disposal*

The Fox Metropolitan bondholders' committee, author of the plan of reorganization for the circuit which proposes continuing Skouras and Randforce as operators, indicated at a meeting yesterday that it preferred the Loew-Warner offer of $4,000,000 cash for the 87 Fox Met. theatres providing the deal could be consummated without delay.

The bondholders' committee represents more than 85 per cent of the $12,500,000 issue outstanding and its attitude on acceptance or rejection of the Loew-Warner offer is regarded as a decisive factor. No final decision by the committee was arrived at yesterday and further discussions with

(*Continued on page* 4)

## Campi Committees Start in Few Days

Campi's appeal committees will start functioning June 25 when the first of the 10 groups meets to hear some of the 49 appeals now on the docket. Open hearings, the same as have been current when Campi has sat as a whole, will prevail.

About 20 appeals are expected to be disposed of the first week. They will have only the power to recommend decisions with Campi and its

(*Continued on page* 4)

## *About 100 Impartial Alternates Selected*

About 100 alternates for impartial men throughout the country have been approved by Division Administrator Sol A. Rosenblatt and will be announced next week.

Three men have been approved for each of the 31 key city boards and will replace permanent government representatives when the latter are unable to sit.

## *To Deliver All*

**Chicago, June 22.—M-G-M will deliver all current season production as announced, Felix F. Feist, general sales manager, said at the company's convention today.**

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Flash Reviews

*Return of Bulldog Drummond*—. . . highly satisfactory entertainment for any audience.

*Let's Try Again*—Sophisticated in appeal. . . .

*Hollywood Hoodlum* — Cleverly worked out satire on gangster pictures. . . .

*City Park*—. . . should prove pleasant entertainment for neighborhood audiences. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## Bruce Finishes Pact

HOLLYWOOD, June 22.—Nigel Bruce has wound up a 10-month contract with Fox and leaves for New York Saturday, sailing on the *Aquitania* June 27.

## Set Fox Foreign Drive

Fox's second foreign sales drive starts Aug. 26 and continues for 18 weeks. The drive abroad opens one week after the domestic campaign.

## Sullivan Here on Deals

Jack Sullivan, Fox West Coast film buyer, is here conferring with Spyros Skouras and E. L. Alperson on next season's product deals.

## Kent Due Back Monday

S. R. Kent, president of Fox, is due back Monday. He is flying in from the coast over the week-end.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "One Night of Love"

(*Columbia*)

HOLLYWOOD, June 22.—Grace Moore's personality and singing triumph in a production that is a credit to the industry.

The audience applauded spontaneously and enthusiastically after the stirring rendition of numbers from "Traviata," "Carmen," "Madame Butterfly" and "Cheri Beri Bi."

Slim and graceful, with beauty and charm, Miss Moore portrays a rising operatic star with human and light-hearted gusto. With an allure distinctively American, she blasts the idea operatic singers must be fat and Italian. It is quite possiblt that after key city notices this star may find herself a rage, both as star and singer.

Failing to win an American radio contest in Italy as a singing waitress, she intrigues Tullio Carminati, voice culturist, who has dismissed a pupil, Mona Barrie, for amorous reasons. Trials and sacrifices of her climb, her debut under Tullio's spell, her human side, and the final Metropolitan triumph provide the framework for an attention-holding plot, highlighted with heart appeal and drolleries.

Too much cannot be said for Victor Sherzinger's direction, charged with sympathy for his people through his musical knowledge and fixity of mood.

Carminati, at one time Duse's leading man, gives his best screen performance to date. Miss Barrie, Louis Alberni, Jessie Ralph and that glorious warrior, Andre de Segurola, contribute outstanding support.

Grapevine news brought out Norma Shearer, Gloria Swanson, Maurice Chevalier, Mary Pickford and others for the preview.

To Columbia's hit roster, showmen may now add "One Night of Love"—clean, entrancing, yet vital entertainment. Running time, 80 minutes.

## Chinese Film Leader Views Methods Here

Lo Ming Yau, representative of the Ministry of Industry of China, is in town making a study of American production and distribution. He is accompanied by Moon Kwan, Chinese poet and director.

Lo Ming Yau is president of United Photoplay Service, Ltd.; United Photography Service (Overseas), Ltd.; South China Cinema & Investment Co., Ltd., and the Chinese American Film Co., with headquarters in Shanghai and Hong Kong.

The visitors spent two weeks in Hollywood, visiting M-G-M and Radio, and will be here about two weeks.

## Buchanan in "Millions"

LONDON, June 22.—British & Dominions' "Brewster's Millions" will have Jack Buchanan in the lead.

## Memphis to Repeat Sandwich Showings

(*Continued from page* 1)

Mort Goldberg, Chicago partners in the operating company.

Counsel says he has discovered the theatre's license cannot be revoked for a second offense, as the violation was of a city ordinance and not a state law.

"The Life of Vergie Winters" will be shown with sandwiches and drinks at 40 cents. Other houses are watching the situation closely. Hundreds of letters are pouring in from all over the country offering advice and commending the theatre operators.

## Monogram to Pathe

HOLLYWOOD, June 22.—Monogram has closed a deal for use of the Pathe stages and will move in July 1. "King Kelly of the U. S. A." will be the first.

## Big Board Issues Slip

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30½ | 30 | 30 | — ¾ | 300 |
| Eastman Kodak | 99 | 97 | 97 | —2⅜ | 800 |
| Fox Film "A" | 14 | 13⅜ | 13⅜ | — ⅝ | 900 |
| Loew's, Inc. | 31⅜ | 29½ | 30 | —1¼ | 11,000 |
| Paramount Publix, cts | 4¼ | 3¾ | 4 | — ¼ | 7,600 |
| Pathe Exchange | 2½ | 2⅜ | 2⅜ | — ⅛ | 800 |
| Pathe Exchange "A" | 22⅝ | 21¼ | 21½ | —1¼ | 5,600 |
| Warner Bros. | 2½ | 2⅛ | 2¼ | — ¼ | 3,300 |
| Warner Bros., pfd | 5⅞ | 5¼ | 5⅜ | — ½ | 7,000 |

## Technicolor Remains Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¾ | 13⅛ | 13¼ | ..... | 3,600 |

## Warner Bonds Off 1½ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¼ | 8⅞ | 8⅞ | — ⅜ | 15 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8 | 8 | — ½ | 14 |
| Loew's 6s '41, ww deb rights | 102 | 101¾ | 101¾ | + ¼ | 4 |
| Paramount F. L. 6s '47 | 55 | 55 | 55 | ..... | 1 |
| Paramount Publix 5½s '50 | 55⅛ | 55 | 55 | — ¾ | 51 |
| Pathe 7s '37, ww | 98¾ | 98½ | 98¾ | + ¼ | 5 |
| Warner Bros. 6s '39, wd | 60¼ | 58½ | 58½ | —1½ | 15 |

# Purely Personal

DAVID M. THOMAS of Falcon Pictures Corp., accompanied by DAVID GARRISON BERGER, his attorney, and LUTHER REED, who will direct "Convention Girl" for him, left last night for Atlantic City to review tests of applicants for minor roles in the film. THOMAS has signed NATALIE H. TYSON of the Stotesbury clan for a part in the film with an option for five more.

HAL B. WALLIS, associate executive in charge of production for Warners, back from a European trip with Mrs. WALLIS (LOUISE FAZENDA), is on his way to the coast. JACOB WILK, head of the story department, is accompanying them. He will be away two weeks.

BERNARD ZIMMER, French playwright, who directed the dialogue of the French version of "Caravan," is in town from the coast. He sails on the *Champlain* today.

GEORGE SKOURAS says he's hitting 83 on the links. His associates are not yet convinced and intend to have a showdown.

JOE ROSENZWEIG, formerly with Columbia, plans to enter exhibition. In fact he's dead set on it and is looking around for a theatre.

A. C. BROWN, traveling auditor for Paramount International in the British Isles, sails today on the *Champlain.*

ANDRE HORNEZ, French scenario writer for M-G-M, will be on the same ship.

JULES E. BRULATOUR and MRS. BRULATOUR (Hope Hampton) sail today on the *Rex.*

GEORGE BURNS and GRACIE ALLEN are among the passengers on the *Rex* today.

ED KUYKENDALL will not attend Campi's meeting Thursday.

## Trem Carr Recovering

HOLLYWOOD, June 22.—Trem Carr, Monogram production head, who went to the Cedars of Lebanon Hospital last week for a minor operation, is gaining strength. He expects to be out in two weeks.

## Sherman's Pay Slashed

A cut of $18,000 has been made in the salary of Harry Sherman, president of Local 306. His stipend in the future will be $1,800 a year. The post of chief organizer, paying $18,000 yearly, has been abolished.

## Diamond on Production

LONDON, June 22.—David Diamond is aboard the *George Washington* to discuss British production with an unnamed major American company in New York.

## Col. Considers Chicago

Columbia is considering holding its second regional sales session in Chicago July 7-9 at the Drake. The first is set for Atlantic City, July 2-4.

## Back by July 15

HOLLYWOOD, June 22.—Harry M. Warner is visiting his daughter, Doris Warner Le Roy, and plans to be back in New York by July 15.

# Para. Expects $20,000,000 From Exports

(Continued from page 1)
of independents, provided a surplus which was not consumed until 1923. Then the pendulum swung the other way. Legislation limited advance bookings to protect the home product. British picture production increased. With only 4,000 theatres to serve, double feature bills then proved a life-saver to the industry. Without them, there is no telling what would have happened to values."

M. J. Messeri, managing director for Spain, said:

"Spain and the Spanish people have enough gloom. They do not want gangster, kidnapping, crime or horror pictures. They want to be entertained."

The three most difficult problems confronting distribution in South America, according to John Day, head of sales on that continent, are money exchange, revolutions and titles. The first, he said, is rapidly being adjusted. He said he is getting used to the second, but the third still causes trouble, particularly in the smaller cities where only between 15 and 20 percent of the audience can read super-imposed Spanish titles.

J. E. Perkins, representing the Orient, stated American films in many parts of China are shown on two screens. A large one shows the picture and a smaller one alongside gives the gist of the dialogue in Chinese characters.

## Many Para. Field Men Long With the Company

Los Angeles, June 22.—Thirty-two of Paramount's 49 branch managers have been with the company from 11 to 21 years.

Myke H. Lewis and Harold Wilkes date back 21 years; Ralph Li Beau and Ulrich Smith, 20; Frank C. Clark, 18; Earle Sweigert, Harry Hunter and "Scotty" Chestnut, 17; Oscar Morgan, Hugh Braly, Milton Kusell, Carroll N. Peacock, Jack Bettencourt and David Prince, 15; J. J. Unger, Neil Agnew, Charles Reagan and G. B. J. Frawley, 14.

## *Para. Stockholders May Offer Own Plan*

(Continued from page 1)
reorganization for the company only in the event it is dissatisfied with the plan being developed by Kuhn, Loeb & Co. in conjunction with Paramount bondholders, it was stated yesterday by Louis Loeb, counsel for the stockholders' committee.

Coverdale & Pitts, consulting engineers, have been retained by the stockholders' committee to prepare data on Paramount's present position with a view to developing a reorganization plan. Loeb said the committee wanted to be in a position to submit an alternative plan in the event it could not accept the Kuhn, Loeb plan.

## *Seek to Reorganize Allied Owners Corp.*

Francis T. Pender, president of Allied Owners Corporation, bankrupt subsidiary of New York Investors, Inc., today filed in the Federal Court, Brooklyn, a petition for the reorganization of the corporation under the new bankruptcy act. The decision to file the petition was reached yesterday at a meeting of directors in the office of Robert P. Levis, attorney.

The petition sets forth that the cash position of the corporation has increased to $601,708, a gain of $260,940. Of this amount $81,000 has been derived from investments and the balance from the operation of contracts. Accrued interest from Aug. 8 to date, the petition states, increased liabilities to $660,000. The major assets of the corporation are Loew's King, the Pitkin and Paramount Theatres, all in Brooklyn; Loew's Valencia, Jamaica, a theatre in Birmingham, Ala., one in Fremont, O., and one in Glens Falls, N. Y.

On Sept. 14 last the corporation filed a claim of $23,364,726 against the Paramount Corp., also in bankruptcy, according to the petition and no adjudication of this has been made as yet. Claims amounting to $10,000,000 had been filed against the two Loew Theatres mentioned, it was stated. The petition further states that the excess of assets over liabilities without allowing for depreciation is $10,178,256 and that cash in the banks totals $340,768. Listed among the corporation's assets, according to the petition, is participation to the extent of $935,836 in a note of $1,117,220 of the Ringling Bros.-Barnum & Bailey combined shows.

# *Around the Ambassador*

Los Angeles, June 22.—*The Paramount convention went into a series of individual meetings today, but here is some of the sideline stuff that interested delegates.*

J. E. Perkins, assistant to Tom Cochrane in Shanghai, in reporting on distribution in the Orient, told delegates an important chain there is owned jointly by a Chinese and an Englishman. Name of the firm is Loo-Kan-Backhouse.

•

Carl P. York, head of Scandinavian distribution, claims the distinction of having come the longest distance. He claims Norway has a unique system in that the communities themselves own theatres. One man buys film for all the houses in his town.

•

Montague Goldman, general sales manager for Great Britain, proved himself an orator and alarmed the delegates by quoting four poets and two philosophers in describing conditions in England. He held great hope for the future, he said. Not long ago living costs there were 300 percent above pre-war days, five shillings out of each pound went to taxes, and one person out of five was unemployed. These were some of his figures.

•

During one afternoon session George Schaefer had Sid Grauman, Charles Skouras, Mike Marco and Maxwell Shane as guests.

•

W. C. "Bill" Fields appeared walking with crutches because of a recent ankle injury.

•

Gail Patrick, along with Evelyn Venable, devoted an entire afternoon posing for pictures with the delegates.

•

The appearance of Jim Timony got all the boys anxious and looking around for Mae West, who did not appear.

•

Telegrams were read from Tom Cochrane, Japanese representative; Martin Mullin, New England theatre operator; Dr. A. H. Gianinni and John Howard, latter Indianapolis salesman, who was stricken with pneumonia just before the convention special left.

•

To show Howard how the boys all missed him, Schaefer appointed William Erbb, Dave Prince and Allen Usher a committee to send him special convention greetings

•

Chet Bell, Detroit, won the golf game with a 95, while Clayton Eastman, Albany, won the booby prize with a score over 120.

### *Only the Clean*

**Los Angeles, June 22.—Paramount production policy will parallel the first 15 years of the company's life during the coming season, declared Adolph Zukor at the sales convention here.**

**During that time he said the company avoided salaciousness and its pictures were interesting and successful.**

G. Knox Haddow was accompanied by his wife and two charming daughters at the Paramount dinner. They are making their home here while the daughters attend a private school and Haddow whiles his time at the home office 3,000 miles away.

•

Lou Edelman, former member of the ad sales department and now a producer here, spent most of the time renewing old friendships from New York and Jersey.

•

Lionel Barrymore went out of his way to personally meet as many of the boys as possible.

•

Max Fleischer continued to receive orchids from the delegates for his stereopticon color short, "Cinderella," two days after screening.

•

A. F. Baker, general manager of the Electric Theatre, Kansas City, said business in Kansas has shown a decided improvement in recent months.

•

Jack Roper, assistant to Neil Agnew, says this is his first trip to Hollywood.

•

Scotty Chesnutt, Jacksonville manager, made his presence distinctively conspicuous by wearing his customary white carnation.

•

Through arrangements made by Myke Lewis and Carroll Peacock, the delegates spent this afternoon deep sea fishing off San Clemente. Jay Haas arranged with the Hollywood fight stadium to put on an extra program of glove-throwing for the boys tonight.

## *"Returns" Is Hit in Denver With $7,500*

Denver, June 22.—"Many Happy Returns" developed into a hit at the Denham last week. The $7,500 take was over average by $3,500.

Second honors went to "Twentieth Century" which grabbed a fine $8,500 at the Denver. "Half a Sinner" was pulled at the end of six days. "Hollywood Party" was weak.

Total first run business was $23,708. Average is $20,500.

Estimated takings for the week ending June 21:

**"HALF SINNER" (Univ.)**
ALADDIN—(1,500), 25c-35c-50c, 6 days. Gross: $1,200. (Average, $2,500)

**"MANY HAPPY RETURNS" (Para.)**
DENHAM—(1,500), 15c-25c-40c, 7 days. Gross: $7,500. (Average, $4,000)

**"TWENTIETH CENTURY" (Col.)**
DENVER—(2,500), 25c-35c-50c, 7 days. Gross: $8,500. (Average, $6,000)

**"HOLLYWOOD PARTY" (M-G-M)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. Gross: $4,500. (Average, $6,000)

**"SOCIAL REGISTER" (Col.)**
**"CRIME OF HELEN STANLEY" (Col.)**
PARAMOUNT—(2,000), 25c-40c, 3 days. Gross: $700.

**"NOW I'LL TELL" (Fox)**
PARAMOUNT—(2,000), 25c-40c, 4 days. Gross: $1,300. (Average for week, $2,000)

# Silverstone Made Head of U. A. Abroad

(Continued from page 1)
September with "The Private Life of Don Juan."

Schenck and Darryl Zanuck are seeing the play, "Clive of India," which will be Colman's next. Zanuck will fly to Capri on the 28th. He will return to London and then leave for the United States, as his next picture is scheduled to start in Hollywood in August.

Schenck said George Arliss' next for 20th Century would be "Richelieu."

Charlie Chaplin is definitely set for a film this year, he said. It will be all silent and will treat present-day industrial conditions from a humorous angle with big factory sets. Chaplin has the whole film on paper, Schenck said, because the overhead will not permit improvising.

The U.A. president will fly to Paris Monday.

## Reliance to Have Six, States Goetz

(Continued from page 1)
Cristo," "Transatlantic Merry-Go-Round" and "Catalina," already announced. One of the films may be made here, probably at the Biograph plant in the Bronx. In such an event Small would come to New York to oversee its production, according to Goetz.

"The Count of Monte Cristo," which has been completed, will start off the new season. The second on the list, "Transatlantic Merry-Go-Round," starring Jack Benny, is partly finished.

All six for the new season will be released by United Artists, the first three definitely during 1934-35.

Robert Donat, brought from England to play the lead in the Dumas classic, will make one more for Reliance, Goetz disclosed. Another player imported by Reliance is Sydney Howard, British and Dominions comic, who has a part in "Transatlantic Merry-Go-Round."

## *Radio Starts Work On New Season List*

Hollywood, June 22.—Radio has started two features on its 1934-35 list and will put five more in work before July 16, according to the present plan. This will be capacity.

The two under way are "The Fountain" and "The Age of Innocence." Those scheduled for an early start are: "The Gay Divorce," "Wednesday's Child," "Richest Girl" and "Anne of Green Gables."

## *Postpone I. T. O. A. Suit*

The I. T. O. A. suit against Campi and local code boards was yesterday postponed by Judge John M. Woolsey until June 29. The action was taken on recommendation by William Whitney, attorney for Campi, who said he was only served with papers yesterday morning and could not answer the charges on such short notice.

# Modification Of Code Seen In NRA Plan

(Continued from page 1)

purpose. "If, on the other hand," it was declared, "industries and code authorities ignore the fact that the entire NRA is an experiment in industrial self-government, fostered and checked by Government, and bearing, it is true, the cloak of Government authority, but primarily intended to give aid to industry in its self-government, but conceive it to be an opportunity to set up industrial dictatorship, which tendency has appeared in some instances on the part of code authorities, then it is inevitable that such codes are bound to fail and the authorities granted them must be withdrawn."

## Campi Committees Start in Few Days

(Continued from page 1)

legal board handing down the official opinion.

Next Thursday's session will be a closed affair with only administration work to be taken up. At this time, Code Authority will approve a panel of about 50 names of men who will sit with Campi members on individual committees. These groups will meet four days a week.

## *St. Louis Board Handles Big List*

St. Louis, June 22.—The clearance and zoning board has denied a request of Publix Great States Theatres that its first runs in Quincy, Ill., be granted 14 days over Palmyra, Mo., and Barry, Mo. Likewise, the board has refused the Publix houses prior run rights over theatres in Mount Sterling, Carthage and Hannibal.

Publix Great States had also sought 14 days for its first runs in Springfield, Ill., over Pawnee, Waverly, Edinburg, Chatham and Tallula, Ill., and a prior showing over Beardstown, but this was turned down.

In Publix Great State's application that its theatre in Wood River, Ill., be granted 14 days over the Ritz in East Alton, Ill., the board decided the clearance of Publix's first runs in Alton, Ill., should govern without any specific clearance rights being given Wood River over East Alton. A few weeks ago the board gave the Alton house 30 days clearance over Wood River and 45 days over East Alton.

The board has granted S. E. Pirtle's Orpheum, Jerseyville, Ill., seven days over Ross Denny's Bijou in Carrollton, Ill.

In the case of Christ Zotos, operator of the Roosevelt, against George Pliakos of the Criterion the application was not allowed. Zotos had protested against the 14 days clearance now enjoyed by the Criterion over the Roosevelt.

In the cases of Ed F. Clarke's Majestic and Kerasotes Brothers' Strand and Senate, Springfield, Ill., against the Fox Lincoln and Fox Tivoli theatres, Springfield, the board ruled first runs should have 35 days.

In two other cases the board decided St. Louis first runs should receive 28 days over the Grand and Princess in Alton, Ill., and Harry Redmon's Majestic, East St. Louis. The Grand and Princess theatres had asked that the St. Louis first run houses be merely given priority over Alton while Redmon was willing to concede seven days. In each of these cases the St. Louis houses had had 28 and 35 days.

The board ruled also that Redmon's Majestic, East St. Louis, be given prior run over Collinsville and Granite City, Ill., provided that pictures are played within 21 days after availability. The Majestic was given seven days over Dupo, Lebanon, Madison, O'Fallon, and Waterloo, Ill., provided pictures are dated 21 days after availability, but it was decided that the Majestic should have no clearance over Belleville, Ill. Redmon had sought seven days over Belleville. He has taken an appeal. Publix Great States has appealed from the ruling giving St. Louis first runs 28 days over the Grand and Princess, Alton. Other appeals are: Publix Great States Theatres, Springfield, Ill., vs. subsequent runs in Springfield; Joseph Desberger's Gem Theatre, Upper Alton, Ill., vs. Publix Great States, Alton; and S. C. Halloway's Apple Blossom, Hardin, Ill., vs. Publix Great States Theatres, Alton.

# *Leo's Boys Get Together*

Chicago, June 22.—While the more serious aspects of the industry were being discussed at the Drake, Mary, the Rhino, tied up traffic on Michigan Boulevard and refused to eat her spinach until directed by Mrs. Volney Phifer, who is recognized as something of an adept at making Mary mind her manners.

•

Unfurling of the flag and the singing of John Payne Gasser followed an impressive tribute to the memory of Marcus Loew during which the delegates stood in reverent silence.

•

By any and all odds, William R. Ferguson, M-G-M's exploitation chief, was an easy winner as the busiest man at the convention.

•

Fred Barto, local publicity dispenser, was sporting a wide grin after being told something could be done for his bald pate.

•

G. C. Parsons and his delegates from Los Angeles were odds on sporting the best coat of tan.

•

J. S. MacLeod and Selwyn Levinson of New York were the first conventionites to pass the turnstiles at the world's fair.

•

Felix Mendelssohn, Chicago manager, almost succeeded in appearing nonchalant when introducing his son Teddy, who is a Metro city salesman.

•

Sidney H. Shirley, Chicago district manager, found himself in the spot of the one-armed paperhanger as general host to the visitors.

•

The press department, says Barto, will not be responsible for goods left over 30 days, which is meant as a gentle reminder to Frank Drew, Cleveland, to reclaim his hat from Room 674.

•

Ed Carrier, in charge of the traveling studio and sound car, was known in former years as the boy "who sang to beat the band." He was prevailed upon to render a few of his old tunes.

•

Anyone who knows Chicago's Mayor Kelly will agree that in Fred Quimby the local chief has found his double.

•

Looking fit as the proverbial fiddle is Wade Willman, Indianapolis branch manager, who recently emerged from a period of illness.

•

After trying to cover the fair in one evening, Tom Connor, southern divisional chief, and Charles Kessnich, southern district manager, are agreed that the life of a pedestrian is a tough one.

•

W. H. ("Big Bill") Workman, Minneapolis, is the Carnera of the organization—but in size only.

•

William ("Bill") Scully, New England and southern district manager, is flanked by his New York and New Jersey crew wherever he goes. Jack Bowen and Dave Levy just won't let Scully alone.

•

Ralph Pielow, Albany manager, remembers the time when he worked in the New York exchange, but says he'd rather live in Albany.

•

Marigold Ball, fashion magazine contact, and Grace Rosenfield, Henry Ginsberg's eastern representative, arrive from New York Saturday enroute to the coast. They will attend the last day of the convention to see what it's like when all M-G-M salesmen start boasting of their accomplishments.

•

Jack Byrne, New Haven manager, is challenging all and sundry to the M-G-M handball title. If he can't get any takers, he'll try boxing.

•

Jay A. Gove has three secretaries ready to take down for the record all that's said by the speakers. It's for *Distributor*, the company house organ.

•

John MacLeod, whose principal purpose in life at the present moment is getting exchange forces acquainted with the code as it pertains to fire prevention, will talk briefly on exchange maintenance.

# *Little Hope for Theatres Seen in Government Loans*

(Continued from page 1)

loans will not be made when the proceeds are to be used to pay existing indebtedness. In expending funds, borrowers will be required to make purchases only from code adherents.

An incidental portion of a loan may be applied, under certain circumstances, to payment of taxes on properties necessary for the operation of the business.

"In general," it has been ordered, "loans will not be made when proceeds are to be used primarily to finance new construction. When funds are required chiefly for working capital purposes, but where it is necessary for the applicant to make replacements or to make minor repairs or improvements to plants in order to enable the applicant to operate more effectually, a small portion of the loan may be applied to such purposes."

## *Producer Nominees Sought from Coast*

With Division Administrator Sol A. Rosenblatt already having named his 10 appointees to the writers' and actors' code committees in Hollywood, Campi yesterday advised Major J. R. Donovan to submit a list of producers' representatives to be named to the same committees. The list will be approved by Campi Thursday.

## *Campi Gets $68,040*

Total amount of assessments paid Campi as of June 20 was $68,040, of which 6,259 assentors paid $67,161 and non-signers taking advantage of the 10 per cent cancellation sending in $879.

## *Portland Meeting Set*

Portland, June 22.—A meeting of exhibitors and distributors in this territory with members of both code boards has been called for June 26. Double billing has been discussed by the grievance board without a decision. Robert White in a grievance against the Hollywood charges reduced admission. Sam Fleishman replaces Phillip Blaumauer on the board.

# Loew-Warner Offer Lure to Fox Met Group

(Continued from page 1)

Loew's and Warner representatives on undecided issues are scheduled for Monday. Pending this, and possibly a second meeting on Tuesday, further court hearings before Federal Judge Julian W. Mack were adjourned yesterday until June 27.

Morton G. Bogue, counsel for the bondholders' committee, who told Judge Mack Thursday that he would recommend rejection of the Loew-Warner offer to the committee, altered his stand at yesterday's session. Bogue previously had advocated a sale of the Fox Met. bonds for $4,000,000 cash, thus leaving it to Loew's and Warners to develop their own plan of reorganization for the circuit. The Loew-Warner offer contemplates purchase of the Fox Met. assets from the bondholders after the latter have acquired them at a reorganization sale.

J. Robert Rubin of Loew's presented the offer to the bondholders' committee yesterday. Warner Marshall, Jr., who has been secretary of the bondholders' committee throughout the Fox Met. receivership period, resigned that post yesterday. He was succeeded by J. Howard Carlson of Halsey, Stuart & Co.

## Pictures Reply to Objections—Hays

(Continued from page 1)

industry's plan to stiffen self-regulation in Hollywood. His statement said:

"At the quarterly meeting of the board of directors of the M. P. Producers & Distributors of America, Inc., action was taken to amend its system of self-regulation in order to eliminate appeals from the decisions of the Production Code Administration to the jury of producers in Hollywood.

"Additional local authority has been assigned to the production code administration in Hollywood, of which Joseph I. Breen is the director, and the personnel will be amplified. Any appeal from the decision of the production code administration rests only with the board of directors of the M. P. P. D. A. in New York, which assumes final responsibility for the character of the pictures to be made.

"There is but one answer and one answer only to reasonable objections to pictures, and that is the pictures themselves. It is recognized that the solution of the problem of the right kind of screen entertainment rests solely with the quality of the product and these strengthened arrangements are directed to discharging that responsibility more effectively."

The plan was published in detail in Motion Picture Daily on June 18.

## *Ohio Censor Denies Drive Affected Ban*

(Continued from page 1)

was influenced by the Catholic clean film drive. He insisted the board's action was in keeping with Ohio's censor laws specifying that any picture must be moral, harmless, educational, or amusing, to gain approval.

"The picture is artistically done," he said, "but the theme is bad. We feel we must not be one minute behind public sentiment or one minute ahead in our activities."

The picture was advertised for opening today in practically all the leading cities of the state.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 147 | NEW YORK, MONDAY, JUNE 25, 1934 | TEN CENTS

## M-G-M Pacts May Call for 15¢ Minimum

### *Business Increase Will Justify Scale—Feist*

CHICAGO, June 24.—M-G-M's new season contracts may stipulate a 15-cent minimum admission in most territories despite the fact that Felix F. Feist, general sales manager, does not regard 10-cent admission houses now as any special problem for the future.

This was brought out here in an interview with Feist at the close of M-G-M's annual sales convention yesterday.

Feist predicts that a 15-cent minimum next season will be justified by continued business improvement throughout the country within the next six months, and that the same factor will automatically eliminate 10-cent houses as a problem of the future in most localities. He pointed out that the Administration is still committed to public works and relief programs which will put $1,500,000,000

(*Continued on page 2*)

### *Report M-G-M Plans Big List in England*

HOLLYWOOD, June 24.—A report is current here that M-G-M will embark on an extensive British production program with David O. Selznick in charge.

Selznick denies it as far as he is concerned and refers all inquiries to Nicholas M. Schenck.

### *Exhibitor Unit for Clean Pictures Only*

DES MOINES, June 24.—At a special meeting of its directors, Allied Theatre Owners of Iowa and Nebraska went on record for clean pictures. Regional meetings of members are being arranged to discuss plans for cooperation with church groups which are now campaigning for elimination of objectionable films.

### *Seider and Schwartz Pool Starts in Fall*

The pooling arrangement between Joseph Seider of Prudential and A. H. Schwartz of Century in six Long Island towns having been completed, the deal does not become effective until the fall when the new season gets under way.

Theatres in Queens, Melrose, Hunt-

(*Continued on page 2*)

## *Look for Strengthening Of Para. Partnerships*

LOS ANGELES, June 24.—Although it was not officially admitted that the Paramount sales convention included a session of theatre partners, it is understood that as a result of the gathering Paramount will continue its partnership operations. Company officials consider experience of their theatre associates valuable in any reorganization plan.

Paramount will not buy out its partners, it was learned.

Sam Dembow, theatre executive, and Barney Balaban of B. & K. said in advance of the sessions that nothing would be decided here, but it is understood that partnerships in certain localities will be renewed at Paramount's option, but these details, like the Trendle arrangement in Detroit, will be decided later.

## Warner Drive Set for Jump In Admissions

HOLLYWOOD, June 24. — Warners will launch a nationwide campaign for an increase in admission scales, declared Gradwell Sears, western and southern sales head, upon arrival here with a group of executives who had been attending the two-day sales convention in San Francisco.

Complete elimination of duals will be sought at the same time.

This is a part of the company's policy of withholding product from houses charging less than 15 cents for matinees and 20 cents evenings.

Sears points out that the average minimum admission in foreign houses is 25 cents.

Deals have been closed with Loew's

(*Continued on page 2*)

### *Stanley Suit Against Erpi Gets Dismissal*

WILMINGTON, June 24.—The anti-monopoly suit of the Stanley Co. against Erpi was dismissed on stipu-

(*Continued on page 4*)

## Jurisdiction Respondent's, Campi's Rule

KANSAS CITY, June 24.—When the two parties to a complaint are in different territories, the code board located in the respondent's territory gains jurisdiction, is the principle established by Campi in referring a clearance action from St. Louis to Kansas City.

The question arose on a complaint filed by S. Bank, Fulton Theatre, Fulton, Mo., who seeks to eliminate two weeks' clearance over Fulton given Jefferson City, Mo., theatres. Since Fulton is served by St. Louis exchanges, the complaint was filed there. The Dubinsky circuit, which operates the Jefferson City houses and was named defendant, challenged

(*Continued on page 4*)

### *K. C. Board to Take Industrial Disputes*

KANSAS CITY, June 24.—Under authorization to act as the local industrial adjustment agency, in addition

(*Continued on page 4*)

## *Skouras Turns to Philosophy As Fox Met Hangs in Balance*

**While the future of the Fox Metropolitan group he operates is in the balance, George Skouras has taken to the philosophy of George Santayana and the latter's commentary on the works of Dante, Goethe and Lucretius.**

**From Lucretius, Skouras is most absorbed in the following passage:**

**"To the Greek, insofar as he was a Greek, religion was an aspiration to grow like the gods by invoking their companionship, rehearsing their story, feeling vicariously the glow of their splendid prerogatives, placing them, in the form of beautiful and very human statues, constantly before his eyes."**

## Para.'s Plan Calls for $2 Assessments

### *Stockholders Would Pay To Retire Bank Loans*

A proposal for assessing holders of the 3,380,121 shares of Paramount Publix stock outstanding on the basis of $2 per share to create a fund which would be employed for retirement of the company's bank obligations in the reorganization of Paramount is understood to be part of the reorganization plan, it was learned Saturday.

It is contemplated that the proposal would provide a cash fund from which $5,000,000 would be paid, pro-rata, to the 12 banks which provided Paramount, through its subsidiary, Film Productions Corp., with a $13,000,000 credit fund in 1932. The credit transaction with the 12 banks is now in litigation, with the Paramount trustees seeking to have it set aside as a preferential transaction and

(*Continued on page 2*)

## Skouras Stays as An Operator Here

George Skouras is definitely set to continue local theatre operation despite current indications that he may lose around 40 Fox Metropolitan Playhouses if Loew's and Warners are successful with their joint bid.

In addition to operating the group of Fox Metropolitan houses, Skouras Theatres Corp. also has in its circuit six houses which are not affected by pending deals. These are:

Astoria, Jamaica; Academy of Music, Riverside, Nemo, Riviera and Japanese Gardens in Manhattan.

In the event Skouras loses the Fox Met units, it is likely he will pool his group with another important independent exhibitor.

### *Loew Denies Warner Will Get Theatres*

David M. Loew yesterday denied any intention on part of the Loew circuit to turn over its houses in Newark, North Bergen and Jersey City to Warners provided the Loew-Warner bid for Fox Metropolitan circuit is accepted by the court.

The reported plan also provided Warners turn over its Broadway and Brooklyn houses to Loew. Charles C. Moskowitz denied the report Thursday.

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 35 June 25, 1934 No. 147

MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## *Ida Lupino Recovers*

HOLLYWOOD, June 24.—Ida Lupino, under observation for infantile paralysis, has responded to antitoxin, according to Dr. Percival Gerson, and now shows no signs of the disease.

Hal Rosson, under the same treatment, also is recovering rapidly, it was stated.

## *Call Print Meeting*

HOLLYWOOD, June 24.—Laboratory and sound department heads have been asked to attend a meeting this week to discuss the Academy Research Council's latest findings and recommendations for standardizing release prints.

## *Flash Review*

*Treasure Island*—. . . should appeal to lovers of clean adventure pictures . . .

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## *Playhouse Is Closed*

The 55th St. Playhouse was closed yesterday for the summer.


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# Para.'s Plan Calls for $2 Assessments

(*Continued from page* 1)

to have the banks declared creditors of Paramount with the same status as other general creditors of the bankrupt. Whether the $5,000,000 payment to the banks contemplates a victory for the trustees with settlement of the $13,000,000 claim for $5,000,000, or whether it merely contemplates a partial payment with renewals of the balance due could not be learned on Saturday.

Under the reorganization plan, holders of $25,000,000 of Paramount bonds are expected to receive some form of new paper for their holdings. The new issues to be exchanged for the old may be either straight bonds, income bonds or bonds carrying a privilege for conversion into new common stock.

Paramount's assets at current valuations are said to approximate $100,000,000, representing a mark down from more than $150,000,000, the amount at which they were listed by Paramount at the time the company went into receivership early in 1933. Liabilities are reported at an estimated $60,000,000, of which $25,000,000 is owed to bondholders, $13,000,000 to banks and $22,000,000 to general creditors. The last estimate contemplates the expunging, withdrawing and reduction of many claims which remain unsettled at this time.

On this basis, it is believed, the valid creditors' claims in the amount estimated could be taken care of either through issuance of new stock or by a dividend following a reorganization sale. The reorganized Paramount could operate without the necessity of new bank loans, it is believed.

## *G-B's "Select 12" Listed*

An announcement book listing 12 completed Gaumont-British productions selected for the American market from the company's current list is being distributed to exhibitors this week. A number of the attractions feature American players or British stars with a following here. The list is diversified and tastefully presented.

# M-G-M Pacts May Call for 15¢ Minimum

(*Continued from page* 1)

more into general circulation before the end of the year, as a result of which stimulated public spending will make it possible for exhibitors to initiate the movement away from 10-cent admissions.

Feist expressed enthusiasm over what he predicts will be a further turn toward normalcy in business within the next six months, and stated that the industry already feels a public trend toward acceptance of admissions of 15 cents and up.

As to double featuring, M-G-M is as much opposed to the policy as ever from a distribution standpoint, Feist said.

"Duals are an admission of weakness on the part of the exhibitor and are ruinous to business," he commented.

Feist declined to say whether the eight specials announced for next season by M-G-M would be sold on percentage only. Feist, likewise, declined to commit himself on the company's future plans for Garbo. "I have nothing to say now," was his reply to the question.

He emphasized that M-G-M's new season lineup would meet every requirement of clean pictures.

## *Warner Drive Set For Jump in Prices*

(*Continued from page* 1)

and RKO in New York providing for a split of the entire 1934-35 list between the circuits, said Albert L. Warner. About $2,000,000 is involved. Last year Warners sold exclusively to Loew's. Warner also said the company has 167 story properties which will permit enlargement of the schedule, if conditions should require it.

## *Protestants Join Drive*

The Federal Council of Churches of Christ in America has endorsed the Catholic Church's stand on "indecent" films and urged the cooperation of its large Protestant membership in the campaign being carried on by the Legion of Decency.

## *Eastman Up ¾ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 3¼ | 3¼ | 3¼ | — ¼ | 100 |
| Consolidated Film Industries, pfd | 14½ | 14½ | 14½ | + ¼ | 100 |
| Eastman Kodak | 97¾ | 97 | 97¾ | + ¾ | 300 |
| Fox Film "A" | 13½ | 13½ | 13½ | + ⅛ | 100 |
| Loew's, Inc. | 30¼ | 30 | 30¼ | + ¼ | 600 |
| Loew's Inc., pfd | 93½ | 96½ | 96½ | — ¼ | 300 |
| Paramount Publix cts | 4 | 4 | 4 | ..... | 1,000 |
| Pathe Exchange "A" | 21⅝ | 21¼ | 21⅝ | + ⅛ | 500 |
| RKO | 2¼ | 2¼ | 2¼ | ..... | 200 |
| Universal Pictures, pfd | 38 | 38 | 38 | ..... | 10 |
| Warner Bros. | 5⅝ | 5½ | 5½ | + ⅛ | 1,500 |

## *Trans-Lux Drops ⅛ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¼ | 13⅛ | 13¼ | ..... | 300 |
| Trans-Lux | 1½ | 1½ | 1½ | — ⅛ | 100 |

## *Paramount F. L. Bonds Off ¾*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Loew's 6s '41, ww deb rights | 102 | 102 | 102 | + ¼ | 3 |
| Paramount F. L. 6s '47 | 54¼ | 54½ | 54¼ | — ¾ | 2 |
| Warner Bros. 6s '39, wd | 58½ | 57¼ | 58¼ | — ¼ | 36 |

# *Purely Personal*

ABE LYMAN and his orchestra will appear at the Colony Surf Club, Deal, N. J., every Friday, Saturday and Sunday throughout the summer in addition to his broadcasting.

LOUISE BROOKS, whose last picture was "The Canary Murder Case," starts in a dance act Friday at the Westchester Center Gardens.

FRANK CONLAN, stage player, has been signed for "Woman in the Dark," now in production at the Biograph Studio.

ELIZABETH LONERGAN will sail on the *Bremen* July 1 for an eight-week business and pleasure trip abroad.

MAX BAER will make his first stage appearance since the championship fight Thursday at the Paramount.

GLENDA FARRELL and HELEN FERGUSON are at the Warwick. It's a vacation.

## *Seider and Schwartz Pool Starts in Fall*

(*Continued from page* 1)

ington Station, Floral Park and Hamilton station are to be turned over to Schwartz, according to the deal, while Seider gets the two houses in Riverhead.

Schwartz three weeks ago entered into a pooling arrangement with Skouras Theatres Corp., involving a number of Long Island houses, but signing of the deal has been held up until the Fox Metropolitan situation is settled by the court.

## *Ohio Bans Mae West Film*

COLUMBUS, June 24.—Paramount's "It Ain't No Sin" was banned yesterday by B. O. Skinner, head of the Ohio board of censors. The Mae West picture has already been advertised throughout the state for initial runs beginning late this week. RKO's "The Life of Vergie Winters" was banned by the board earlier.

## *Invincible Sets Title*

"Fugitive Road" is the definite title set for Invincible's next. Eric Von Stroheim, Wera Engles and Leslie Fenton will be starred.


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# "Baby Take," Show, Detroit Hit, $19,800

DETROIT, June 24.—"Baby Take a Bow," helped by a stage show headed by John and Edna Torrence, ran away with the big money here last week, $19,800 at the Fox. This is over par by $4,800.

Second honors went to "The Thin Man" at the Michigan, but the $19,600 take was below par.

The State was reopened for the Baer-Carnera fight films and took $4,100 in three days with no preliminary advertising.

Total first run business was $54,500. Average is $55,000.

Estimated takings for the week ending June 21:

**"THE MERRY FRINKS" (Warners)**
FISHER—(2,975), 15c-50c, 7 days. **Gross:** $7,900. (Average, $10,000.)

**"BABY TAKE A BOW" (Fox)**
FOX—(5,100), 15c-50c, 7 days. Stage: John and Edna Torrence heading seven act bill. **Gross:** $9,800. (Average, $15,000.)

**"THE THIN MAN" (M-G-M)**
MICHIGAN—(4,100), 15c-50c, 7 days. Stage: Mary Brian in person. **Gross:** $19,600. (Average, $20,000.)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $7,200. (Average, $10,000.)

# "Little Man" Tops Buffalo at $7,900

BUFFALO, June 24.—"Little Man, What Now?" was the strongest attraction in town last week. It garnered $7,900 at the Lafayette, topping normal by $1,400 in a week that saw falling grosses elsewhere.

"The Constant Nymph" and "Heart-Song" did $1,100 at the Hollywood.

Total take was $39,900. Normal (for five theatres) is $35,600.

Estimated takings for the week ending June 22:

**"MANY HAPPY RETURNS" (Para.)**
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Gus Van; Lafayette and LaVerne; Tiffany Twins; Vic Oliver. **Gross:** $14,000. (Average, $14,300.)

**"THE MERRY FRINKS" (Warners)**
**"SORRELL & SON" (U. A.)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,800. (Average, $6,000.)

**BAER-CARNERA FIGHT FILMS (First Division)**
COURT STREET—(1,200), 40c, 7 days. **Gross:** $5,200.

**"MANDALAY" (Warners).**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $5,900. (Average, $8,000.)

**"THE CONSTANT NYMPH" (Fox)**
**"HEART-SONG" (Fox)**
HOLLYWOOD—(300), 25c-40c, 7 days. **Gross:** $1,100. (Average, $800.)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,900. (Average, $6,500.)

## *Stanley Suit Against Erpi Gets Dismissal*

(*Continued from page* 1)

lation of counsel and without prejudice by Judge John P. Nields in U. S. District Court here yesterday.

It is expected that the royalty suit of Vitaphone against Erpi, pending in Chancery Court and which has been settled, will be dismissed tomorrow.

## *Swarts Opens Office*

LOS ANGELES, June 24.—Louis E. Swarts, former member of the Paramount legal staff, has opened his own office here.

## *Seek Restriction*

**Chagrin Falls, O., June 24.—A movement is on to introduce into the city council a motion to keep out of theatres all children under 16 whenever a picture deals with gunmen, bootleggers or any law violators.**

# Jurisdiction Respondent's, Campi's Rule

(*Continued from page* 1)

the St. Louis board's authority to hear the case. Though Jefferson City normally is in the St. Louis distribution territory, in this instance it is served from Kansas City.

In transferring the case, Campi ruled the exhibitor filing the complaint has to bring action in the defendant's territory. This decision is considered of far-reaching effect, as several instances of such overlapping of distribution territories have come to light in code board operations.

Elmer C. Rhoden, Fox Midwest division manager, recently questioned the jurisdiction of the Des Moines grievance board to hear complaints against the circuit originating in Ft. Madison and Muscatine, Ia. Rhoden's contention, which the Campi ruling since proved was right, was that since the Fox Iowa theatres were served out of Kansas City, the cases should have been filed here. The Des Moines board dismissed both.

## *K. C. Board to Take Industrial Disputes*

(*Continued from page* 1)

to its other duties, the local grievance board is empowered to set up the machinery for arbitration of labor disputes.

As explained by the Kansas City NRA compliance office, the grievance board, acting under its new functions, is to create a three-man board with one representative each for industry and labor and an impartial member representing the public, or the consumer. The personnel would be subject to approval, presumably by the administrator. Decisions by the board would be subject to appeal to the NRA compliance director and, subsequently, to the administrator, it is believed.

Establishment of the local grievance board as the industrial adjustment agency for this territory effectuates the powers it already has, according to the local NRA office. It is authorized to handle trade practice complaints in the first instance and administer all other normal functions under the code except those dealing with production, vaudeville and presentations and labor complaints.

## *Claim Ad Violation*

HOLLYWOOD, June 24. — Claiming violation of the advertising code, the Florence Theatre has filed a complaint against the Castle with the grievance board. The Florence claims the Castle conducted a house-to-house compaign while it was showing "Little Women" at 15 cents.

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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 148 NEW YORK, TUESDAY, JUNE 26, 1934 TEN CENTS

## Expect Film Blast in 3rd Darrow Move

### *Code Changes Looked for As Review Board Ends*

WASHINGTON, June 25.—Further attack upon the film code is expected to feature the third and final report of the National Recovery Review Board which is to be submitted to President Roosevelt this week.

Several of the codes on which reports have already been made will be discussed anew in the final document of the Darrow board, largely with the view of driving home the charges which are made against the methods and personnel of the National Recovery Administration.

With the submission of its forthcoming report, the board will end its labors, and it is anticipated the recovery administration will then proceed with the revision of codes to eliminate some of the provisions which have been severely criticized, but which Administration officials have refused to admit have been inequitable.

## Campi's U. A. Rule Set for Thursday

Decision on the United Artists 10 per cent cancellation issue will definitely be handed down Thursday following the regular Campi session. Code Authority yesterday confirmed several appeals heard recently including the Rogowsky-Skouras overbuying

(*Continued on page* 14)

### *Warner-Erpi Case Dismissed by Court*

WILMINGTON, June 25.—As a result of the compromise reached by Warners and Erpi the Stanley Co. of America suit against Erpi has been dismissed by Judge John P. Nields in U. S. District Court here.

Similar action is to be taken on the Chancery suit of Vitaphone Corp. against Erpi.

### *M-G-M Percentage Films Not Limited*

M-G-M's quota of percentage pictures next season will not be limited to any definite number, the preferred playing policy to continue the same as during the current year. Percentage films will be determined according to the individual situation, as heretofore.

Selling of 1934-35 product does not

(*Continued on page* 15)

## *London Hears Catholic Movement Will Now Become International*

**The Catholic campaign against objectionable films is to be world-wide, the United Press quoted the *London Daily Express* as stating yesterday.**

**The newspaper declared its information was obtained from a high Vatican source which outlined the Pope's instructions to Roman Catholic churchmen throughout the world as follows:**

**1. Formation of local associations to be known as Leagues of Decency.**

**2. Organization of protest meetings against films held by vote to be objectionable.**

**3. Utilization of the power of boycott.**

**4. Publication in the whole Catholic press of lists of films under ban.**

## Union Offices Raided; Books To Grand Jury

A general investigation by Assistant District Attorney William Kleiman of Kings County of the various modes of procedure of operators' unions was ascribed as the reason for the raids of three union offices yesterday by detectives and the seizure of records and arrests of officials. The records were rushed to the Kings County Grand Jury, which is hearing testimony in an investigation of the unions directed by the district attorney's office.

Eighteen detectives and three representatives of the district attorney's office made up the raiding parties

(*Continued on page* 11)

### *Ohio's Free Shows Are Ordered Ended*

CLEVELAND, June 25.—The first "cease and desist" decision rendered by the grievance board is the case of P. R. Touney, Princess Theatre, Wasseon, against Guy Johnson, operating free shows in Lyons, Metamora and Otrakee, O., and against M. E. and Lou Hensler, operating free shows in Brailey. Liberty Centre and adjacent towns. These free shows were designated by the board as non-theatrical,

(*Continued on page* 14)

## Protestants Mapping Fast Film Cleanup

**On many fronts, church campaigns, linking various faiths, are raging against objectionable films. Latest developments are covered on page 11.**

Rapid moves are to be made by the Federal Council of Churches of Christ in America in organizing a nationwide Protestant campaign for clean films.

One of the first of these will be to get in touch with all the young people's organizations in the various

(*Continued on page* 11)

### *Censor Shakeup Seen On Way for Ontario*

TORONTO, June 25.—Shakeup of the censorship and theatres branch of the Treasury Department in the Ontario Government is expected as a result of the election of Mitchell F. Hepburn as provincial head. He promises the absorption or abolition of all provincial boards as an economy move.

## *Fox Met. Moves Delayed; Committee Is Undecided*

The Fox Metropolitan bondholders' committee continued unable to make up its collective mind yesterday on acceptance or rejection of the joint Loew-Warner offer of $4,000,000 for the 87 Fox Metropolitan Playhouses.

Representatives of both Loew's and Warners met with the committee for the second time and reported no change

(*Continued on page* 15)

## Para. Theatre Partner Deals Short Termers

### *Renewals Are Timed for Reorganization*

In the expectation that Paramount will be reorganized by fall or early winter deals with the company's theatre operating partners are being renewed by the Paramount Publix trustees for terms of less than one year, it was learned yesterday.

This policy, it was stated, will permit the heads of the reorganized company to make their own permanent theatre operating deals or to operate theatres themselves wherever advisable, as all deals now made, or in the making, have been timed to expire within a brief time after the date by which reorganization can be reasonably expected to have been concluded.

In accordance with this policy of short term renewals George Trendle's option on an agreement for operation by him of Paramount's Detroit theatres has been extended to June 1, 1935. The original agreement expires July 16.

### *Majors Keep Names From Air Programs*

HOLLYWOOD, June 25.—As a forerunner to a concerted drive on the part of major producers to keep big names from the air, both Paramount and M-G-M have induced Mae West, Charles Ruggles and Mary Boland to cancel their eight-weeks' agreement to appear on the Lehn & Fink Hall of Fame program.

M-G-M has refused to let Lionel Barrymore appear on the Campbell's Soup Hour.

This move comes as a result of protests pouring in from exhibitors in all parts of the country. It is believed every large company will join the move.

### *N. Y. Censors Ban "It Ain't No Sin"*

HOLLYWOOD, June 25.—Advices from the east today stated the New York censor board had banned Mae West's "It Ain't No Sin." As a result, the objectionable scenes will be remade.

John Hammel, in charge of censor matters at Paramount, last night stated a detailed statement will be issued at noon today on the Mae West situation.

Ohio censors last week also banned the film.

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(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
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## Horror Films Given Big Play in Mexico

MEXICO CITY, June 25.—Local exhibitors are giving horror pictures a big play. Two recent features are prizes in this respect. They are: "Fantasmos del Convento" ("Ghosts of the Convent") and "Pulpo Humano" ("Human Octopus").

It is said these were produced as a result of the success of such imports as "The Black Cat" and "King Kong."

The horror films here are exploited with parades with floats bedecked with imitation skeletons, mummies and other funeral ornaments.

## Columbia's Mexican Film Must Get O. K.

MEXICO CITY, June 25.—The Mexican Government has given Columbia permission to film sequences in the Pacific port of Mazatlan. Directors, cameramen and other technicians can be brought into the country for the work, but the understanding requires that prints must be sent here for State Department inspection and approval before forwarding to Hollywood.

## McDonough Here

J. R. McDonough, president of Radio Pictures, is in New York for the first time in many weeks. He plans to remain for a time and then return to the studio.

Following the company's Chicago sales convention last week, all home-office executives have returned to New York.

# Insiders' Outlook

M-G-M made no fuss over it, but its 1934-35 schedule is up six pictures as compared with the lineup for the season now ending. In other words, 52 as against 46. Shorts, described as "Junior Features," drop from 91 to 77, or a drop of 14, and much fuss is to be turned loose on those in Technicolor. Thirty-five per cent of the 77 will blush in natural hues, including all cartoons, of which there will be 13 produced by Harman-Ising.

▼

FitzPatrick Traveltalks will drop from 12 to eight, all in three-color Technicolor, under a deal which Leo claims is exclusive with him—for that type of production. Hal Roach will make less shorts, also. His total will shrink from 42 to 32. Paring in volume imposes a million dollar sales handicap before the selling starts, M-G-M men were told in Chicago, where the reason for the cut was described as "concession to changed conditions which loads large obligations on the sales organization." Name value and other kinds of value will make up the difference, Leo seems to be certain. . . .

▼

Those two "All Star Features" are planned to replace the Jack Pearl and Ed Wynn vehicles, not too successful, on the '33-'34 program. "Marquee Productions," as the all-featured opuses are sold, will jump from nine to 14. Cosmopolitans remain at four and the Laurel and Hardy features, Roach-made, at two. Hearst Metrotone News, on its own now and facing Fox Movietone News as direct competitor with the other newsreels not exempted, will be speeded out of a different laboratory, which will hasten delivery on specials. So M-G-M feels and so it told its field forces. . . .

▼

All this wordage, printed and verbal, about the head of reorganized Paramount means little at this time. About 25 names have been suggested to individuals in groups and groups themselves who would have something to say about any selection. Any and all suggestions, however, must represent a compromise of some nature, unknown now, but to be determined, involving bondholders, not to overlook the holders of those several millions of shares of common stock. . . .

▼

Hollywood fun: A local wag who attended the preview of Jesse Lasky's latest, and the next night listened to the heavyweight championship bout over the radio, sallied forth with the quip: "Lasky produced 'The Grand Canary' and Maxey Baer reduced 'The Grand Carnera.'" . . . Talk of "revolutionary" newsreel deals over at Fox. One of "vast importance" is the tidbit dangled before the trade and the Fox sales department. . . .

■

The Capitol-Paramount pool may be signatured tomorrow, after all that's been said and done, too. Legal difficulties, nature not entirely clear, are reliably reported to have gummed the works to date. . . .The deal under which the RKO booking office does ditto for Skouras theatres, such as the Jefferson, Academy of Music, Coliseum and Audubon will not be renewed when it runs out shortly, the decision being RKO's. George S. is having plenty of worries these days as a Greater New York theatre operator. . . . KANN

## Loew's Off One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 30¾ | 30¾ | 30¾ | + ¾ | 100 |
| Eastman Kodak | 97⅞ | 97½ | 97½ | — ¼ | 300 |
| Fox Film "A" | 13⅞ | 13½ | 13½ | ..... | 300 |
| Loew's, Inc. | 30¾ | 29 | 29¼ | —1 | 6,300 |
| Paramount Publix | 4 | 3½ | 3⅝ | + ⅛ | 20,100 |
| Pathe Exchange | 2⅜ | 2¼ | 2⅜ | ..... | 1,100 |
| Pathe Exchange "A" | 21½ | 21 | 21½ | — ⅛ | 1,200 |
| RKO | 2¼ | 2¼ | 2¼ | ..... | 500 |
| Warner Bros. | 5⅝ | 5¼ | 5¼ | — ¼ | 4,100 |

## Columbia Drops 1¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 30 | 30 | 30 | —1¼ | 100 |
| Technicolor | 14¼ | 13½ | 13⅝ | +⅜ | 3,100 |
| Trans Lux | 1½ | 1½ | 1½ | ..... | 100 |

## Warner Bonds Off Two

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Loew's 6s '41, ww deb rights | 102 | 102 | 102 | ..... | 10 |
| Paramount Broadway 5½s '51 | 43 | 43 | 43 | ..... | 1 |
| Paramount F. L. 6s '47 | 54 | 54 | 54 | — ¼ | 2 |
| Paramount Publix 5½s '50 | 54 | 54 | 54 | —1 | 1 |
| Warner Bros. 6s '39, wd | 58½ | 56 | 56¼ | —2 | 37 |

# Purely Personal

HERB BERG, United Artists trade paper representative, is now the proud father of a six-pound son, born at the Sydenham Hospital yesterday morning. Mother and son are doing fine.

DAVID MILLER, co-producer with PETE SMITH of "Goofy Movies" for M-G-M, returned to the coast yesterday after several weeks here buying up stock shots for the series.

JOHN MOCK, assistant eastern story editor for Fox, is due back in town today from San Francisco with his bride of a week, the former JANE MOORE.

GILBERT K. CHESTERTON'S "The Blue Cross," "The Flying Stars" and "Paradise for Thieves" have been purchased by Paramount.

HAL ROACH arrived from Chicago yesterday and after checking in at the hotel left town with ARTHUR LOEW. He'll be back today.

THOMAS MCMORROW'S original, "What's a Lawyer For?" has been purchased by Fox. It is intended for WILL ROGERS.

HARRY C. ARTHUR takes a busman's holiday every weekend. Spends most of his time looking at pictures.

M. H. AYLESWORTH made a speech before the Van Hornesville, N. Y., Central School students yesterday.

JAMES CLARKE of Horlacker's, Philadelphia, arrives in town tomorrow on a periodic visit.

BERNICE MASON'S "The Love Flight" has been bought by Fox. She will do the original.

RUFUS KING'S local stage hit, "Invitation to a Murder," has been sold to Warners.

FELIX F. FEIST returns from the M-G-M Chicago convention today.

HOWARD STRICKLING didn't make the M-G-M convention after all.

JOE E. BROWN is the latest Kentucky colonel.

## Center Going Musical

The RKO Center, "sluff" house at Radio City, goes legitimate stage and musical comedy shortly, probably via a lease with Max Gordon. Preparatory to a shift, Herman Wittman, former manager of the Palace, goes to the Center as house manager. Fred A. Cruise, now manager of the Center, takes his place at the Music Hall.

## Re-Sign Ginger Rogers

HOLLYWOOD, June 25.—Ginger Rogers has signed to a new five-year ticket by Radio. Her first on the new contract will be "The Gay Divorce."

HOLLYWOOD, June 25.—Fox has renewed option on the contract of Roger Imhof.

## Bernie to Do Second

HOLLYWOOD, June 25.—Ben Bernie will make another for Paramount. Satisfied with his work in "Shoot the Works," the company has picked "One Night Stand" by Vera Caspary for his next.

Metro-Goldwyn-Mayer
*gleefully unfurls its*

# STAR SPANGLED BANNER

*of*

52 *Pictures*

*in* 1934-35

Be there when the fire-works begin!

# 8 SPECIALS

## THE MERRY WIDOW

Waltz down your aisles and vision your packed theatre spellbound as MAURICE CHEVALIER with delicious gayety flirts, sings, conquers the rich and merry widow, exquisitely portrayed by JEANETTE MacDONALD. ERNST LUBITSCH,* sly maestro of love's magic, makes a glorious screen holiday of this beloved romance, now at last on the talking screen. Its vivacious Franz Lehar melodies are brought to audiences by six different symphony orchestras. Additional cast names are: Edward Everett Horton, Una Merkel, George Barbier, Minna Gombell. And the genius of Thalberg guides it to glory!

** Ernst Lubitsch, courtesy Paramount Pictures.*

## DAVID COPPERFIELD

1934-35 will be known as "The year of David Copperfield!" The heart of humanity beat faster when the news was flashed that M-G-M would bring its unlimited resources of talent and physical equipment to the production of Charles Dickens' beautiful soul-stirring novel. A special trip abroad was made by Producer David O. Selznick with director George Cukor (he made "Little Women!") and Howard Estabrook, scenarist. Thousands of tests were made of characters, architectural details copied and research such as no picture ever enjoyed has been under way for months here and abroad. A cast of sixty-eight characters will bristle with big names! A final master stroke was the signing of Hugh Walpole, noted author and Dickens authority, to lend counsel during the filming. A monumental enterprise is under way. Only M-G M could attempt it!

## THE GOOD EARTH

No other story property, whether a novel or stage play, was ever so desired by *all* producers! M-G-M is honored to be the means whereby Pearl S. Buck's thrilling novel is to be brought to the screen. It is an honor because "The Good Earth" is the most widely read book of our times . . . an obligation to far-flung millions whose heart-throbs, smiles and tears were showered on its unforgettable pages. Such humanity-in-fiction requires the unmatchable production genius of a Thalberg, the screen-writing talents of a Frances Marion, the directorial flair of a George Hill (a combination that gave you "The Big House" and "Min and Bill"). For four months Director Hill and a huge staff traveled in little known parts of China, accumulating materials, backgrounds, facts . . . to make this heart-drama real, vibrant, true!

## CHAINED

It is an occasion for dancing in the streets when JOAN CRAWFORD and CLARK GABLE unite their magnetic personalities to tell a screen story of glamor and allure! Picture audiences recalling with delight the romantic sweep of "Dancing Lady" will be there when you announce their new co-starring love story. The director is Clarence Brown who guided these two stars to triumph in "Possessed." He also directed "Sadie McKee" and "Letty Lynton" among many others. In the cast are Otto Kruger, and Stuart Erwin. Hunt Stromberg is the showman-producer!

# THE BARRETTS OF WIMPOLE STREET

NORMA SHEARER'S popularity, heightened by absence, flamed into box-office brilliance in "Riptide"... but that was just the beginning! A vehicle that most nearly approximates the tenderness of "Smilin' Through" is that romance which has given Broadway its most glorious stage thrill of the decade "The Barretts of Wimpole Street." NORMA SHEARER and FREDRIC MARCH* (weren't they incomparable in "Smilin' Through"!) are the Elizabeth Barrett and Robert Browning of the stage hit. CHARLES LAUGHTON,* Academy Prize Winner, star of "Henry the VIII" has come from abroad especially for this picture! Sidney Franklin of "Smilin' Through" fame is the director. Thalberg is producer! What a screen audience awaits this biggest stage hit of 15 years which played Broadway for two solid seasons and presold America with two unbroken years on the road!

** Fredric March and Charles Laughton, courtesy Paramount Pictures.*

# MUTINY ON THE BOUNTY

CLARK GABLE, WALLACE BEERY, ROBERT MONTGOMERY head the pageant of box-office stars who are making an entertainment that will rank at the very top of next season's amusement calendar! The popular appeal of "Mutiny on the Bounty" is reflected in its long listing as best-seller and its subsequent serial story fame in the Hearst newspapers. Frank Lloyd will direct this mighty romantic spectacle. Thalberg is producer.

# MARIE ANTOINETTE

Why did M-G-M purchase this many-editioned best-seller by Stefan Zweig as a starring vehicle for NORMA SHEARER? Because no book of recent years gave its public such a soul-thrill! Because this book tells Marie's queenly story with new sympathy ... not that of the baby doll queen, but the youthful beauty starved of her rightful heritage of love ... seeking in profligate grandeur an outlet for heart-hunger ... finding romance in one of the deathless devotions of history! Because this book gives CHARLES LAUGHTON a role equal to his brilliant "Henry the VIII"... because this book gives HERBERT MARSHALL* opportunity for his most appealing charms. Three big stars! A production of magnificence unparalleled in talkies! Thalberg is producer.

** Herbert Marshall, courtesy Paramount Pictures.*

# NAUGHTY MARIETTA

It has been the privilege of M-G-M to immortalize famed musical comedies and operettas ... most recently "Cat and the Fiddle"... and notably next season's "The Merry Widow." How fitting that M-G-M selects Victor Herbert's deathless love songs in "Naughty Marietta" for the singing star JEANETTE MacDONALD who with handsome operatic-favorite NELSON EDDY brings this drama of Old New Orleans to the screen. "Ah—Sweet Mystery of Life" and "I'm Falling In Love With Some One"... typical songs of infinite heart-thrill! Robert Z. Leonard is director. Hunt Stromberg is producer.

*The*

# STAR COMPANY

One JOAN CRAWFORD

Two JEAN HARLOW

Two WALLACE BEERY

One CLARK GABLE

One ROBT. MONTGOMERY

One JEAN PARKER

Two WILLIAM POWELL

One WARNER BAXTER-
MYRNA LOY

One RAMON NOVARRO

One GLORIA SWANSON

Two MARION DAVIES

One JEANETTE MacDONALD

One MARIE DRESSLER-
WALLACE BEERY

One HELEN HAYES

Two LIONEL BARRYMORE

One CONSTANCE BENNETT*

in Michael Arlen's famed novel of the strange love life of Iris March. (Title to come.) As a best-seller, as a Katharine Cornell stage triumph, as a road-show . . . it fascinated millions. What a cast for its luxury-laden talkie production: CONSTANCE BENNETT, HERBERT MARSHALL fresh from his "Riptide" acclaim, Elizabeth Allan, exquisite in "Men in White," Mrs. Patrick Campbell, Henry Stephenson and many more. Directed by Robert Z. Leonard.

* *Constance Bennett, courtesy 20th Century Pictures*

## One ANN HARDING* and ROBT. MONTGOMERY

in "Biography of a Bachelor" based on the stage hit "Biography" by S. N. Behrman. Modern showmanship knows of its sensational success on Broadway and on the road...its intriguing story of a woman artist and her loves is what your public wants! Cast so happily before in "When Ladies Meet" Ann Harding and Robert Montgomery perfectly fit their roles, and that splendid pair of screen writers Anita Loos and John Emerson again flash brilliant writing for the screen. E. H. Griffith is director.

** Ann Harding, Courtesy R. K. O. Pictures*

## Two LAUREL-HARDY FEATURE LENGTH COMEDIES

## Two ALL-STAR COMEDIES

M-G-M unites the two most successful comedy producers of today, Charles Reisner and Jack Cummings to make these special comedy attractions. And here are the top laugh names that will conspire in fun films to challenge the hilarity records of "Caught Short" and "Politics" (both directed by Reisner!) . . . Jimmy Durante, Charles Butterworth, Louise Fazenda, Stuart Erwin, Ted Healy, Una Merkel and others!

## Four COSMOPOLITAN PRODUCTIONS

Just an idea of the Cosmopolitan hits of past months "Penthouse," "Manhattan Melodrama" and "Thin Man." Cosmopolitan Productions get nationwide advertising and publicity through the Hearst chain of newspapers.

## Fourteen MARQUEE PICTURES

Showmanship ideas, new slants in production, with casts of top-notch names... Marquee Pictures over a period of several years have won a high rating for consistent entertainment delivery!

# PROPERTIES—

Listing just a few out of Leo's vast resources of stage plays, novels and original stories—

"MARIE ANTOINETTE" by Stefan Zweig, best-seller; "BIOGRAPHY" by S. N. Behrman, stage hit; "THE GOOD EARTH" by Pearl S. Buck, biggest book success of years; "THE BARRETTS OF WIMPOLE STREET" by Rudolph Besier, stage triumph; "MUTINY ON THE BOUNTY" by Charles Nordhoff and James Norman Hall, best-selling novel; MICHAEL ARLEN'S story of Iris March, book and play sensation; "CHINA SEAS" by Crosbie Garstin, romantic book hit; "SOVIET" by Jules Furthman, daring screen original; "WHAT EVERY WOMAN KNOWS" by Sir James M. Barrie, international stage classic; "TISH" by Mary Roberts Rhinehart, magazine and book favorite for years; "THE MERRY WIDOW" by Victor Leon & Leo Stein, Music by Franz Lehar, famed operetta; "DAVID COPPERFIELD" by Charles Dickens, one of the world's eternal books; "TIMBERLINE" by Gene Fowler, current best-selling book; "VANESSA" by Hugh Walpole, celebrated international novel triumph; "THE WIND AND THE RAIN" by Merton Hodge, stage success; "NAUGHTY MARIETTA" by Victor Herbert and Rida Johnson Young, immortal operetta; "NO MORE LADIES" by A. E. Thomas, New York's great current play success; "FORSAKING ALL OTHERS" by Edward Roberts and Frank Morgan Carett, stage hit; "HER EXCELLENCY'S TOBACCO SHOP" by Lezlo Bus Fekete, notable European stage triumph; "THE CASINO MURDER CASE" by S. S. Van Dine, his latest mystery novel success; "WICKED WOMAN" by Anne Austin, popular novel; "EVELYN PRENTICE" by W. E. Woodward, successful novel; "MALIBU" by Vance Hoyt, unusual current book; "THE GRAVY GAME" by Harry Stuhldreher (Notre Dame star) and W. Thornton Martin, Saturday Evening Post story; "ANY PORT IN A STORM" by Glencannon, popular story series; "THE BUGLE SOUNDS" by Major Zinovi Pechkoff, novel of the Foreign Legion; "JUNGLE RED MAN" by Harold Noice, adventure novel; "REPEAL" by Charles Francis Coe, Saturday Evening Post serial; "LIVING IN A BIG WAY" by Louis Bromfield, popular novel; "MAN CRAZY" by Vina Delmar, Liberty Magazine novel; "PAMELA THORNDYKE" by Moss Hart, author of "As Thousands Cheer"; "DEATH ON THE DIAMOND" by Courtland Fitzsimmons, popular novel. A few out of a group of original stories include "THE WINNING TICKET" by Robert Hopkins; "HIS BROTHER'S WIFE" by George Auerbach; "LADY COMES TO TOWN" by Clements Ripley; "MOVIE QUEEN" by Sidney Skolsky; "INDO CHINA" by Arthur Richman; "WEST POINT OF THE AIR" by Phillip Dunne; "IN OLD VIENNA" by Oscar Hammerstein, 2nd, and Sigmund Romberg; "BLACK CHAMBER" by Herbert Yardley and many more.

# AND THOSE WHO MAKE THEM!

*(Listed Alphabetically)*

**STARS** — Lionel Barrymore • Wallace Beery Maurice Chevalier • Jackie Cooper • Joan Crawford Marion Davies • Marie Dressler • Clark Gable Greta Garbo • Jean Harlow • Helen Hayes Laurel-Hardy • Myrna Loy • Jeanette MacDonald Robert Montgomery • Ramon Novarro • Jean Parker William Powell • Norma Shearer • Gloria Swanson Loretta Young

**FEATURED PLAYERS** — Brian Aherne • Katharine Alexander • Ross Alexander • Tad Alexander • Elizabeth Allan Virginia Bruce • Ralph Bushman • Charles Butterworth Mrs. Patrick Campbell • Mary Carlisle • Leo Carrillo Ruth Channing • Mady Christians • Mae Clarke • Jimmy Durante • Nelson Eddy • Stuart Erwin • Madge Evans Muriel Evans • Louise Fazenda • Preston Foster • Betty Furness Gladys George • C. Henry Gordon • Russell Hardie Ted Healy • Louise Henry • Jean Hersholt • Irene Hervey Jean Howard • Isabel Jewel • Otto Kruger • Evelyn Laye Willard Mack • Una Merkel • Frank Morgan • Karen Morley Maureen O'Sullivan • Nat Pendleton • Rosamond Pinchot Esther Ralston • Donald Reed • May Robson • Shirley Ross Maurice Schwartz • Martha Sleeper • Mona Smith • Lewis Stone • Franchot Tone • Henry Wadsworth • Lucile Watson Johnny Weissmuller • Diana Wynyard • Robert Young

**DIRECTORS** — Harry Beaumont • Monta Bell • Richard Boleslavsky • Charles Brabin • Clarence Brown • Jack Conway George Cukor • Victor Fleming • Tay Garnett • Edmund Goulding • George Hill • William K. Howard • Gregory LaCava • Fritz Lang • Robert Z. Leonard • E. Lubitsch Rouben Mamoulian • Edwin L. Marin • Harry Pollard Charles Riesner • Richard Rosson • Edgar Selwyn W. S. Van Dyke • William Wellman • Sam Wood

**WRITERS** — Zoe Akins • Marcel Archard • Anne Austin Vicki Baum • Leo Birinski • Richard Boleslavsky • Ethel Borden • Lenore Coffee • John Colton • Ann Cunningham John Emerson • Lawrence Eyre • Edith Fitzgerald Cortland Fitzsimmons • Jules Furthman • Harvey Gates • Frances Goodrich • Mauri Grashin • Eve Greene • Albert Hacket Elmer Harris • Ted Healy • Ben Hecht • Monckton Hoffet Robert Hopkins • Vance J. Hoyt • Talbot Jennings Virginia Kellogg • Edwin Knoff • Norman Krasna • Arthur Kober • Clare Kummer • Benn Levy • Fred Lonsdale Anita Loos • Charles MacArthur • Joseph Mankiewicz John Lee Mahin • Frances Marion • John Meehan • J. K. McGuinness • Samuel Raphaelson • Allen Rivkin • Howard E. Rogers • Zelda Sears • Harry Segall • George Seitz Robert E. Sherwood • Bella Spewack • Sam Spewack Donald Ogden Stewart • Michael L. Simmons • C. G. Sullivan • Ernest Vajda • J. Van Druten • Lulu Vollmer Lewis Waller • Louis Weitzenkorn • William G. White Carey Wilson • P. J. Wolfson • Edgar A. Woolf

AT THE HEAD OF
THE PARADE!

# Protestants Mapping Fast Film Cleanup

(Continued from page 1)

denominations. This will be followed within the next 10 days by communications to the women's organizations.

Dr. Worth M. Tippy, executive secretary of the council, says there are 90,000 Protestant churches in this country having pastors and approximately 2,000,000 young people in organized groups. The church press is also to be used in the campaign.

Another phase of the plan is to have a Sunday in October devoted to discussions of films from Protestant pulpits. Material will be supplied pastors for their use in discussing the social and educational as well as the entertainment value of pictures.

"The council," said Dr. Tippy yesterday, "has been very guarded in its treatment of films thus far. It has realized their importance. It feels there has been great technical improvement, but no betterment in moral quality. We feel that our protests have been ignored and that the time has arrived to do something about it."

Other developments throughout the country follow:

### Ohio

CLEVELAND, June 25.—The Ohio Council of Churches has joined the Catholic campaign for clean pictures and has agreed to co-operate in the movement "by focusing public sentiment on the censorship board and demanding that bad pictures be completely rejected." In a letter to all of the Protestant ministers in the territory, R. L. Lamb, executive secretary, asks that as many signatures to the petition as possible be secured and sent to Dr. B. O. Skinner, head of the Ohio Censor Board.

P. J. Wood, secretary of the Independent Theatre Owners of Ohio, estimates that if this move against salacious pictures keeps only 10 per cent of the people of Ohio away from theatres, loss to exhibitors of the state will be in excess of $3,000,000.

COLUMBUS, O., June 25.—Petitions being circulated by Protestant ministers throughout Ohio, which when signed, are to be forwarded to Dr. B. O. Skinner, head of the censor board, to whom they are addressed, read:

"We, the undersigned citizens, desire to register our disapproval of many motion pictures that have been shown in our state with the approval of your Board of Censors. We do not want to be understood as protesting against clean, wholesome entertainment through the movies, but we are certain that the welfare of our young people demands the complete rejection of all pictures portraying virtue as vice, or vice as virtue.

"We protest against your approval of pictures including licentiousness, crime and debauchery shown in attractive forms, with little or no reference made to the penalties which must inevitably follow evil.

"Facts recently brought to light by investigation indicate that certain kinds of motion pictures have had harmful and even disastrous effects upon child life. There is, as you know, increasing alarm among the good citizens of our State concerning the motion picture situation. Cutting out small portion of film does not suffice in cases where whole pictures need to be rejected.

"We, therefore, urge you to reject completely pictures that have a bad influence upon the development of good citizenship and clean moral living."

### Texas

HOUSTON, June 25.—The Catholic drive against "indecent films" climaxed in Houston in a vitriolic address by Father Youngblood delivered in the Miller Memorial outdoor theatre in the city's largest park to an audience estimated at 10,000. This was the seventh in a series of addresses by young Catholic priests of this diocese against "current evils." Father Youngblood declared film men are "going too far when they say that what is being shown today on the screen is demanded by the public." He said direct action and not legislation "to clean up the movies" is the aim of the Catholic churches.

Houston Catholics have responded to the organization of the League of Decency, and in large numbers boycott the films publicly condemned by their pastors. However, theatre trade has not suffered.

### Illinois

CHICAGO, June 25. — Protestant churches in this city have joined hands with Cotholics in the fight on objectionable films. A committee representing the Chicago Church Federation has sent its constituents suggestions on a course to be pursued.

The Federation fashions a policy for practically every Protestant church in the Chicago area and claims a membership of 1,000,000. The League of Decency pledges are being used.

### New York

ALBANY June 25.—Films are due for a virulent attack when the annual convention of the Atlantic District of the Evangelical Lutheran Synod of Missouri, Ohio and other states meets get under way here Tuesday. Dr. Theodore Graebner of St. Louis is expected to lead the onslaught. "Criticism will not mend matters," he declared today. "There must be action to strike at the box-office. The industry must learn there is force behind the action for suppression of the open sewer of America."

### Maryland

WESTMINSTER, Md., June 25.—The Maryland Conference of the Methodist Protestant Church, representing churches in Delaware, Maryland, Pennsylvania and the District of Columbia, has denounced "as enemies of God and society" the makers of bad films. The conference expression of opinion came in the adoption of a report of the committee on moral reform and social service, presented by the Rev. J. H. Lynch of Lynchburg, Va. In adopting the report the conference said it "shall continue to list moving pictures among modern evils as long as they continue to exalt the gangster and glorify the woman with a questionable past."

### Michigan

DETROIT, June 25.—Active support of the principles of the Legion of Decency has been recommended to the Christian Endeavor Union Convention. The convention committee has approved adoption of the declaration of the Legion, which was organized by the Catholic bishops of the nation and which pledges the signer to remain away from objectionable motion picture films.

In urging the youth of Michigan to adopt the declaration, the Christian Endeavor committee is acting in the line with the recent move of the Detroit Council of Churches.

### Louisiana

NEW ORLEANS, June 25.—The Legion of Decency, so far as New Orleans is concerned, is not affecting to any appreciable degree business of various theatres, although grosses are a trifle off owing to extreme warm weather and numerous outdoor attractions.

### Pennsylvania

PHILADELPHIA, June 25.—Directors of the Philadelphia Federation of Churches have endorsed the Catholic Legion of Decency boycott of indecent films.

# Union Offices Raided; Books To Grand Jury

(Continued from page 1)

which descended upon the following offices:

The Empire State Motion Pictures Operators' Union, Brooklyn.

Local 306 of the I.A.T.S.E., Manhattan, and the Brooklyn branch of Local 306.

The raids were made simultaneously, and grew out of warfare between the unions and independent theatre owners in Brooklyn.

The district attorney's office has submitted testimony to the grand jury regarding purported transactions between the unions and gangsters. The name of Dutch Schultz, fugitive gangster, appears with that of equally well known characters in the district attorney's survey.

There are charges that an underworld chieftain received $7,500 from one of the unions; that a detective agency was given $25,000 and that lawyers received exorbitant fees. More than $200,000 has been spent by Local 306 during the past year on so-called "rehabilitation" work, it is charged.

Harry Sherman, president of Local 306, last night declared:

"It's a lot of baloney. Just another one of those things which was tried in Washington. The story has been on the ice the last two weeks.

"The district attorney had no complaint nor warrant and the papers he took amounted to nothing."

A protest will be made against the district attorney, Sherman stated, for forcibly entering the union's office without a warrant. "The whole thing has been inspired by exhibitors at odds with the union," he said.


In This Paper TOMORROW!

M-G-M's SHORT SUBJECT Announcement 1934-35

# ROMANCE *in the* RAIN

ANOTHER smash attraction in Universal's great wind-up group for 1933-34! . . . Another big one to keep step with Margaret Sullavan in "Little Man, What Now?"; with Diana Wynyard in "One More River"; with Claudette Colbert in "Imitation of Life"; with Adolphe Menjou in "The Human Side."... A speedy comedy drama with hit songs and flash music, by the authors of "Moonlight and Pretzels."

•

with

**ROGER PRYOR • HEATHER ANGEL**
**ESTHER RALSTON • VICTOR MOORE**

Paul Kaye, Ruth Donnelly, Max Davidson. Music by Jay Gorney and Sig Herzig. Screenplay by Barry Trivers. Directed by Stuart Walker. A Stanley Bergerman Production presented by CARL LAEMMLE.

**A UNIVERSAL PICTURE**

# "Let's Talk," Fight Frisco Top, $16,000

San Francisco, June 25.—This town went for "Let's Talk It Over" and the fight pictures in a big way. The Baer-Carnera battle boosted business so fast the last half of the week at the Golden Gate that the take went $3,000 over par to $16,000. They were held over.

"Dr. Monica" and a stage show ran up a fine $20,000 gross at the Warfield, and "Where Sinners Meet" took a par $9,000 at the Orpheum. Elsewhere business was dull.

Total first run business was $58,000. Average is $70,000.

Estimated takings:

***Week Ending June 19:***

**"LET'S TALK IT OVER" (Univ.)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage: Cotton Club band. Carnera-Baer fight pictures. **Gross:** $16,000. (Average, $13,000)

***Week Ending June 20:***

**"WHERE SINNERS MEET" (Radio)**
ORPHEUM—(3,000), 15c-25c-35c-40c, 7 days. "Student Prince" on stage. **Gross:** $9,000. (Average, $9,000)

***Week Ending June 21:***

**"TAKE THE STAND" (Liberty)**
**"LOUD SPEAKER" (Monogram)**
FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage: Vaudeville. **Gross:** $6,000. (Average, $9,000)

**"HE WAS HER MAN" (Warners)**
**"CALL IT LUCK" (Fox)**
PARAMOUNT—(2,670), 15c-35c-40c-65c, 7 days. **Gross:** $9,000. (Average, $12,000)

**"THIN MAN" (M-G-M)**
ST. FRANCIS—(1,400), 15c-35c-40c-65c, 7 days. **Gross:** $7,500. (Average, $8,000)

**"DR. MONICA" (Warners)**
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage: Vaudeville, band. **Gross:** $20,500. (Average, $19,000)

## *Campi's U. A. Rule Is Set for Thursday*

(*Continued from page* 1)

complaint. In this instance, Campi upheld the New York grievance board in granting Rogowsky 22 films, but added that Skouras did not overbuy.

Code secretaries throughout the country have been asked to submit names of various exhibitors prominent in local territories for Campi's appeal panel from which members of the 10 committees will be selected and approved Thursday. The first appeals committee gets into action next Monday.

A joint meeting of committees on clearance and zoning and grievance meets today at authority headquarters.

## *Savo to Start Aug. 15*

Jimmy Savo starts work in "Wagon of Dreams," the Hecht-McArthur film to be produced for Paramount, on Aug. 15 at Astoria. Hecht-McArthur have an option on the comedian for 10 more pictures. Distribution is not set on the entire group, but the first four will be handled by Paramount.

## *No Grievances Here*

For the first time since the New York grievance board started operations, no complaints are on the calendar for today.

It's a holiday for the local board. Ditto for the Manhattan advisory committee on clearance and zoning which was to have met yesterday.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Treasure Island"*

(*M-G-M*)

Hollywood, June 25.—An interesting production of Robert Louis Stevenson's adventure classic, done in good taste, with some imagination and salted spasmodically with humor.

As filmed, Stevenson's saga of the "Yo ho, and a bottle of rum" days is crowded with incident, but a lusty yarn it still is, chock-a-block with pirates bold and bloody, buccaneers questing for pieces-of-eight and doubloons.

Long John is played by Wallace Beery, Jim Hawkins by Jackie Cooper, Billy Bones by Lionel Barrymore, Doctor Livesey by Otto Kruger, Captain Smellett by Lewis Stone, and Ben Gunn by "Chic" Sale.

Known to man and boy, the ageless Stevenson characters enacted by these screen players should attract audiences. When trimmed the production should appeal to lovers of clean adventure pictures. Barrymore and Beery make vivid and colorful the pirates each portrays. Jackie Cooper is warm as Jim.

Scenic and photographic values of old England and sea scapes are well done. Victor Fleming directed from John Lee Mahin's screen play. Running time (preview form), 115 minutes.

# *Looking 'Em Over*

## *"Return of Bulldog Drummond"*

(*B. I. P.-Lou B. Metzger*)

Thrilling action and suspense aplenty prove in this melodrama that the British producer can make them fast and melodramatic. It is a story of the famous "Bulldog Drummond," based on the Sappers' novel, "The Black Gang," and from start to finish snaps along with a speed, dramatic intensity and audience interest that will make it highly satisfactory entertainment for any audience.

The production, as a whole, rates well from both dramatic and technical standpoints. The story deals with the efforts of The Black Gang, a heroic organization headed by Bulldog Drummond, which seeks to combat a gang of international conspirators who are endeavoring to stimulate a war spirit for the purpose of selling armament. Drummond is the leader of The Black Gang, and in situation after situation outwits the highly organized crowd that he is fighting, as well as the police, who suspect his activities, but who are unable to prove his actions. The story reaches a climax in the kidnaping of Drummond's wife and his capture in his endeavor to rescue her after he has been cleverly anesthetized with an unusual drug and is ostensibly murdered when his car is driven through an open drawbridge.

The part of Drummond is portrayed by Ralph Richardson, a competent actor, whose effectiveness improves as the picture progresses. An important impersonation carried through the picture by Claude Allister, who has won considerable success in comedy roles in Hollywood. Adaption, scenario and direction are by Walter Summers. The picture was produced by British International at Welwin Studios and distributed in England by Wardour Films, Ltd. It is the first picture to be presented by Lou B. Metzger, who has just taken over British International films in the American market.

## *"Let's Try Again"*

(*RKO-Radio*)

Sophisticated in appeal, this attraction is designed particularly for "A" houses. While Pandro S. Berman has produced a fine picture, it lacks a definite amount of punch to get it over with neighborhood audiences. Diana Wynyard, Clive Brook, Irene Hervey, Helen Vinson, Theodore Newton and Arthur Hoyt are talkative in their respective roles, but somehow the net result lands short insofar as mass appeal is concerned.

Delicately handled, the theme of a doctor's wife becoming bored with marital life after 10 years and both finding an outlet for their romantic desires elsewhere might be an every day story in the medical profession. The writers have injected an interesting angle to get them together again by having Miss Vinson, Brook's lovelight, walk out on him for a dancing career and Newton, who had found a way to Miss Wynyard's heart, returning to Miss Hervey and assuming an obligation made at a moment of indiscretion. Running time, 67 minutes.

# "Cavaliers," Fight, Bernie Chicago Lead

Chicago, June 25.—The first rush of fair visitors hit town last week and grosses jumped sharply. The Palace led, with "Cockeyed Cavaliers," the Baer-Carnera fight and Ben Bernie and his orchestra. The $30,000 take was $8,000 up.

"Little Miss Marker" and a stage show at the Chicago grossed a fine $36,000. "Merry Wives of Reno" was strong at $17,000 in the Oriental.

Total first run business was $136,500. Average is $137,600.

Estimated takings:

***Week Ending June 20:***

**"NOW I'LL TELL" (Fox)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $15,000. (Average, $17,000.)

***Week Ending June 21:***

**"LITTLE MISS MARKER" (Para.)**
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Molly Picon, Peggy Taylor & Kitchen Pirates, Doring Sisters, Stanley Morner, Berry Bros. **Gross:** $36,000. (Average, $34,600.)

**"THE KEY" (Warners)**
McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $8,500. (Average, $13,000.)

**"MERRY WIVES OF RENO" (Warners)**
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Betty Boon in person. **Gross:** $17,000. (Average, $15,000.)

**"COCKEYED CAVALIERS" (Radio)**
**"CARNERA-BAER FIGHT" (Oliver)**
PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Ben Bernie & Lads revue. **Gross:** $30,000. (Average, $22,000.)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $11,000.)

***Week Ending June 23:***

**"THREE ON A HONEYMOON" (Fox)**
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Harlen Scandals revue. **Gross:** $12,000. (Average, $15,000.)

## *Ohio Free Shows Are Ordered Ended*

(*Continued from page* 1)

and distributors are ordered to cease service to them.

The only cases now on file with the board pertain to non-theatrical accounts. Not one protest against overbuying has been filed locally.

The clearance board is meeting daily. Cases affecting out-of-town theatres have been heard this week. Twenty-seven cases filed by Cleveland exhibitors will be heard tomorrow.

## *Three of Columbia's New List Are Named*

Hollywood, June 25.—Three of the pictures to be announced on Columbia's 1934-35 list at the Atlantic City and Chicago conventions will be: "Feather in Her Hat," I. A. R. Wylie's novel; "Party Wire," Bruce Manning's romantic comedy, and "The Girl Friend." The last named is a musical with Lupe Velez, with music and lyrics by Herbert Fields, Richard Rodgers and Lorenz Hart.

## *Drop Wilkinsburg Lease*

Wilkinsburg, Pa., June 25.—Pete Nikas and Steve Dascalos, operators of the Regal, have given up their lease on the Ritz at Rankin, Pa. Dean McCloskey, who has been managing both houses, has resigned as manager of the Wilkinsburg house, and has taken over the Ritz, which is owned by Israel Rosenbloom.

## Paramount Regional Sessions Get Going

Paramount's regionals began yesterday in San Francisco and Chicago. At the former Divisional Manager Charles Reagan presided. Territories represented were: Los Angeles, Portland, Seattle, Denver, Salt Lake City and San Francisco.

At Chicago the cities were: Milwaukee, Detroit, Indianapolis, Kansas City, St. Louis, Omaha, Des Moines, Minneapolis and Sioux Falls.

Division Manager Joseph J. Unger will hold a southern meeting at Atlanta June 29 and 30, with Atlanta, New Orleans, Memphis, Jacksonville and Charlotte attending. Another session will be held in Washington on July 2 and 3 for Washington, Philadelphia, Cleveland, Columbus, Cincinnati and Pittsburgh representatives. The last will be in New York on July 6 and 7, with New York, New Jersey, Brooklyn, Albany, Buffalo, Boston, Maine and New Haven men.

Los Angeles, June 25.—Paramount's sales forces have left for their respective cities. The eastern contingent will arrive in New York Thursday.

## Rosenblatt to Defer Coast Trip for Time

Washington, June 25.—Desiring to see that the new actors, writers and producers committee gets off to a fair start, Division Administrator Sol A. Rosenblatt will not leave for the coast until the committee is fully organized and working, it was learned today.

No information has been made available as to what problems or difficulties are awaiting his personal attention. Discussing the work of his division today, Rosenblatt declared progress is being made with the salary report, due in the hands of Administrator Hugh S. Johnson on July 7.

An amendment of the code to cover employes of companies having maintenance contracts with theatres, however, is in abeyance until additional factual material has been submitted by the American Building Maintenance Co., which protested proposed changes at the hearing earlier this month.

Difficulties are being encountered in passing on the recommendations of the extras committee in Hollywood because of friction between some of the recommendations and dissension which arose after their submission. The NRA is trying to bring about an agreement on the proposals, but it is expected some time will be required.

## Radio Adds "To Victor"

Hollywood, June 25.—"To the Victor," a story based on the life of Sir Basil Zaharoff, has been added to the Radio 1934-35 lineup. Pandro S. Berman will produce.

## Short on Fight Prints

Los Angeles, June 25.—The Baer-Carnera fight pictures have been booked into 40 houses here with only 22 prints available, which means bicycles will be working overtime.

## Table License Measure

Sheboygan, June 25.—A proposed ordinance to license operators has been tabled by the Common Council. The measure would provide a fee of $2.50 per year.

# Fox Met. Moves Delayed; Committee Is Undecided

(Continued from page 1)

in the situation since the committee's indecision last week caused a postponement of a scheduled hearing on the sale of the circuit before Federal Judge Julian Mack until tomorrow. The conferees expressed little hope of an early decision from the bondholders' committee after yesterday's meeting, declaring that they would meet with the committee again today and that negotiations might continue tomorrow and on into the week, making necessary a second postponement of the Federal court hearing.

The Loew-Warner offer contemplates acquisition of the Fox Met. circuit from the bondholders after the latter have bid it in at a foreclosure sale. The bondholders, however, would like to sell the Loew-Warner bidders their bonds for $4,000,000, leaving the reorganization of the circuit up to them as the new bond owners. No compromise on these basic viewpoints has been made yet by either side, it was reported yesterday.

If the Loew-Warner offer is rejected, the bondholders would proceed with their own plan of reorganization which continues Skouras and Randforce as operators of the circuit.

## M-G-M Percentage Films Not Limited

(Continued from page 1)

get under way for several weeks yet since contracts for the new season's listing are not yet off the presses. Complete service contracts will highlight the selling campaign, the plan being to sell shorts and newsreels to round out feature pacts.

Felix Feist, who stayed over in Chicago for additional meetings with division and branch heads, returns today. Home office and eastern sales forces returned yesterday.

## Supply Dealers Move Their Offices to N. Y.

Headquarters of the Independent Theatre Supply Dealers' ass'n. yesterday were moved from Baltimore to the Paramount Building, New York. J. E. Robin is president and Joe Hornstein is vice-president.

The organization is working on a supply dealers' code supplementary to the wholesale code.

## Try Color Outdoors

What is said to be the first outdoor shorts in the new three-color Technicolor process are now in work. Robert C. Bruce has gone to Europe to make four "Musical Moods" for Audio Productions. The scenes will illustrate music to be done by Hans Lang, Rosario Bourdon and Gusfave Haenschen and their orchestras.

## Form Cavalcade Film

Dover, June 25.—Cavalcade Film Corp. has been chartered here to present plays, dramas, etc., listing capital of $100,000. The incorporators are M. S. Cook, A. L. Raughley and E. V. Hall of Dover.

## Al Shean on the Coast

Hollywood, June 25.—Al Shean, member of the once famous Gallagher and Shean duo, has arrived here to study film technique for a while before starting work in "Music in the Air" for Fox.

## Shift Milwaukee Spots

Milwaukee, June 25.—The Warner is now operating on a split-week policy with new films opening on Fridays and Mondays. L. K. Brin's Garden has inaugurated a new summer policy of first runs at 25 cents any time and any day.

## Summer Theatres to Receive a Big Play

Summer theatres which will dot the east this season in greater numbers than before include in their schedules plays with many performers, known in Hollywood, taking part. For instance:

Mary Morris, who did "Double Door" for Paramount, will tour in the same play and has dates bookings set in New London, Dennis and Suffern.

Irene Purcell will tour in "Biography," Irene Rich in "The Shining Hour," Jean Arthur and Sam Jaffe will appear in "The Bride of Torozko" at the Westport County Playhouse, July 9; Herbert Rawlinson in "Gram" at the Elverhoj, Milton; Tulio Carminati in "Strictly Dishonorable" at Woodmere opened yesterday; in "Julie" Aug. 20; Bert Lytell and Melvyn Douglas in "Mother Love" at the same house Aug. 27.

Kubec Glasman, with Sidney Salkow, is author of "Shoe Strings" which plays the Elverhoj Aug. 13; Arthur Brilant is author of "For Love of Geraldine," which will play the Naponoch Playhouse, Naponoch, N. Y.

Halsey Raines of the M-G-M made his debut as a playwright recently when his play "The Mating Season" opened at the Band Box, Hempstead, L. I. The play is being produced by Nassau Drama Guild and is slated to go on tour shortly.

## Three B'way Takes Fall to a Low Ebb

Three Broadway houses failed to stir much excitement last week.

The Rialto took $10,000 on its second week with "World in Revolt." The Roxy, with "Let's Talk It Over" and vaudeville, reached $16,200. The Strand had $11,425 on "Fog Over Frisco."

## "Red Cat" Heads List

First of 20th Century stage plays to be presented under A. H. Woods' banner will be "The Red Cat," by Rudolph Lothar-Hans Adler. Darryl Zanuck will look it over in August on his way back from Africa.

## "U" Buys Croy Yarn

Hollywood, June 25.—Universal has lined up the Homer Croy story, "Lady Tubbs" for the new program. The story deals with a laundress, age 50, and will be produced by Lou Ostrow.

## Dismiss Detroit Case

Detroit, June 25.—Julius Fisher's overbuying complaint against Fred Delodder's East End Theatre has been dismissed by the grievance board.

## Head of New York's Schools Hits Films

Dr. Harold G. Campbell, New York superintendent of schools, has joined the critics of films by writing that he believes sub-standard pictures undo the work of schools in "character building" and "development of proper social attitudes."

He has called the attention of Associate Superintendent John S. Roberts to the nationwide religious campaign for clean films, and has asked him to conduct an investigation of the effects of pictures on school children.

"If, on the basis of your study," he wrote, "you think it would be helpful, you have my authorization to inform Will Hays that the largest school system in the world is determined that the character of its children shall not be undermined by inferior motion pictures."

## Ohio, Pennsylvania Delay "Dr. Monica"

Columbus, June 25.—Warner's "Dr. Monica" is being held up by the censor board, which has viewed it eight times without reaching a decision as to whether it should be released in Ohio.

Pittsburgh, June 25.—The Pennsylvania censors have held up Warners' "Dr. Monica." As a result, the film has been postponed at the Stanley, where it had been booked in for this week.

Columbus, June 25.—"The Life of Vergie Winters" was passed today by Ohio censors with slight alterations. It opens in Cincinnati, Columbus and Cleveland on Friday.

## Charter Five Companies

Albany, June 25.—Five new theatre companies have been chartered here by Elisie Hornstock, Frances Silberbush and Beatrice Silverstein. They are: 19th St. Theatre Corp., Costello Theatre Corp., 100th St. Theatre Corp., 170th St. Theatre Corp. and West Side Theatres Corp.

## Columbia 16; Erpi 1

The Columbia baseball team defeated Erpi last week, 16-1. The Columbia team made 12 hits and one error to Erpi's seven hits and six errors. The hitting and tight fielding in the pinches displayed by the Columbia men were the features of the game.

## Closes English Deal

Morris Goodman, foreign sales manager for Mascot, has closed a deal with Associated British film distributors for English distribution of "The Lost Jungle," starring Clyde Beatty. Goodman is due back on the *Lafayette* next Friday.

## Quesada Richey Aide

Detroit, June 25.—George Quesada has been made assistant to H. M. Richey, general manager of Allied of Michigan. He succeeds E. S. Kinney, now code board secretary.

## Wisconsin Men to Meet

Milwaukee, June 25.—A statewide meeting of all independent theatre owners of Wisconsin has been called at Lake Geneva for June 28-29.

# "Heart" Gets Twin Cities' Gross Honors

MINNEAPOLIS, June 25.—"Change of Heart" was the big draw of the week in the Twin Cities. It was high grosser here at the Minneapolis with $8,000 and also at the Paramount across the river where it grabbed $6,500, up by $1,000.

"The Circus Clown" was strong with $6,750 at the RKO Orpheum, but elsewhere business was either just above average or below it.

Minneapolis' six first runs, usually taking $26,000, totalled $28,000 for the week, while St. Paul's four, with averages totalling $14,000, grossed $15,550.

Estimated takings:

***Minneapolis:***

***Week Ending June 22:***

**"ALL MEN ARE ENEMIES" (Fox)**
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

**"LOOKING FOR TROUBLE" (U.A.)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

**"CHANGE OF HEART" (Fox)**
MINNESOTA—(4,000), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,500)

***Week Ending June 23:***

**"THE CIRCUS CLOWN" (F.N.)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $6,750. (Average, $5,500)

**"MANHATTAN MELODRAMA" (M-G-M)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

**"CATHERINE, THE GREAT" (U.A.)**
WORLD—(400), 25c-75c, 7 days, 4th week. **Gross:** $2,500. (Average, $2,000)

***St. Paul:***

***Week Ending June 23:***

**"CHANGE OF HEART" (Fox)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

**"LOOKING FOR TROUBLE" (U.A.)**
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

**"FINISHING SCHOOL" (Radio)**
RKO ORPHEUM—(2,600), 20c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)

**"BEYOND BENGAL" (Showmen's)**
RKO ORPHEUM—(2,600), 20c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)

**"SORRELL AND SON" (U.A.)**
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $850. (Average, $800)

**"UPPER WORLD" (Warners)**
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average, $700)

## *"Melodrama" Alone Clicks in Seattle*

OMAHA, June 25.—Business held up surprisingly well last week. "Operator 13," helped by a campaign in the Hearst papers, reached $7,800 at the Paramount.

"Where Sinners Meet," "The Circus Clown" and the Baer-Carnera fight film pulled a fine $5,500 to the Brandeis, and "Now I'll Tell," with a stage show was strong at $6,750 in the World.

Total first run business was $26,850. Average is $24,050.

Estimated takings:

***Week Ending June 20:***

**"OPERATOR 13" (M-G-M)**
PARAMOUNT—(2,900), 25c-35c-40c, 7 days. **Gross:** $7,800. (Average, $7,250)

***Week Ending June 21:***

**"WHERE SINNERS MEET" (Radio)**
**"THE CIRCUS CLOWN" (F.N.)**
**BAER-CARNERA FIGHT (Excellent)**
BRANDEIS—(1,500), 20c-25c-35c, 7 days. **Gross:** $5,500. (Average, $3,800)

**"THE BLACK CAT" (Univ.)**
**"HOLLYWOOD PARTY" (M-G-M)**
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

**"NOW I'LL TELL" (Fox)**
WORLD—(2,200), 25c-35c, 7 days. Stage: Smith Varieties. **Gross:** $6,750. (Average, $5,000)

## *Hollywood Personals*

**Hollywood, June 25.—Katherine DeMille still confusing the doctors with her high temperature....Buster Crabbe back from personal appearances in Denver....Director Henry Hathaway presented Shirley Temple with a glass bowl full of hand-painted turtles....The story of "Mrs. Wiggs of the Cabbage Patch" is listed among the sixty-five best sellers since 1875....Marcia Remy, former assistant caster to David Warner at Universal, cast herself by the studio for a part in "Romance in the Rain".... Roman Freulich, still man at Universal, made a two-reel short in the desert during his vacation titled, "Prisoner." It's been booked locally at the Filmarte Theatre....Herbert Yost in on the Chief for a role in "Age of Innocence" (Radio)....Alan Crosland signed to direct "The Case of the Howling Dog" for Warners....Verree Teasdale is seriously ill with the "flu"....**

# "Stingaree" Hits $11,000 2d L. A. Week

LOS ANGELES, June 25.—"Stingaree" grabbed off top honors last week at the RKO, running up to $11,000 in its second week. This tops normal by $3,000.

"Sadie McKee" was second high with $15,407 at Loew's State, over par by $1,407. "Little Man, What Now?" reached $3,200 at Pantages.

Grauman's Chinese is now open only week-ends. "House of Rothschild" took $7,560 in three days of the 10th week.

Total first run business was $72,192. Average without Pantages is $82,650.

Estimated takings for the week ending June 20:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 3 days. Sid Grauman prologue. **Gross:** $7,560. (Average week, $14,000.)

**"NO GREATER GLORY" (Col).**
FILMARTE—(900), 40c-50c, 3rd week, 7 days. **Gross:** $600. (Average, $2,650.)

**"SADIE McKEE" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $15,407. (Average, $14,000.)

**"HERE COMES THE GROOM" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Ted Fio-Rito in person and a F. & M. Revue. **Gross:** $17,425. (Average, $18,000.)

**"STINGAREE" (Radio)**
RKO—(2,700), 25c-40c, 2nd week, 7 days. **Gross:** $11,000. (Average, $8,000.)

**"THE MERRY FRINKS" (F. N.)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-55c, 7 days. **Gross:** $9,000. Average, $14,000.)

**"THE MERRY FRINKS" (F. N.)**
WARNER BROS. (DOWNTOWN)—(3,400), 25c-55c, 7 days. **Gross:** $8,000. Average, $12,000.)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $3,200.

## *Warners Sign Miss Hutchinson to Pact*

HOLLYWOOD, June 25.—Warners have signed Josephine Hutchinson, rated high among America's dramatic actresses. For a long time she was with Eva La Gallienne and played Alice in "Alice in Wonderland" on the stage. She was also in "Cherry Orchard" and others of the Civic Repertory group.

## *Renew on Roulien*

HOLLYWOOD, June 25.—Fox has renewed option on the contract of Raoul Roulien, which does not expire until July, 1935. The new option is for a year.

# Boston Gives $20,000 Lead To "Thin Man"

BOSTON, June 25.—Bunker Hill day and pleasant weather helped grosses.

"The Thin Man" at Loew's State was the outstanding attraction of the week, going to $20,000, over normal by $4,000.

"The Great Flirtation" with a stage show was $3,000 up at the Metropolitan with $31,000, and a dual bill, "Uncertain Lady" and "Orders Is Orders," with the Baer-Carnera fight picture, sent the Boston up to $19,000.

Total first run business was $105,000. Average is $94,000.

Estimated takings for the week ending June 21:

**"UNCERTAIN LADY" (Univ.)**
**"ORDERS IS ORDERS" (Gaumont-British)**
BOSTON—(2,900), 25c-50c, 7 days. Baer-Carnera films. **Gross:** $19,000. (Average, $16,000)

**"MERRY FRINKS" (F.N.)**
**"FOG OVER FRISCO" (F.N.)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $8,000. (Average, $9,000)

**"BABY TAKE A BOW" (Fox)**
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $18,000. (Average, $16,000)

**"THE THIN MAN" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $20,000. (Average, $16,000)

**"THE GREAT FLIRTATION" (Para.)**
METROPOLITAN—(4,350), 30c-65c, 7 days. George Beatty and "Ship Ahoy" revue. **Gross:** $31,000. (Average, $28,000)

**"MERRY FRINKS" (F.N.)**
**"FOG OVER FRISCO" (F.N.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,000. (Average, $9,000)

## *"U" Signs Youngster*

HOLLYWOOD, June 25.—Following Hollywood's new hunt for youngsters, started by the talented four-year-old, Shirley Temple, Universal has given a long term contract to Juanita Quigley, two years old. Her first role will be with Claudette Colbert in "Imitation of Life."

## *Around Leo's Lot*

HOLLYWOOD, June 25.—Irving Thalberg previewed a new gray suit yesterday. . . . Mary Loos, Anita's niece, cast for a role in "Student Tour." . . . Pete Smith is busy. Has three shorts in work at the same time. . . .

## *Sol Lesser Holds Cline*

HOLLYWOOD, June 25.—Sol Lesser has optioned Eddie Cline for five more pictures in addition to the one he has already signed for. His first will be "Dude Ranger," first of the George O'Brien series.

# "Luck," Fight Film $22,000 Philadelphia

PHILADELPHIA, June 25.—A combination of the Baer-Carnera fight pictures, "Call It Luck" and a stage show at the Fox took the lion's share of the first run business here. The $22,000 take was $10,000 over par.

The only other first run to reach average was the Earle with "Return of the Terror" and a number of acts.

Total first run business was $60,900. Average is $60,500.

Estimated takings for the week ending June 21:

**"THE WITCHING HOUR" (Para.) (2nd run)**
ARCADIA—(600), 25c-40c-50c, 5 days. **Gross:** $1,200. (Average, 6 days, $2,400)

**"STINGAREE" (Radio)**
BOYD—40c-55c-65c, 6 days. **Gross:** $9,000. (Average, $12,000)

**"RETURN OF THE TERROR" (Warners)**
EARLE—40c-55c-65c, 6 days. Stage: Wesley Eddy, Sims and Bailey, Frank Conville, Bobby Gilbert, Muriel Gardner. **Gross:** $12,000. (Average, $12,000)

**"CALL IT LUCK" (Fox)**
FOX—(3,000), 30c-40c-60c, 6 days. Stage: Jay Mills, 3 Arkansas Travelers, Nash and Fately, Jean Devereaux. Baer-Carnera fight pictures. **Gross:** $22,000. (Average, $12,000)

**"FINISHING SCHOOL" (Radio)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,200. (Average, $3,500)

**"OPERATOR 13" (M-G-M)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $9,500. (Average, $12,000)

**"BORN TO BE BAD" (U.A.)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,000. (Average, $7,000)

## *Omaha Grosses Hold; Davies Film $7,800*

SEATTLE, June 25. — "Manhattan Melodrama" was the only attraction in town last week to overcome the effects of the heat wave and the long continued waterfront strike. The gross at the Fifth Avenue was $7,500.

Total first run business was $26,900. Average is $30,500.

Estimated takings for the week ending June 23.

**"THE TRUMPET BLOWS" (Para.)**
**"AFFAIRS OF A GENTLEMAN" (Univ.)**
BLUE MOUSE—(950), 15c-25c, 7 days. **Gross:** $2,800. (Average, $3,500)

**"MANHATTAN MELODRAMA" M-G-M**
FIFTH AVENUE—(2,450), 25c-40c-55c, 8 days. **Gross:** $7,500. (Average, $7,000)

**"SHADOWS OF SING SING" (S.R.)**
**"DYNAMITE RANCH" (Univ.)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,400. (Average, $4,000)

**"WHERE SINNERS MEET" (Radio)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,500. (Average, $4,000)

**"STINGAREE" (Radio)**
MUSIC HALL—(2,275), 25c-40c-55c, 6 days. **Gross:** $4,500. (Average, $6,000)

**"HOLLYWOOD PARTY" (M-G-M)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Lorraine & Digby. **Gross:** $5,200. (Average, $6,000)

## *Retitle Crosby Picture*

HOLLYWOOD, June 25.—"We're Not Dressing," the Bing Crosby-Carole Lombard picture at Paramount has been retitled "Music of the Waves" in South America.

## *Columbia Shifts Title*

HOLLYWOOD, June 25.—Columbia has changed the title of "The Criminal Within," to "What Price Scandal."

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 149 NEW YORK, WEDNESDAY, JUNE 27, 1934 TEN CENTS

## Irving Trust RKO Trustee Under New Act

### *Judge Coxe Overrules Minority Objectors*

Irving Trust Co. was named permanent trustee for RKO by Federal Judge Alfred C. Coxe at a hearing yesterday on RKO's petition for reorganization under the new bankruptcy laws. The appointment was made over the objections of RKO creditors that the new bankruptcy laws were unconstitutional and that Irving Trust had been "imposed upon" while equity receiver for RKO and required the advice of a second trustee.

Judge Coxe overruled all objections, stating that the "majority of people most vitally involved in the RKO

(*Continued on page* 23)

## Local 306 Secures Writ After Raids

Local 306, through Arthur S. Tuttle, yesterday applied for and obtained a show cause order against Kings District Attorney Kleinman from Supreme Court Justice Peter P. Smith in Brooklyn. Argument was ordered before Supreme Court Justice James A. Dunne in Brooklyn.

Tuttle, former U. S. District Attorney, issued a scathing statement

(*Continued on page* 19)

## *Lou Metzger-Mundus Deal Reported Near*

A deal is reported near between Lou B. Metzger and Mundus Pictures, new U. A. distributing subsidiary, on "The Return of Bulldog Drummond," produced by British International. Release, it is understood, will be set back until "Bulldog Drummond Strikes Back," Ronald Colman-20th Century vehicle, has run its course.

### *New Type Colonel*

**N. L. Manheim, foreign sales manager of Universal, yesterday received his appointment as a Kentucky colonel, number unknown.**

**He says, however, this is different. He calls himself officer in charge of foreign exchange and the Foreign Legion of "Bluegrass State" colonelcies.**

## French Quota Law Stays; 94 'Dubs' Set Up

### *Considered More Than Ample for U. S.*

By PIERRE AUTRE

PARIS, June 26.—The French Government today extended its quota decree to Dec. 31, allowing 94 "dubbed" versions to be imported during the second half of the year.

This is one up on the total allowed for the six months to June 30. At the same time, the import duty on negative was increased from three to five francs per meter.

Extension of the existing French quota for the second half of 1934 is considered sufficiently liberal to meet the requirements of the American in-

(*Continued on page* 19)

## *St. Louis Feeling Boycott's Effects*

ST. LOUIS, June 26.—Effects of the Catholic Legion of Decency film boycott are being felt by downtown first runs, according to managers. Suburban independents say it is accentuating the summer slump and they are worrying about what will happen as the campaign gains momentum.

Another angle has been added to the campaign by the western district of

(*Continued on page* 19)

## *Para. Will Revise Mae West Picture*

Paramount has announced that after a review of the Mae West picture, "It Ain't No Sin," by the New York Board of Regents, Hays office officials and officials of the company,

(*Continued on page* 19)

### *Post Still Vacant*

**Successor to Stanley B. Waite, Paramount division sales manager who died suddenly on June 13, continues to remain unnamed. George J. Schaefer, due back from the convention Saturday, will designate the appointee shortly thereafter.**

## Educational To Tip Short Costs by 20%

Recent code board decisions aimed at dual bills in Cleveland and Los Angeles have convinced Earle W. Hammons, Educational president, that doubles are on the wane and the prospects for shorts correspondingly brightened. Acting on this conviction, he has decided to increase the Educational production budget next season by 20 per cent.

"During the past few years," Hammons says, "producers of shorts have had the tremendous problem of making a product they knew could not find a market in many theatres throughout

(*Continued on page* 23)

## *Kahane Takes Over Active Production*

HOLLYWOOD, June 26.—Besides his administrative and executive duties as president of RKO Pictures, B. B. Kahane today took over active production supervision, with his associate producers consisting of Pandro Berman, slated to make 13 pictures, Kenneth MacGowan, six; Lou Brock, four; Merian C. Cooper, two or more, with the balance of 12 of the 35 picture

(*Continued on page* 19)

## *Lawyers, Judges, Bankers Are Impartial Alternates*

Campi yesterday named 103 impartial alternates for 29 cities, the New York and Dallas recommendations not yet having been approved by Division Administrator Sol. A. Rosenblatt. Included in the list are attorneys, business men, professors, retired bankers and bank presidents.

The alternates are:

*Albany*: S. Aronowitz, attorney; David C. Lithgow, artist; Eugene J. Steiner, attorney; Townsend R. Morey, insurance agent and business man; George Myers, counsel.

*Atlanta*: E. A. Banker, rtired capitalist; Mike Benton, president, Southeastern Fair Ass'n; H. E. Choate, president, Chamber of Commerce.

*Boston*: James Humphrey Sheldon, professor of constitutional government; Harold F. Whitney, professor of government.

*Buffalo*: Francis DiBartolo, attorney; Charles Freiberg, retired business man; Sam Dickey, ex-judge.

*Charlotte*: C. M. Westbrook, insurance man; Charles E. Lambeth, president, Chamber of Commerce; W. T. Hoppe, Hoppe Motors, Inc.

*Chicago*: Judge James M. Corcoran, Judge Oscar Hebel, Judge Walter LaBuy, Judge Eugene Holland.

*Cincinnati*: C. Doone Rettig, attorney;

(*Continued on page* 19)

## Justice Dep't Looking Into Fox Met. Deal

### *Makes Study of Possible Anti-Trust Angles*

The Department of Justice moved yesterday to investigate possible violation of the anti-trust laws in the proposed acquisition of the Fox Metropolitan circuit by Loew's and Warners, it was learned yesterday.

Albert J. Law, a special investigator for the Department of Justice here, was assigned to the investigation.

Counsel for Skouras Bros., who would lose operating control of 44 of the 87 Fox Met. houses if the Loew-Warner bid of $4,000,000 for the circuit was accepted, raised the question of a possible anti-trust law violation during a hearing before Federal Judge Julian W. Mack last week at which

(*Continued on page* 19)

## Warners Get Erpi Cash and 3 Notes

Warners have already received $2,500,000 cash and three notes totalling $1,300,000 as a result of the settlement of the Stanley Co.-Erpi and Vitaphone-Erpi litigation. The notes are endorsed by Western Electric and A. T. & T.

The first note, for $500,000, is payable April 26, 1935; the second, for $500,000, is payable April 26, 1936,

(*Continued on page* 19)

## *Vitaphone vs. Erpi Suit Is Dismissed*

WILMINGTON, June 26.—The $40,000,000 royalties suit of Vitaphone, subsidiary of Warners, against Erpi, the settlement of which was announced last week, was dismissed in Chancery Court here today on stipulations signed by counsel for both companies.

The settlement provided that Vitaphone is to receive about $4,000,000 in cash and promissory notes from Erpi.

### *Samuelson Silent*

**"Disgusted with rumors," Sidney Samuelson, president of Allied, refuses to say anything about reports current that the national independent exhibitors' association has dropped its production plans.**

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## *H. M. Warner Coastbound*

Harry M. Warner left yesterday for the coast for conferences on the new season's product with Albert L. Warner and Gradwell Sears. Others of the company executives who are traveling in reverse are S. Charles Einfeld, Norman H. Moray, Carl Leserman, Al Schwalberg and Harold S. Bareford.

## *Schaefer Enroute Here*

HOLLYWOOD, June 26.—George J. Schaefer, vice-president of Paramount, left here today for New York by train, arriving Saturday. He presided at the company's convention here last week.

## *B. P. Schulberg Here*

B. P. Schulberg, independent producer for Paramount, has arrived in town for a short visit. He plans to return to the coast later this week by plane.

HOLLYWOOD, June 26.—B. P. Schulberg's unannounced trip to New York is understood to be due to the fact that his contract is quite cold. It is understood that he wants to produce independently and would like to make a deal with Erpi.

## *Smith Here on 2 Deals*

William Smith, partner of Charles Burr in Burr Prod., is here negotiating a major release of three features based on "Emo Crime Clues." Smith also is negotiating state rights release for six other features Burr plans.

# *Insiders' Outlook*

INOCULATED against unusual and usual vibrations, Hollywood, silent by surface indications at least, awaits the further impact of the church campaign now being waged against its major industry. Producers are advancing with the word "caution" echoing from all points of their compasses. Large and small, executives refuse to rewrite or reverberate by their own mouthings the onslaught for publication. Most producers even angle away from "off record" discussions. . . .

▼

From any and all sides, the next blast is being awaited. What comes across the continent by way of reaction seems to be best described as stoicism, nestling in an atmosphere filled with a static of queries and trepidation. Decision of the higher-uppers to make the production formula bristle, thereby making Joe Breen even more important than he has been to date in those parts, ties in with a number of questions, all natural follow-ups and all requiring an answer of some kind or other. . . .

▼

Prevailing queries now rifting the ozone cover a wide range of questions, expressed inwardly, if not outwardly, by producers, directors, writers, technicians and even white collar help. Most asked, perhaps, is what such-and-such company is going to do with and about such-and-such vehicles acquired at such-and-such prices? Another: If they make them, will their release be a signal for longer and louder blasts, even if film minds concur that material considered objectionable is routed out? Number three: If they don't make them, how will the loss involved be offset and will stockholders, interested primarily in dividends, be content with moral balm in place of financial? . . .

▼

There are others. For instance, will it be possible always to adapt and change proscribed properties to meet code requirements? This ties in with Number Three. A fourth wonders if this will mean producers are to be compelled to turn to the classics or, even worse in some opinion, become 100 per cent Pollyanna, like a Rotarian? Still more: Will it be possible to mirror life, 1934 style, on the screen in the future? Will the church element be inclined to dictate entertainment policies of the industry? Says one man, who thereby insists he poises still another: "If we filmed the Bible, isn't it a fact certain portions would have to be eliminated?" . . .

▼

And another: "How can such-and-such company announce a platform of clean pictures only and then announce such-and-such production as a climax?" He was basing his opinion on the product lineups as officially designated by several major producers. These are some of the up front posers that seem to have no takers out where they make 'em. On all sides, Hollywood, long-distanced through the telescope, is watching, waiting and using caution as it practices both. . . .

▼

Current activity in the theatre division at RKO is designed to strengthen the circuit's already strong New York hold no matter how those Fox Met. theatres may swing. Practically all, if not all, of the new theatre alignments are being made on the basis of operation and booking and call for no cash outlay on RKO's part. Affiliating circuits are after the advantages of RKO's mass film buys. The Joe Seider-Abe Schwartz get together on Long Island and other coalitions among independents, completed and in work, have been prompted by the same reason. I have been telling you for some weeks now that Fox Met. and its disposition are apt to induce changes of considerable importance in the exhibition field, locally and elsewhere. . . .

KANN

# *Purely Personal*

LEWIS JACOBS is at the Essex House with MRS. JACOBS prior to starting for Arizona and New Mexico. He is conferring with MO WAX and RONALD BANK on the script of a Hopi Indian film.

KARL MACDONALD, Warner division manager for Latin America, sails Friday aboard the *Western Prince* for a business trip to Buenos Aires. He will be gone about two months.

MAX BAER will be the principal guest at the luncheon forum at the M. P. Club Friday. BENNY RUBIN, JIMMY MCHUGH and ANCIL HOFFMAN will also be on the program.

BOB SISK, blue jacket and light trousers, emerging from the RKO Building with HERMAN ROBBINS as a sprinting mate.

JULES LEVY and BEN BLUMENTHAL accidentally coupled for lunch at Longchamps yesterday.

HAL ROACH expects to leave for coast today or tomorrow. Via airline, as usual.

BLOCK and SULLY leave for Hollywood tomorrow to work in "Kid Millions" for SAMUEL GOLDWYN.

GLENDA FARRELL plans to leave for Marblehead Hall, Va., over the week-end.

EDDIE PEABODY has been held over for a third week as master of ceremonies at the Roxy.

EMANUEL EISENBERG of Howard Dietz's staff is vacationing. He'll be back Monday.

BETTY ROACH, former secretary of MONROE GREENTHAL, is now taking notes from AL LICHTMAN.

HORACE T. CLARKE leaves for Hollywood tomorrow, but returns in six weeks or less.

AL FINEMAN is off cigars for the time being. Doctor's orders.

GUY FOWLER has joined Mundus Pictures to handle pressbooks.

## *Eastman Up 1½ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 3 | 3 | 3 | — ¼ | 700 |
| Consolidated Film Industries, pfd | 14¼ | 14¼ | 14¼ | ..... | 100 |
| Eastman Kodak | 99 | 97½ | 99 | +1½ | 900 |
| Fox Film "A" | 13¾ | 13½ | 13¾ | + ¼ | 800 |
| Loew's, Inc. | 30 | 29¾ | 29⅝ | + ⅜ | 2,300 |
| Loew's, Inc., pfd | 2 | 2 | 2 | ..... | 100 |
| Paramount Publix | 3⅝ | 3¼ | 3⅜ | — ¼ | 3,700 |
| Pathe Exchange | 2⅜ | 2¼ | 2¼ | — ⅛ | 100 |
| Pathe Exchange "A" | 21⅝ | 20¾ | 21¼ | — ¼ | 600 |
| RKO | 2¼ | 2¼ | 2¼ | ..... | 1,300 |
| Warner Bros. | 5½ | 5¼ | 5½ | + ¼ | 1,400 |

## *Columbia Gains ¼ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures | 30¼ | 30¼ | 30¼ | + ¼ | 100 |
| Technicolor | 14 | 13⅞ | 13⅞ | + ¼ | 1,200 |
| Trans Lux | 1½ | 1½ | 1½ | ..... | 600 |

## *Paramount Publix Bonds Off 1¼*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 8½ | 8½ | — ⅜ | 8 |
| General Theatre Equipment 6s '40, ctf | 8 | 8 | 8 | ..... | 2 |
| Keith B. F. 6s '46 | 69 | 69 | 69 | + ⅞ | 5 |
| Loew's 6s '41, ww deb rights | 102 | 101¾ | 102 | ..... | 5 |
| Paramount F. L. 6s '47 | 54 | 53⅝ | 53⅝ | — ⅜ | 4 |
| Paramount Publix 5½s '50 | 53⅞ | 53½ | 53½ | —1¼ | 2 |
| Warner Bros. 6s '39, wd | 56 | 55 | 55⅞ | — ⅜ | 53 |

## *Coast Indies Fail To Map Dual Fight*

HOLLYWOOD, June 26.—The meeting of independent producers last night to discuss a campaign to sustain duals did not stir much enthusiasm. Some solution of the independents' problems may be arrived at today.

# "MRS. LEO IS KNITTING TINY GARMENTS..."

*and Papa is so proud!*

CAME THE DAWN!

of 1934-35 and such good news—

# "IT'S A LITTER OF SHORT SUBJECTS, LEO...

*–the best you ever fathered!"*

HONEST to goodness, when you glimpse the NAMES in M-G-M's Short Subject line-up for the new season of 1934-35... there's only one way to describe it, FEATURE STRENGTH! Those babies have DRAWING POWER! And more than ever this season we're putting DE LUXE PRODUCTION VALUES into M-G-M Shorts! That's what sets them apart from all others on the market. M-G-M FEATURE STRENGTH SHORTS have a happy habit of registering on any program. They help to sell the entire show!

*Those Babies have Drawing Power!*

# 1934 1935

a rattling good short subject year thanks to the FEATURE STRENGTH of—

HAL ROACH

*presents*

When your patrons read on the screen these magic words "*Hal Roach presents*" they know it's a guarantee of good fun delivered in the best style to be found in shorts—and enacted by STARS of feature picture rating. Again Mr. Hal Roach you lead all other comedy producers—

*Your pal — Hal Roach*

# When Stan Laurel whispers advice to Oliver Hardy it's sure to be disastrous

FEATURE ATTRACTIONS . . . IN ANY LENGTH PICTURE! Just the flash of their names on the screen . . . even before the picture begins, is enough to start audiences chuckling with anticipation. We're still laughing at "Busy Bodies" and their other recent shorts! Stick those funny faces out front and don't spare the type in your ads! These boys are MONEY!

# 3 STAN LAUREL OLIVER HARDY

## TWO REEL COMEDY SPECIALS

"JUST A MINUTE PATSY... it's a call from the exhibitors of America and they want to date us up for next season... OKAY BOYS, we'll be there louder and funnier!"

**8**
**THELMA TODD**
**PATSY KELLY**
**2 REEL COMEDIES**

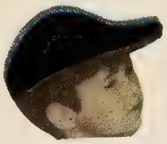
*Beautiful Thelma Todd and her pal Patsy Kelly made their co-starring bow to the public last season. Among other fun successes were "Air Fright" and "Babes in the Goods." You'll like this happy-go-lucky pair more than ever in their new routine.*

we're looking ahead

to a new season

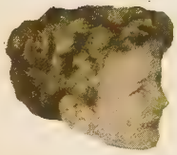
with a flock of

brand new ideas



that you've never seen before

we think you'll like us better



than ever before

in our entire career!

Me, too!

**6**

**"OUR GANG"**

**COMEDIES**

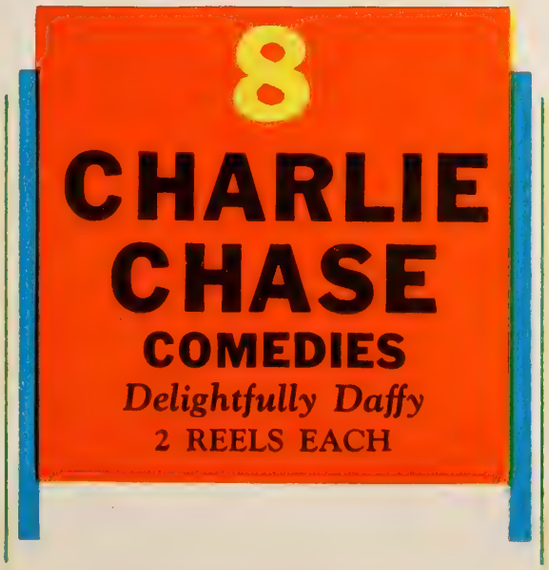
*with a NEW plan!*

2 REELS EACH

"SPANKY" in a thoughtful mood . . . it's either LOVE or those green apples he ate.

# "YOU'VE NEVER LAID AN EGG YET,"

*said the beauteous one to good time Charlie*




AND indeed she was quite right . . . for in all his long career, furnishing laughter to a troubled world, he has the highest consistent percentage of merry pictures.

Such mirth-provoking comedies as "Four Parts" released last season, have made Charlie Chase Comedies justly-famous on the exhibitor's screen. Charlie will continue to Chase your box-office blues away!

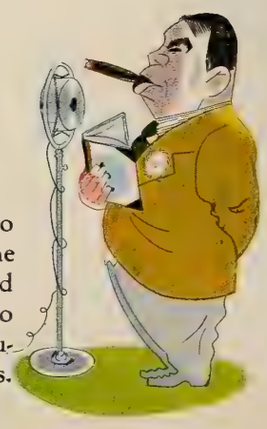
# "I think I'm going to like being in the movies,"

*says Irvin S. Cobb to Thelma Todd*

Irvin S. Cobb's name is familiar to millions who have followed his humorous writings in newspapers, magazines and books.

# 7 IRVIN S. COBB COMEDIES 2 REELS EACH

Irvin S. Cobb brings his droll wit and hilarious humor to the screen at last—both as the star and author of this refreshingly new Hal Roach series. The comedy-producing genius of Hal Roach and the bubbling humor of Cobb are teamed for bigger and better laughs.



Cobb 's a radio favorite too! The ether has carried his voice into hundreds of thousands of homes.

# M.G.M. Musical Comedy Revues in Technicolor

HIGHLIGHT of any program is the de luxe M-G-M Musical Revue in Technicolor. A series of six will be added to M-G-M's short subject releases this season. The vast resources of M-G-M's feature-producing organization—its producers, its talent, its song-writers, its authors, its beautiful dancing girls, its unsurpassed recording equipment, will be tapped to produce these concoctions of mirth, merriment and melody — in Technicolor.

**6 M-G-M MUSICAL REVUES**

in **TECHNICOLOR**

2 REELS EACH

# TWO EVENTS *that* NEWSREEL

# EDWIN C. HILL

## famed Radio headliner and newspaper celebrity becomes the HEARST METROTONE NEWS GLOBE TROTTER

Starting OCT

BRINGING TO THE AUDIBLE SCREEN THE VOICE OF AMERICA'S MOST WIDELY KNOWN COMMENTATOR, "THE HUMAN SIDE OF THE NEWS", ASSURING A GUARANTEED COVERAGE IN EXCESS OF 65 MILLION LISTENERS AND READERS WEEKLY

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| WADC | Akron, Ohio |
| WOKO | Albany, N. Y. |
| WCAO | Baltimore, Md. |
| WNAC | Boston, Mass. |
| WGR | Buffalo, N.Y. |
| WBBM | Chicago, Ill. |
| WKRC | Cincinnati, O. |
| WHK | Cleveland, O. |
| CKLW | Windsor-Detroit |
| WDRC | Hartford, Conn. |
| WFBM | Indianapolis, Ind. |
| KMBC | Kansas City, Mo. |
| WCAU-W3XAU | Philadelphia, Pa. |
| WJAS | Pittsburgh, Pa. |
| WEAN | Providence, R. I. |
| KMOX | St. Loius, Mo. |
| WFBL | Syracuse, N. Y. |
| WJSV | Washington, D. C. |
| WCCO | Minneapolis, St. Paul |

**EDWIN C. HILL**
*The Magic Voice*

The BEST KNOWN news commentator in the world, "THE HUMAN SIDE OF THE NEWS"! Imitated but never equalled!

### WHERE THE BRILLIANT WRITINGS OF EDWIN C. HILL ARE SYNDICATED BY KING FEATURES, Inc.

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| Detroit, Mich. | Times |
| Los Angeles, Cal. | Post-Enquirer |
| Louisville, Ky. | Herald Post |
| Miami, Fla. | Herald |
| Minneapolis, Minn. | Star |
| Milwaukee, Wis. | Wisconsin News |
| New York, N. Y. | Journal |
| Oakland, Cal. | Post-Enquirer |
| Omaha, Nebr. | Bee-News |
| Pittsburgh, Pa. | Sun-Telegraph |
| Rochester, N. Y. | Journal |
| San Antonio, Texas | Light |
| San Francisco, Cal. | Call-Bulletin |
| Syracuse, N. Y. | Journal |
| Washington, D. C. | Times |

**—And many more**

# REVOLUTIONIZE HISTORY!

2nd

## HEARST METROTONE NEWS

operating independently of any previous association, launches the most extensive world-wide newsreel network ever conceived heretofore!

When the unmatchable Hearst news forces step out arm-in-arm with the unparelleled showmanship resources of M-G-M . . . it's a REVOLUTION in newsreels. For months the web of a NEW-IDEA-NEWSREEL has quietly been spinning around the globe, establishing facilities of coverage and delivery never before possible. And possible only by the combination of HEARST and M-G-M. EXCLUSIVE will have *new* meaning because Hearst Metrotone News, *alone*, will have the *new* world-wide reach! And remember, HEARST METROTONE NEWS is advertised and publicized daily to millions in principal cities of the United States through the columns of scores of newspapers PLUS the vast Hearst chain! A prophecy: Next Fall the word *newsreel*, in the public mind, will mean HEARST METROTONE NEWS!

*TWICE EACH WEEK*

# Last year in our annual announcement of Short Subjects PETE SMITH got only a single line...This year he rates a full page, thanks to you and your laughter-loving public...!

The name that has won a place in electric lights and newspaper advertising.

## Picked at random from the trade press

"Goofy Movies", with explanatory remarks by Pete Smith, is another of those Wotophony Movies. It is amusing, well-done and Pete Smith's remarks, as usual, are simply grand.
—*Hollywood Reporter*

Pete Smith's comedy dialogue makes first-quality entertainment. —*Film Daily*

Undoubtedly, M-G-M is making the most consistently good shorts...Pete Smith's commentaries practically insure entertainment plus, for Pete can take an ordinary news reel and explain it in a way that will have customers hilariously tearing up the seats.
—*Rob Wagner's Script*

This stock 1-sheet available at your Exchange

Your public got a new slant on shorts when they glimpsed comedies like Pete Smith's "Handlebars", "Menu", Goofy Movies and all the others. Peerless Pete has a raft of hilarious ideas ready for you next season.

**12 PETE SMITH ODDITIES**
ONE REEL EACH

**6 PETE SMITH GOOFY MOVIES**
ONE REEL EACH

As Nature painted it, so the world comes to your audience.

# Another Eclipse in M-G-M Showmanship!

# 8 FITZPATRICK TRAVELTALKS in TECHNICOLOR

ONE REEL EACH

Although already the recognized leader of all travel film producers, Fitzpatrick's innovation of Technicolor makes his wonder films supreme. Technicolor is the most perfect of the numerous color processes flooding the film market. Fitzpatrick Traveltalks will be the only travel films done in Technicolor this season. Just another reason why M-G-M leads the way in shorts.

—it's a NEW note of harmony in the movie heavens...

Not just ONE character in these cartoons, but ALL the world of fun, movement, color and thrill to DRAW from!

**DRAWING POWER!**

There is gold in them thar quills! Don't go off the gold standard by booking another cartoon; insist on M-G-M's Musical Cartoons in Color.

# *Announcing* M-G-M's MUSICAL CARTOONS *in* COLOR

**34 PIECE SYMPHONY ORCHESTRA**

The musical scores of M-G-M's new musical cartoon color series are written along the lines of miniature symphonies. It's a happy wedding of cartoon and music, with a 34 piece symphony orchestra playing arrangements that parallel the best in modern music. From the classical to jazz, they form part of the pattern which lifts the product from a cartoon with ordinary sound effects to an artistic creation replete with music, color and animation happily blended into a complete story merrily and effectively told.

"Leo's proud of his NEW BABY— the latest addition to his family of shorts!

# "ALL THE WORLD LOVES COLORS!"

## ...and so 35% of M-G-M's New Short Subjects will be in Technicolor

M-G-M will give color to its short subject program by adding the novelty and distinctive appeal of color to many of its releases. Never before in the history of motion pictures has such a far-reaching and significant step been taken to insure maximum entertainment in short product. It is just another example of M-G-M's showmanship in shorts!

"Rock-a-bye Junior,
You're like your pop
Strong as a feature
Always on top!
Pride of the Program
You sell the show...
Leave it to Junior—
He gets the dough!"
METRO-GOLDWYN-MAYER
SHORTS
1934 - 1935
Two Reels
HAL ROACH M-G-M COMEDIES
3 LAUREL-HARDY
8 CHARLEY CHASE
7 IRVIN S. COBB
8 TODD-KELLY
6 OUR GANG
6 M-G-M MUSICAL REVUES IN TECHNICOLOR
One Reel Subjects
12 PETE SMITH ODDITIES
6 PETE SMITH GOOFY MOVIES
13 M-G-M MUSICAL CARTOONS IN COLOR
8 FITZPATRICK TRAVELTALKS IN TECHNICOLOR
104 ISSUES HEARST METROTONE NEWS WITH EDWIN C. HILL AS THE GLOBE TROTTER
M-G-M JUNIOR FEATURES
enjoy the benefits of
STAR POWER
and De Luxe Production values. That's why they are
FEATURE STRENGTH!

# French Quota Law Stays; 94 'Dubs' Set Up

(Continued from page 1)

dustry in point of "dubbed" versions which failed to consume the 93 allowed up to June 30. Like Italy and Germany, French law makes it mandatory for the "dubbing" to be added on French soil.

This does not mean that exports to France from this and other producing nations are to be limited to 94 pictures. As a nation which imposes no quota against France, that government returns the courtesy and permits the importation of as many American pictures with super-imposed titles as the industry here may care to send in or for which it can find a market.

# Warners Get Erpi Cash and 3 Notes

(Continued from page 1)

and the third, for $300,000, is payable April 26, 1937.

A statement to stockholders issued by H. M. Warner says a further amount not to exceed $200,000 "will be received under certain contingencies which will not be determined until April 26, 1937."

"In addition to the above sums, the books and records of Warner Bros. Pictures, Inc., and subsidiaries show a net financial benefit from exchange of mutual releases amounting to $2,100,000 before provision for Federal and state taxes (not yet ascertainable), legal fees and minor adjustments" the statement continues.

## *Kahane Takes Over Active Production*

(Continued from page 1)

program divided among Richard A. Rowland, B. H. Fineman, Cliff Reid, H. N. Swanson and Glendon Allvine.

Kahane's first step was to issue a lengthy letter in view of the present religious campaign toward clean pictures, wherein he quoted the code and stated in part "the line of demarcation between good and bad taste is not always clear. All minds do not meet as to what constitutes proper screen material, but, if we, in good faith, observe the letter and spirit of the production code which was prepared several years ago, our productions will be acceptable to a vast majority of fair minded patrons." He expressed the hope that other companies would follow this stand.

## *Para. Will Revise Mae West Picture*

(Continued from page 1)

Eastern executives of the producers and the studio heads have jointly decided to withdraw the application for a license in New York and to return the picture to the studio for a thorough revision. A new title will also be decided upon. The film will not be submitted to censor boards or exhibited until after it has been revised.

# *Lawyers, Judges, Bankers Are Impartial Alternates*

(Continued from page 1)

Joseph O'Meara, Western & Southern Insurance Co.; Chester Shook, attorney.

*Cleveland*: Herbert Thomas E. Greene, Municipal Court.

*Denver*: Z. D. Havens, John F. Muller, W. Griffin Temple.

*Des Moines*: Dean L. C. Hoffman, School of Finance and Commerce; Gardner Cowles, Jr., *Register & Tribune;* John Gibson, Gibson Coal Co.

*Detroit*: John R. Watkins, attorney and former U. S. District Attorney; Judge Donald Van Zile, recorder's court; Judge Guy A. Miller, circuit court.

*Indianapolis*: Charles S. Becker, Troy G. Thurston.

*Kansas City*: V. P. Thompson, Thompson-Hayward Chemical Co.; Fred Wolfson, lawyer; Robert Greenlease, Greenlease Motor Co.

*Los Angeles*: Thomas May, presidnt, The May Co.; Carl Bush, secretary, Hollywood Chamber of Commerce; John Treanor, president, Riverside Cement Co.

*Memphis*: C. A. McElravy, managing director, Ellis Auditorium; Charles Glascock, attorney; E. P. McNeil, Memphis Chamber of Commerce; A. B. Case, attorney.

*Milwaukee*: Frederick C. Bogk, Julius N. Egerman, Henry C. Fuldner, J. Victor Loewi, J. F. Pyle.

*Minneapolis*: J. B. Juster, Juster Brothers; John Burgess, vice-president, Northwestern National Bank.

*New Haven*: T. W. Arnold, professor; William O. Douglas, Walton H. Hamilton, all Yale Law School; Donald D. McDonald, secretary and treasurer, Bradley, Scoville, Inc.; Walter M. Pickett, judge of Common Pleas Court.

*New Orleans*: Ben Beekman, Nicholas Bauer, Judge Rufus G. Foster, A. P. Patterson, E. E. Lvy, Whitney Bank; Coleman Adler, Edgar Stern.

*Oklahoma City*: John C. Campbell, president, Fidelity National Bank; Frank Haven, vice-president, Liberty National Bank; Senator W. C. Fidler.

*Omaha*: John Taggert, court reporter; Edward B. Crofoot, attorney; Edward Shafton, attorney.

*Philadelphia*: Alfred Sayres, West Jersey Trust Co.; Carroll H. Deshon, Henry August, C. P. A.

*Pittsburgh*: A. I. Wise, dentist; Edward Sheinberg, counsellor; L. H. Kreiger, attorney; C. Gillotti, attorney.

*Portland*: Walter R. May, manager, Portland Chamber of Commerce; Harvey Wells, member of legislature; Jack Luihn, manager, Seeley-Dresser Co.

*Salt Lake City*: Harry L. Finch, former city commissioner; Harry S. Joseph, mining engineer; Joseph G. Vincent, restaurateur and building contractor.

*San Francisco*: Capt. Stewart E. Barber, retired naval officer; George T. Williams, Bruce Ellis, assistant to publisher, *San Francisco Call-Bulletin;* John A. Pettis, manager, California Manufacturers Ass'n.

*St. Louis*: Karl P. Spencer, attorney; Arthur Baer, Stix, Baer & Fuller Dry Goods Co.; Walter Fritsch, vice-president, St. Louis Browns Baseball Club; George Eigel, attorney; Russell R. Casteel, attorney.

*Seattle*: Bruce Morgan, Judge Kenneth McIntosh; Col. Harry Matthews; James R. Stirrat; J. D. Loman; F. K. Struve.

*Washington*: Hon. Leo A. Rover; Joseph V. Morgan; Professor Robert E. Maurer, Georgetown University School of Law.

## *St. Louis Feeling Boycott's Effects*

(Continued from page 1)

the Lutheran Synod which closed its convention by adopting a resolution "deeply deploring the motion picture industry's utter disregard of complaints and protests."

## *Buffalo Boycott Widens*

BUFFALO, June 26.—The Council of Churches of Buffalo and Erie County has endorsed the Catholic Legion of Decency fight for clean films. The Protestant group also has asked President Roosevelt to reopen the film code for further study of block booking and blind buying. The churchmen are opposed to this trade practice.

Yesterday's developments in the churches' campaign against objectionable films follow:

### *Nebraska*

OMAHA, June 26.—Thirty-one films have been viewed by the local Catholic standards committee since the movement against salacious films was inaugurated here a month ago, with 16 pictures blacklisted and one given a whitewash.

In addition to blacklisting films, the committee this week reached out and attacked the advertising of Bert Smith's Varieties playing at the World along with a feature film. The World has been on the "nix" list for the past three weeks, playing one blacklisted film each time.

Pictures listed as objectionable this week: "Many Happy Returns," "Born to be Bad," "Hollywood Party," "Smarty," "Affairs of a Gentleman," "The Merry Frinks," "Springtime for Henry," "The Life of Vergie Winters," and "Sadie McKee."

### *Ohio*

CINCINNATI, June 26.—Blacklisting of producers and directors of undesirable pictures, in preference to censorship, is the solution of the film problem advanced by Lawrence Grant, actor-member of the Academy of M. P. Arts and Sciences, when asked for an opinion here.

He recommends committees composed of members of various churches, together with business and professional men for each city, to take action after the picture has played first run and subsequent houses. If the picture is objectionable, the committee should publicly disapprove it, especially emphasizing the producers' and directors' names, Grant said.

WOOSTER, O., June 26.—Resolutions in support of a movement aimed at making cleaner pictures were adopted by the Presbyterian Synod of Ohio in session here. The resolution was presented by Rev. J. B. Andrews of Cincinnati, chairman of the synodical committee on Christian education. In connection with the resolutions, churches were urged to use petitions now in the hands of the ministers.

### *Maryland*

BALTIMORE, June 26.—Protestant congregations here are endorsing the Catholic Legion of Decency drive on films. Latest to make a move is Rev. King D. Beach, pastor of the First M. E. Church, who has sent a letter to his congregation in which he says: "It seems to me that Will Hays' organization, rather than having any power to do anything about the character of motion pictures, is acting as apologist for the type now being shown."

### *Iowa*

DUBUQUE, Ia., June 26.—More than 90,000 Legion of Decency cards have been sent out by the chancery office of the Dubuque archdiocese in the drive "to combat obscene entertainment especially motion pictures," those in charge report. More than 12,000 children have been enrolled.

# Justice Dep't Looking Into Fox Met. Deal

(Continued from page 1)

the joint bid was made. He was referred at the time to Saul E. Rogers, counsel for A. C. Blumenthal, who acted in behalf of Loew's and Warners in paving the way for the joint bid. Rogers, who was general counsel of Fox at the time anti-trust laws were invoked to cause that company to relinquish its controlling interest in Loew's, declared that he did not believe "there was the slightest danger of an anti-trust law violation should the Loew-Warner offer be consummated."

Meanwhile, Loew's and Warners' representatives have hopes of reaching an agreement this morning with the Fox Met. bondholders' committee which would lead to approval of their joint offer for the circuit. Negotiations were continued with the committee yesterday and sufficient progress was reported to have been made to warrant the belief that the committee will come to a final decision on acceptance or rejection of the bid in advance of the hearing scheduled for this afternoon before Judge Mack. No postponement of the afternoon hearing had been sought up to last night.

# Local 306 Secures Writ After Raids

(Continued from page 1)

describing Kleinman's seizure of the union's records in its Brooklyn and New York offices as "high handed outrage and usurpation of authority." Tuttle said no search warrant or court order was obtained.

The order requires Kleinman to show cause why the records should not be returned immediately.

At the same time that Local 306 offices were raided the headquarters of Allied Moving Picture Operators' Union were also raided. A union and theatre controversy has been in progress in Brooklyn for months.

## *Validity of Memphis Sunday Closing Hit*

MEMPHIS, June 26.—The constitutionality of the Sunday closing law was attacked in a petition filed here today in the Chancery Court on behalf of the Orpheum. A hearing has been set for tomorrow.

The petition points out that the city itself operates municipal golf links, tennis courts, riding amusement devices, etc., and seeks a permanent injunction to restrain the city from interfering with Sunday sandwich shows.

In the meantime, Manager Charles Mensing has again been fined $25 in City Court for a second Sunday's operation of "Cinema-Teria." He already has an appeal to the Circuit Court pending on the first fine, with little likelihood of an early hearing. About 3,600 customers attended his show Sunday.

# THE FIRST $2 PICTURE

WORLD
PREMIERE
JUNE 28th
*at the*
CRITERION
THEATRE
NEW YORK

# THE WORLD

"The Love Story of

## MADELEINE CARROLL
## FRANCHOT TONE

**Produced by Winfield Sheehan**

**Directed by John Ford**

**Story and screen play by Reginald Berkeley**

# OF THE *new* SEASON

# MOVES ON

*a Century"*

AND

*of course*

**IT'S A FOX PICTURE**

**Typical of the fine entertainments you will receive from FOX for 1934-35!**

# "Melodrama" $9,500 Draw In Montreal

MONTREAL, June 26.—"Manhattan Melodrama," on a double bill with "Harold Teen," was the best grosser of the week here. It ran over par $500 for a $9,500 gross at the Capitol.

A new angle developed in the first run situation with the reopening of the Imperial under the direction of Howard Conover, former manager. The first bill included "Wine, Woman and Song" and "The Pride of the Legion." The take was $6,500.

"Journal of a Crime," which was released here as "Remorse" at the request of the censors, brought Loew's up to $8,000. "Hollywood Party" pulled $9,000 at the Palace. Cool evenings helped business.

Total first run business was $39,000. Average is $43,000.

Estimated takings for the week ending June 23:

**"MANHATTAN MELODRAMA" (M-G-M)**
**"HAROLD TEEN" (Warners)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,000)

**"WINE, WOMEN AND SONG" (Chadwick)**
**"THE PRIDE OF THE LEGION"**
IMPERIAL—(1,914), 25c-40c-50c, 7 days. Stage: Ten vaudeville acts. **Gross:** $6,500. (Average, $6,500)

**"JOURNAL OF A CRIME" (F. N.)**
**"COME ON, MARINES" (Para.)**
LOEW'S—(3,115), 25c-35c-50c-65c, 7 days. **Gross:** $8,000. (Average, $10,500)

**"HOLLYWOOD PARTY" (M-G-M)**
**"MANDALAY" (F. N.)**
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $9,000. (Average, $11,000)

**"HI, NELLIE" (Warners)**
**"CONVENTION CITY" (F. N.)**
PRINCESS—(2,272), 25c-35c-50c-65c, 7 days. Added: Baer vs. Carnera fight pictures. **Gross:** $6,000. (Average, $6,000)

## *Expect Government To Avoid Film Row*

WASHINGTON, June 26.—A hands-off policy will be maintained by the National Recovery Administration with respect to the campaign for clean films until the question of the Administration's responsibility is brought up. Administration officials today said that no complaints had been received from either the industry or any reform group.

The matter is viewed as being one for Code Authority to deal with, since the code contains a pledge to observe right moral standards and virtually all producers have signed. While the problem is not considered as merely a trade question, it is felt that the industry should have an opportunity to deal with it before the Federal government intervenes.

It will be remembered that Division Administrator Sol A. Rosenblatt, during consideration of the code, made it clear that he was not in favor of including any detailed statement of morals, viewing it as impracticable and burdensome to enforce, as well as possibly offering some question of constitutionality.

Code Authority is belived to have all the power necessary to do anything it deems proper under the circumstances. Not until the matter is brought formally before the recovery administration will that body consider the use of its enforcement powers, particularly in view of the known attitude of the Roosevelt administration and Congress toward censorship.

# *Looking 'Em Over*

## *"Of Human Bondage"*

*(Radio)*

From "Of Human Bondage," which an influential section of authoritative literary opinion believes will live as one of the classics of this century, Radio has made a poignant and thoroughly worthwhile attraction.

W. Somerset Maugham's novel, which is supposed to have sketched many of the highlights in the author's own life, has been followed with fidelity, telling as it does of the affliction, a club foot, that not alone leaves its physical brand on the life of Philip Carey, played intelligently and understandingly by Leslie Howard, but its invisible cross on his mental and emotional being as well.

Aspiring to be a painter of renown, Howard abandons the palette when he learns he has no chance and determines to follow his father in the field of medicine. As a student in London, he meets a tearoom waitress—Bette Davis, cheap, unmoral and entirely unworthy of the vast love he develops for her. She countenances him only through sullen toleration, throws him over without a qualm to run off with Alan Hale and, when the latter ditches her, comes back to Howard for care of herself and her baby, born later.

He knows she does not rate his blind affection, yet, try as he may, Howard cannot divorce her from his mind. Miss Davis virtually does everything in her power to wreck his life and succeeds in setting back his medical studies when, in a rage, she burns the securities left by an uncle to finance the course through school. He tries solace in other women friends, discovers the effort is only temporary. Ultimately comes the time when an operation to make his foot normal is undertaken and is successful, when he meets Frances Dee and eventually marries her after Miss Davis, tubercular and shot, dies and thereby erases her hold on Howard.

The star does a splendid job as the gentle, sensitive cripple, subject to unkind jibes at the hands of thoughtless companions. Howard makes his role believable and touching. Miss Davis here emerges from a series of innocuous roles which have been hers in other pictures and delivers a bang-up performance which, this reviewer thinks, will precipitate some discussion of her hitherto unrevealed ability as an actress of parts. Reginald Owen, as a sort of bluff and hearty English philosopher, is so good it is regrettable the script failed to give him more to do. Alan Hale, too, is very effective. In lesser capacities, Kay Johnson, Reginald Denny and Frances Dee are competent.

Direction by John Cromwell is appreciative of the novel and marked by fine craftsmanship.

KANN

## *"Murder in the Museum"*

*(Marcy)*

In this case the museum is a street carnival, the murdered man is a reformer who visits the place with the police commissioner, and the man who solves it is a reporter who has fallen in love with the police commissioner's niece.

The picture is slow getting started as the carnival barker leads the spectators from one freak to another and dialogue is used to plant the idea that the manager and a Mexican knife-thrower are engaged in dope smuggling. The police commissioner is suspected vaguely when the reformer falls wounded.

The reporter, John Harron, is aided by tips from Henry B. Walthall, a magician. One exciting sequence comes when Harron, peering through a hole in the floor above the carnival, is attacked by a mummy. The other is when he invades a deserted house where the carnival manager is waiting to repel an attempt to hijack his dope.

It finally develops that Walthall has committed the murder in revenge. He commits suicide.

Mildly entertaining, with both adult and kid appeal. The love interest is carried by Harron and Phyllis Barrington.

## *MGM Planning Wide Advertising Drive*

According to Donahue & Co., M-G-M is preparing to launch an extensive advertising campaign in general magazines. The campaign, on an annual budget of $1,000,000, will run in full-page space in five general weekly and 10 general and women's monthly magazines, the former starting in August, the latter in September.

## *Jersey Allied Sets Meeting in August*

Allied of New Jersey's annual convention will be held in Atlantic City Aug. 22-24. The hotel has not yet been set.

Eastern Allied units may also attend. Last year they were called in.

BUFFALO, June 26.—Allied of New York State holds its regular meeting at the Statler here tomorrow with Abe Stone presiding.

# Summer Hits B'way Takes Hard Wallop

Mid-summer, or something, hit Broadway grosses last week. Even the much-talked-about "Life of Vergie Winters" and "Men in White" failed to stir up heavy money. The former had $67,000 at the Music Hall and the latter reached $35,200 at the Capitol.

Even in its 14th week at the Astor "House of Rothschild" held up to $10,600, which was much better than some of the other houses along the main stem with new attractions.

Estimated takings:

***Week Ending June 19:***

**"HOUSE OF ROTHSCHILD" (U. A.)**
ASTOR—(1,012), 55c-$2.20, 14th week, 7 days. **Gross:** $10,600.

**"ARE WE CIVILIZED?" (Raspin)**
RIVOLI—(2,000), 35c-99c, 7 days. **Gross:** $9,500.

***Week Ending June 20:***

**"PRIVATE SCANDAL" (Para.)**
MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $7,800.

**"LIFE OF VERGIE WINTERS" (Radio)**
RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $67,000.

***Week Ending June 21:***

**"MEN IN WHITE" (M-G-M)**
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Abe Lyman and band, also Leo Carrillo and others. **Gross:** $35,200.

**"MURDER AT THE VANITIES" (Para.)**
PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $15,500.

**"HERE COMES THE GROOM" (Para.)**
PARAMOUNT—(3,700), 35c-99c, 7 days. Stage show. **Gross:** $18,500.

**"LET'S TALK IT OVER" (Univ.)**
ROXY—(6,200), 25c-55c, 7 days. Vaudeville. **Gross:** $16,200.

**"FOG OVER FRISCO" (Warners)**
STRAND—(2,000), 25c-$1.10, 2nd week, 7 days. **Gross:** $11,425.

***Week Ending June 22:***

**"NOW I'LL TELL" (Fox)—4 days**
**"WHERE SINNERS MEET" (Radio) 3 days**
RKO CENTER—(3,700), 25c-55c, 7 days. Also Carnera-Baer fight pictures all week. **Gross:** $11,800.

***Week Ending June 27:***

**"MURDER ON BLACKBOARD" (Radio)**
RIALTO—(2,000), 25c-65c, 7 days. **Gross:** $10,000.

## *Meyer-Schneider In Manhattan Group*

Elias Meyer and Louis Schneider, who for some years operated the M. & S. circuit, have taken over 18 spots operated by Manhattan Playhouses and are now running the group under Belle Theatres, Inc., Delpho Theatres, Inc., and Knickerbocker Theatres, Inc.

Capital of the first two corporations is listed at $10,000 each while the last has a capital of 150 preferred shares at $100 and 10,000 common no par shares.

Headquarters of Manhattan in the Bond Building are now closed while M. & S. have opened offices at the Apollo. No changes in policies are contemplated.

Louis Goldstein, Nathan Vinegrad and Herman J. Friedman are incorporators of the new company. Ben Sherman and Jack Steinman, formerly of the Manhattan company, are no longer associated with the theatres.

## *Agnew at Regionals*

Neil F. Agnew, Paramount sales manager, is attending company regionals and is due back in New York about July 2.

# Irving Trust RKO Trustee Under New Act

(Continued from page 1)

situation favored the naming of Irving Trust," adding that the court was in sympathy with their views.

The attack on the appointment of Irving Trust as permanent trustee was made by former Federal Judge Edwin L. Garvin, counsel for Walter Reade's Broadway & 47th St. Corp., which has filed a claim of $764,167 against RKO for non-performance of the lease on the Mayfair. Garvin also represented Joseph H. Basker, Boston, and J. Louis Rome, Baltimore, both of whom were described as unsecured creditors of RKO. He told the court that Irving Trust had been requested repeatedly to initiate action against RKO executives over the purchase of Pathe which, Garvin said, "took four or five million out of RKO in return for which it received practically nothing." He urged the appointment of "someone like Samuel Seabury or former Judge Thomas D. Thacher" as a second trustee to serve with Irving Trust.

Judge Coxe denied this motion on the grounds that it would add an unnecessary burden of expense to the estate.

Garvin also attacked the legality of RKO's petition under the new bankruptcy laws on the grounds that its filing had been authorized by the RKO board on May 18, whereas the law had not gone into effect until June 8.

The attack on the constitutionality of the new bankruptcy laws was made by F. J. Sullivan, counsel for James Young, a writer, who, it was said, has pending a $2,000,000 plagiarism suit against RKO. He declared the new laws were "confiscatory and deprived creditors of due process of law."

### *Amos 'n' Andy on Coast*

Los Angeles, June 26.—Amos and Andy will make a personal appearance here for one week under the Fanchon & Marco banner at the Paramount starting July 17. This will be followed by an additional week at the Warwick, San Francisco. The comedians will receive $7,000 per week.

### *Cohen Buys an Estate*

Sydney S. Cohen, former president of the M.P.T.O.A., has acquired the Stephen S. Briggs estate in the business section of Armonk for development into business and home sites.

### *To Preview "Nell Gwyn"*

Herbert Wilcox, production head of British & Dominions, will be host at a special preview of "Nell Gwyn" at the Astor, July 10.

### *Music Hall Beats Roxy*

The Roxy ushers yesterday bowed to the Music Hall baseball team when the Sixth Ave. boys scored four runs to the Roxy's one.

### *Ralph Kohn Returns*

Ralph Kohn is back in New York, following a short trip to the coast.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Here Comes the Navy"*

(*Warners*)

Hollywood, June 26.—Those who missed the recent naval maneuvers, who thrill as Uncle Sam's men of war plough through white caps with guns booming will get body out of this one.

Besides the naval spectacle the yarn conflicts hard bitten James Cagney, joining the navy to settle a score with a petty officer, Pat O'Brien. Cagner, in love with O'Brien's sister, Gloria Stuart, overstays his leave and accepts his navy punishment sulkily. Disliked by his shipmates, detesting the navy, brawling with O'Brien, he nevertheless wins a decoration for saving the lives of his gun crew. Transferred to the dirigible service, he is faced with a rope hanging from a blimp and with O'Brien picked up by the rope in midair. Cagney descends the rope and parachutes to safety with O'Brien, and then marries O'Brien's sister.

Frank McHugh supplies comedy relief with running gags on his mother's false teeth. Dorothy Tree, with Miss Stuart, contributes the romantic interest.

Lloyd Bacon directed from Ben Markson's story.

The production is aimed to capitalize on current navy interest, which, plus the he man story, should attract fans not too squeamish about heart interest or love. It should do acceptable business. Running time, 80 minutes.

# *Looking 'Em Over*

## *"Hollywood Hoodlum"*

(*Regal*)

Cleverly worked out satire on gangster pictures with Frank Albertson carrying a fast comedy role. It's a behind-the-Hollywood-scene story on the way a producer happens to start a gangster picture and how the publicity director works up his campaign by seeming to try to avoid it.

June Clyde furnishes the feminine appeal. The love interest is minor, but is strong enough to hold the interest of the younger set. Action is sustained throughout.

Albertson, the studio publicity director of Supreme Pictures, is summoned by Tenen Holtz, president, to be fired because he has sold John Davidson, a foreign director, the idea he ought to do "The Racketeer." Albertson works fast to get his job back and convinces Davidson he should have a real gangster. He stages a brawl in a restaurant where Jose Crespo socks Stanley Price, a big shot in the underworld.

Davidson insists he shall be the star and the phoney tough guy insists Miss Clyde, Albertson's sweetheart, shall be the leading lady. The real gangster starts out to get Crespo, and Albertson gets the country all worked up in opposition to having a real gangster in a film. At the finish Price, the gangster, nearly gets Crespo in his own home in a bangup fight. Breeze Eason directed. Running time, 61 minutes.

## *"Barbary Coast" Put On Shelf by Goldwyn*

Hollywood, June 26.—After several months of preparation during which several writers have worked on the story and William Wellman has been under contract to direct, and Sam Jaffe and Gary Cooper have been waiting to play opposite Anna Sten, "Barbary Coast" has been shelved indefinitely by Samuel Goldwyn. The move has been influenced by the clean film agitation.

Goldwyn says the story is too good to sacrifice during the present clamor. It will be just as good 10 years from now, he says, so he will hold it until it can be done with what he regards as full justice to its dramatic possibilities.

Cooper will be released to Paramount, while Miss Sten will be cast in "We Live Again." Later she may appear in "The Wizard of Oz." Wellman will return to 20th Century.

## *Payette Refuses to Hear Several Cases*

Washington, June 26.—Because of objections raised at the last session of the clearance and zoning board John J. Payette today refused to sit as a member while certain cases were under consideration.

The complaint of the Vineland Theatre against clearance afforded the Carolina and Academy Theatres, Washington, was postponed.

J. Louis Rome, operating the Gwynn, Baltimore, won elimination of clearance enjoyed by Frank Durkee's Forest. The board decided the houses were in the same zone. In a second case Rome asked that the present seven and 14-day clearances be made consistent for the Rialto, Schanze, Fulton and Metropolitan theatres. The board found the four houses in the same zone and decided that whichever theatre played first runs in this zone would be entitled to 14 days' clearance.

# Educational To Tip Short Costs by 20%

(Continued from page 1)

the country. Due to doubles, there have been thousands of theatres that have shown few, if any, two-reel comedies.

"During the last year I have felt that the end of doubles is close at hand. Educational made a definite attempt, which exhibitors tell us was successful, to improve the quality of the product.

"At the present time the hopes I have had for the return of the ideal program—a single feature and quality shorts—seems about to become an actuality. Educational is tremendously heartened by the recent decision of Cleveland and California exhibitors to show only single features, and it feels that other localities will inevitably follow in their footsteps. Because of this I have instructed our production department to increase the budget 20 per cent."

Shooting was completed yesterday at the Eastern Service Studio on the Educational - Tom Howard comedy, "The Wrong Bottle." This is the fifth of a series being made by Al Christie.

Tom Patricola has been signed by Educational for a comedy with a navy background under the direction of Al Christie. Scenes were shot the day the fleet left New York. Interiors will be made at the Eastern Service Studio.

# Campi Expects to Clear Up Appeals

With the first hearings before Campi appeal committees starting July 2, Code Authority expects to have 48 cases now pending cleaned up by the end of next month. Meetings will be held four days a week. Of the 87 appeals originally filed, 39 already have been heard with only the U.A.-Egyptian, DeKalb, Ill., decision up for disposal tomorrow. The session will be closed and only administrative matters will be discussed.

Yesterday, the joint clearance and zoning and grievance committee met on the Los Angeles schedule. J. J. Sullivan, Fox West Coast film buyer, appeared before the body and expressed approval of the plan. Attending the session were Charles L. O'Reilly, R. H. Cochrane and Jack Cohn. The schedule will be discussed again tomorrow by the main body.

Several administrative orders affecting the code are being rushed in Washington and may be ready by tomorrow's session.

### *Form New Lewis Unit*

Chick Lewis Theatre Corp. has been formed with Joseph Seider president; Charles E. Lewis, vice-president, and Irwing Wheeler, secretary. Recently Prudential bought an interest in the Garden, Springfield Gardens, and the State, Ozone Park, L. I.

When the pooling plan between Lewis and Seider is completed 21 houses will be included.

# "Glamour" and Ted Lewis Get Big K. C. Take

KANSAS CITY, June 26.—Local first run aggregate business reached its highest point in weeks, chiefly because of a banner $23,000 gross marked up by Ted Lewis with his band and stage show at the RKO Mainstreet. Lewis proved the season's outstanding stage hit. An additional draw was the Baer-Carnera fight film, which arrived three days after the week opened. The screen feature was "Glamour."

The Tower augmented its stage show because of the Ted Lewis opposition and with "Upper World" on the screen finished on the black side with $6,400. "Operator 13" jumped the Midland's take to $12,000, while the Newman's anniversary feature, "Many Happy Returns," coupled with "I Believed in You" drew a good $6,400. "Little Man, What Now?" went to $3,500 in its second week at the Uptown.

Total first run business was $51,300. Average is $34,500.

Estimated takings:

***Week Ending June 21:***

**"GLAMOUR" (Univ.)**
**BAER-CARNERA FIGHT FILM**
MAINSTREET—(3,100), 25c-35c-45c (plus tax), 7 days, plus Saturday late show. Stage: Ted Lewis with his "Happiness Follies of 1934," featuring Ted Lewis band, Lois Sterner, Paul White, Doris Deane, Mildred Gaye, Esther Pressman, "Snowball" Whittier, Carroll & Shallita, Ted Lewis, Jr. **Gross:** $23,000. (Average, combination shows, $10,000.)

**"OPERATOR 13" (M-G-M)**
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $12,000. (Average, $10,000.)

**"MANY HAPPY RETURNS" (Para.)**
**"I BELIEVED IN YOU" (Fox)**
NEWMAN—(1,800), 25c, 7 days, plus Saturday late show. **Gross:** $6,400. (Average, $6,000.)

**"UPPER WORLD" (Warners)**
TOWER—(2,200), 25c, 7 days, plus Saturday midnight show. Stage: "Beach Brevities," featuring Barney Grant & Co., Rena and Rathburn, Roberta Nesbitt, Billy Gibson, plus augmented vaudeville. **Gross:** $6,400. (Average, $5,000.)

***Week Ending June 22:***

**"LITTLE MAN, WHAT NOW?" (Univ.)**
UPTOWN—(2,000), 25c, 8 days, 2nd week. **Gross:** $3,500. (Average, $3,500.)

# "Baby Take a Bow" Tops Indianapolis

INDIANAPOLIS, June 26. — Gross honors went to "Baby Take a Bow" at the Apollo, where the $3,250 take was up by $750.

"Twentieth Century" reached $4,000 at the Circle. The Lyric pulled "He Was Her Man" at the end of six days to make room for the Baer-Carnera film. At the palace, "Thin Man" hit $4,500.

Total first run business was $16,250. Average is $10,000 without the Lyric.

Estimated takings for the week ending June 23:

**"BABY TAKE A BOW" (Fox)**
APOLLO—(1,100), 20c-40c, 7 days. **Gross:** $3,250. (Average, $2,500)

**"TWENTIETH CENTURY" (Col.)**
CIRCLE—(2,800), 20c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

**"HE WAS HER MAN" (Warners)**
**BAER-CARNERA FILM**
LYRIC—(2,000), 20c-40c, 6 days. **Gross:** $4,500.

**"THE THIN MAN" (M-G-M)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

# "Operator 13" Hits $17,500 In Pittsburgh

PITTSBURGH, June 26.—"Operator 13" turned out to be the biggest attraction in town. It piled up $17,500 at the Penn, going over average by $5,500.

A combination of "Change of Heart" and the Baer-Carnera fight pictures pulled $5,000, up by $1,000, at the Fulton. This is the best take this house has had in some time.

Elsewhere business was dull.

Total first run grosses were $36,600. Average is $32,000.

Estimated takings for the week ending June 23:

**"CHANGE OF HEART" (Fox)**
**BAER-CARNERA FIGHT PICTURES**
FULTON—(1,750), 15c-40c, 3 days. **Gross:** $5,500. (Average, for six days, $4,500)

**"OPERATOR 13" (M-G-M)**
PENN—(3,300), 25c-50c, 6 days. **Gross:** $17,500. (Average, $12,000)

**"THE PARTY'S OVER" (Col.)**
**"AFFAIRS OF A GENTLEMAN" (Univ.)**
REGENT—(900), 25c-35c, 6 days. **Gross:** $1,600. (Average, $1,500)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $7,200. (Average, $9,000)

**"THE MERRY FRINKS" (Warners)**
**"GLAMOUR" (Univ.)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,800. (Average, $5,000)

# Providence Dives Into the Doldrums

PROVIDENCE, June 26.—Competition of resorts is beginning to be felt by exhibitors and the week's grosses declined sharply. The best take of the week was pulled at Loew's State. "Operator 13" and a stage show netted $9,000, but this was $3,000 under average. Other houses were far behind par. Weather was exceptionally fine, which contributed to the general lows.

Total first run business was $25,000. Average is $40,500.

Estimated takings for the week ending June 28:

**"DOUBLE DOOR" (Para.)**
**"THE LOUDSPEAKER" (Mono.)**
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $2,500. (Average, $6,500)

**"OPERATOR 13" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Al Norman on stage. **Gross:** $9,000. (Average, $12,000)

**"HE WAS HER MAN" (Warners)**
**"MERRY WIVES OF RENO" (Warners)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $4,000. (Average, $7,000)

**"LET'S TALK IT OVER" (Univ.)**
**"UNKNOWN BLONDE" (Chesterfield)**
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $3,500. (Average, $7,000)

**"WILD GOLD" (Fox)**
FAYS—(1,600), 15c-40c, 7 days. Roxy ensemble on stage. **Gross:** $5,000. (Average, $7,000)

**"THE FIGHTING ROOKIE" (Col.)**
**"RIDIN' THROUGH" (Col.)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

## *Release McCrea, Bennett*

HOLLYWOOD, June 26.—Because of disagreement over their roles, Universal has released Joel McCrea and Joan Bennett from their contracts to appear in "Million Dollar Ransom," the Damon Runyon story which Murray Roth will direct. Phillips Holmes will replace McCrea and Mary Carlisle is being considered for the Bennett role.

## *Marquee Scandal*

**Hollywood, June 26.—Too good to skip.**

**The Mar-Cal here currently bills "She Made Her Bed" with "20 Million Sweethearts."**

# "Smarty" and Fight Go Big In Cleveland

CLEVELAND, June 26.—"Smarty" and the Baer-Carnera fight films on the RKO Palace bill sent the take there up to $13,500, topping par by $3,500. Cool weather was a help, too.

"The Key" had a fine $6,500 at Warners' Hippodrome, and "Little Miss Marker" took a par $10,000 at Loew's State.

Total first run business was $37,500. Average is $34,000.

Estimated takings for the week ending June 22:

**"I'LL TELL THE WORLD" (Univ.)**
ALLEN—(3,300), 20c-30c, 30c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

**"THE KEY" (Warners)**
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $6,500. (Average, $5,000)

**"THE MERRY FRINKS" (F. N.)**
**"THE MORNING AFTER"**
WARNERS' LAKE—(800), 30c-40c, 7 days. **Gross:** $1,500. (Average, $2,000)

**"SMARTY" (Warners)**
**CARNERA-BAER FIGHT PICTURE (Oliver)**
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $13,500. (Average, $10,000)

**"LITTLE MISS MARKER" (Para.)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $10,000. (Average, $10,000)

**"DOUBLE DOOR" (Para.)**
**"LOVE PAST THIRTY" (Mono.)**
LOEW'S STILLMAN—(1,900), 20c-30c, 30c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

# "Marker" on Dual Bill Portland Hit

PORTLAND, June 26.—"Little Miss Marker" and "Sisters Under the Skin" at the Paramount were the one bright spot in an otherwise drab week, with a take of $6,000, or $1,000 over normal. The 43rd day of waterfront strike and dog races in some cases almost cut normal box-offices in two.

Estimated takings for the week ending June 20:

**"HOLLYWOOD PARTY" (M-G-M)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $3,900. (Average, $5,000.)

**"STRICTLY DYNAMITE" (Radio)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $2,800. (Average, $3,000.)

**"UPPERWORLD" (Warners)**
**"UNCERTAIN LADY" (Univ.)**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,900. (Average, $2,000.)

**"MONTE CARLO NIGHTS" (Monogram)**
PANTAGES—(1,700), 15c-25c, 7 days stage show. **Gross:** $1,800. (Average, $2,000.)

**"LITTLE MISS MARKER" (Para.)**
**"SISTERS UNDER THE SKIN" (Col.)**
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000.)

**"OPERATOR 13" (M-G-M)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $5,000.)

## *Resnick Joins Hollywood*

BUFFALO, June 26.—Michael Resnick, former Warner salesman, has been added to the sales staff of the Hollywood Pictures Exchange.

# "Operator 13" Washington's Hit, $23,400

WASHINGTON, June 26.—Helped by a heavy Hearst paper campaign, "Operator 13" and a stage show ran Loew's Fox up to $23,400, well above the house average. Four acts and a revue comprised the stage show.

"Viva Villa" was above normal at $4,500 on a return engagement at Loew's Columbia, and "Double Door" was pretty good at $4,400 in the Metropolitan. Business was below par elsewhere. "Many Happy Returns," however, took $16,000, below the line by $1,000, at the Earle.

Total downtown business was $62,900. Average for the six houses is $71,200.

Estimated takings, exclusive of tax, for the week ending June 21:

**"MANY HAPPY RETURNS" (Para.)**
EARLE—(2,218), 25c-77c, 7 days. Stage show. **Gross:** $16,000. (Average, $17,600)

**"VIVA VILLA" (M-G-M)**
LOEW'S COLUMBIA—(1,232), 25c-40c, 7 days (return engagement). **Gross:** $4,500. (Average, $3,100)

**"OPERATOR 12" (M-G-M)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage show. **Gross:** $23,400. (Average, $20,500)

**"SADIE McKEE" (M-G-M)**
LOEW'S PALACE—(2,363), 35c-77c, 7 days, 2nd week. **Gross:** $6,300. (Average, $14,500)

**"DOUBLE DOORS" (Para.)**
METROPOLITAN—(1,600), 25c-40c, 7 days. **Gross:** $4,400. (Average, $4,100)

**"THE CRIME DOCTOR" (Radio)**
RKO-KEITH'S—(1,830), 25c-55c, 5 days. **Gross:** $3,500.

**"THE LIFE OF VERGIE WINTERS" (Radio)**
RKO-KEITH'S—Two days, to complete week of above. **Gross:** $4,800. (Average week, $11,400)

# "Cat," "Sleepers" Oklahoma City Top

OKLAHOMA CITY, June 26.—"The Black Cat" and "Sleepers East" were the only two attractions in the money here last week. The former, in four days, grossed $2,100, better than an average week, and the latter reached $1,800 in three days, making the total for the week $3,900.

Business was dull elsewhere. "Operator 13" made the worst showing of the week, $4,200 at the Criterion.

Total first run business was $14,100. Average is $15,500.

Estimated takings for the week ending June 23:

**"OPERATOR 13" (M-G-M)**
CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $4,200. (Average, $5,200.)

**"DR. MONICA" (Warners)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,500. (Average, $4,000.)

**"MANY HAPPY RETURNS" (Para.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,500. (Average, $2,500.)

**"BLACK CAT" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $2,100. (Average week, $2,000.)

**"SLEEPERS EAST" (Fox)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross,** $1,800. (Average week, $2,000.)

## *Set Second with Cobb*

HOLLYWOOD, June 26.—The second Irvin S. Cobb comedy will launch the new season's product for Hal Roach Studios and is slated for production next Monday. Hal Yates is lined up for the directorial job. Supporting players have not yet been cast.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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# Studios Slow Activities, Scan Scripts, Dialogue

## May Work Out Fox Met. Deal By Next Week

### *End of Third Delay May See Decision*

Hope of an agreement being reached on the Loew-Warner offer of $4,000,000 for the Fox Metropolitan circuit within the next few days was voiced yesterday by representatives of the bidders in obtaining a third postponement of the hearing on a plan of reorganization before Federal Judge Julian W. Mack yesterday.

Over the objections of counsel for Frisch & Rinzler, co-operators with Skouras Bros. of the Fox Met circuit, Judge Mack postponed the hearing until Tuesday.

Isadore Frey of Loew's legal staff

(*Continued on page* 4)

## Vanderlip Sailing Won't Delay Para.

No delay in the Paramount Publix reorganization plan will result from the departure of Frank A. Vanderlip chairman of the Paramount bondholders' committee, on an extended European vacation beginning Saturday, Vanderlip stated yesterday.

"My sailing will not in any way delay the Paramount reorganization,'

(*Continued on page* 4)

## *Seeking New Zoning Pact in Cleveland*

CLEVELAND, June 27.—With the Hough Improvement Co. protest typical of the 27 clearance cases on tap here, M. B. Horwitz, as an official of this company and as repre-

(*Continued on page* 4)

### *Four More to Go*

**B. P. Schulberg said yesterday he had four more to make under his current Paramount contract, three being in preparation. Here for a brief stay and presumably to talk to Erpi about financing under a new deal, indications are Schulberg will not renew with Paramount.**

**Hollywood, June 27.—Reports continue that B. P. Schulberg may join Radio for a series.**

## Deal Struck, Loew to Drop Theatre Plans

Reports were current yesterday that Loew's had abandoned its plan to build theatres in Northern California. Reason for the shift is that M-G-M had finally gotten together with Robert McNeill, president of United California Theatres and associated companies such as Golden State and T. & D., Jr., Theatres, on the entire new lineup.

According to Loew's building program, now understood discarded, subsequent run houses would have been built in principal San Francisco resi-

(*Continued on page* 4)

## *Roach Feature List Jumps from 2 to 4*

In addition to making 32 two-reelers for M-G-M next season, Hal Roach will produce four features, two of which will be included in the 14 "Marquee" group while two will feature Laurel and Hardy.

The first is tentatively titled "Greek Meets Greek" and starts Sept. 1. Prominent comedians, including Bus-

(*Continued on page* 4)

## *B'way Pool Virtually Set; Awaits Signing*

Although contracts were not signed yesterday and the Capitol has booked Willie and Eugene Howard starting July 6 with "Murder in a Private

(*Continued on page* 4)

### *Screen Credit for Code Productions*

**Future releases conforming to the tenets of production code administration will be so designated on the screen under a plan, now in work, to alter the trademark design of the M. P. P. D. A.**

**Mention will be made of the fact that these releases were produced and approved under code administration and a serial number coupled to the declaration.**

**Drawings of the altered design are now being made for Hays office approval.**

## Opposes Any Protestant Boycotting

KANSAS CITY, June 27.—The Rev. Irvin E. Deer, executive secretary of the Kansas City Council of Churches, opposes a Protestant boycott along the lines of the Catholic campaign because "Protestants are not accustomed to

(*Continued on page* 18)

## *Move Was Launched By Catholics Here*

MOTION PICTURE DAILY is authoritatively informed that, despite published reports to the contrary, the campaign of protest originated by a

(*Continued on page* 18)

## *Tread Gingerly — Close Check on Product Instituted*

HOLLYWOOD, June 27. — Production mills have been slowed up materially in the past few days for a closer scrutiny of scripts and scenes suspicious of dubious hue as direct evidence of the seriousness with which studios regard church activities against objectionable material.

Production in many major studios is marking time while changes are being made in scripts previously completed. In other plants, the greatest form of current activity revolves about the re-shooting of questionable scenes and the cutting of the actual or potential risque.

Where pictures are already in production, or finished, they are being carefully checked and, where the slightest doubt arises, changes are immediately effected.

Samuel Goldwyn has abandoned

(*Continued on page* 4)

## *Mrs. Belmont Quits M. P. Research Group*

Mrs. August Belmont, clubwoman and social luminary, resigned yesterday as president of the M. P. Research Council. The resignation is attributed to overwork which threatened her health.

In a statement issued yesterday, Mrs. Belmont said: "My devotion to

(*Continued on page* 4)

## *41 Films to Regale President on Trip*

Staunch film fan, President Roosevelt will find for his entertainment 41 features and between 35 and 40 shorts aboard the U. S. S. *Houston* when it sails the end of the week for Hawaii.

Many of the features have not been

(*Continued on page* 4)

## *Would End Duals by Clause In Pacts, Delayed Release*

Elimination of double features by local campaigns for distribution contract restrictions and for the setting back of double featuring houses on clearance schedules is urged on local units by M. P. T. O. A. in a bulletin issued yesterday.

Admitting that the national organization was unsuccessful in its effort to have large distributors prohibit the double featuring of their product nationally, as stated in MOTION PICTURE DAILY of June 15, M. P. T. O. A. advises its units to work directly with exchange managers for local contractual restrictions. An alternative, suggested in the bulletin and cited as having been successful in some localities, is the adoption through local clearance and zoning boards of delayed availability of pictures for double featuring houses.

The M. P. T. O. A. bulletin also

(*Continued on page* 4)

### *"Must" at RKO*

**Hollywood, June 27.—B. B. Kahane, whose first act following assumption of RKO production was to issue a letter urging strict observance of the production code, has informed producers on his own lot he expects them to strictly observe the spirit of the formula.**

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Westerners East

HOLLYWOOD, June 27.—John Meehan leaves for New York Saturday, having completed scripting "The Painted Veil," to star Greta Garbo. He will vacation for two weeks.

Bella and Sam Spewack, also of the M-G-M writing staff, check out for Manhattan Saturday to produce their play, "Spring Song."

## Foreign Men Return

John W. Hicks, vice-president of Paramount International, and Montague Goldman, sales manager in England are among members of the company's foreign contingent back from the sales convention held in Los Angeles last week.

John Cecil Graham, managing director of the British company, is due the end of the week.

Paramount's eastern contingent of conventioneers return today from the annual sales session on the Coast. George J. Schaefer and Neil Agnew will not be in the party; the former is due back Saturday while the latter gets in Monday.

## Barthelmess Gives Party

Richard Barthelmess yesterday tendered friends and the press a cocktail party at the Waldorf-Astoria Towers in conjunction with his latest Warner film, "Midnight Alibi."

## New World Wide Deal

World Wide Pictures have been sold to Ed Blumenthal of Amity Film Exchange, Dallas, for that territory.

# Insiders' Outlook

FOLLOWING on the tidal wave of church criticism, political censorship, now curiously and diligently active, opens itself to the suspicion of pulling the old wheeze of attempting to clamber on the bandwagon. It would be funny, if the situation which has developed in the last couple of weeks were not so seriously endangering expensive negative investments. . . .

▼

By their several acts, New York and Ohio scalpel experts, to concentrate upon them for the moment, are endeavoring to indicate a revived recognition of their duties and a greater diligence in their jobs through suddenly stepping down and out on a number of important attractions. No more conclusive proof of the inadequacy of political censorship could be possible as a result. If these boards had been on deck, as theoretically they are, why have they allowed earlier pictures, as bad as those they are cracking down on now may be, to get by? . . .

▼

As a matter of faithful observation, the moral tone of pictures has been, and is, improving. The production code administration, formerly known as the Studio Relations Committee, has grown more powerful as it has taken on age. What it has been insisting that producers in Hollywood must do has been, and is being, listened to with more and more attention. The result, as obvious as it is true, has been that off-color material, chiefly wisecracks superfluous to the development of whatever story is being told, has been shrinking, not gaining in volume. . . .

▼

Get no impression that all, therefore, is orderly on the Hollywood, the New York and all other fronts between both points. Dissipate any thought that this forum is attempting to tell you or anyone else that pictures are as clean as the much quoted hound's tooth. They are not, as all those who can dish out the truth know. But unfair is the use to which political censorship power is now being diverted in singling out new pictures as the scapegoats for all those that have gone before. . . .

▼

The industry is moving rapidly in its task to observe the pledge of a more rigorous code administration. The Mae West picture, viewed by Paramount men as the mortgage lifter for the summer, goes back to the studio for dry cleaning and a new name. Warners will finecomb "Madame Du Barry," hopefully regarded in that direction as a real grosser during the hot spell, before it gets into distribution. . . .

▼

Hollywood is on its toes, realizing either through an understanding long delayed, of what's going on in the world or through having been told. It is pulling back pictures ready for shipment, scanning them, re-shooting and re-writing to make certain impending releases hurdle the moral line. The situation is one with which Hollywood cannot spar. This is no trade problem, susceptible to solution by conferencing from within. The one factor on which the industry depends for its life and which it cannot control, is aroused in large numbers and clamoring for reformation. It must be forthcoming. . . .

KANN

## Eastman Pfd. New High on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries, pfd | 14½ | 14½ | 14½ | + ¼ | 100 |
| Eastman Kodak | 99½ | 98 | 99 | ..... | 1,000 |
| Eastman Kodak, pfd | 147 | 147 | 147 | +2 | 10 |
| Fox Film "A" | 14¼ | 14⅛ | 14¼ | + ⅜ | 200 |
| Loew's, Inc. | 30⅜ | 29⅝ | 29⅝ | ..... | 2,400 |
| Paramount Publix | 3⅜ | 2¾ | 3¼ | — ⅛ | 20,500 |
| Pathe Exchange | 2¼ | 2¼ | 2¼ | ..... | 200 |
| Pathe Exchange "A" | 22 | 21¼ | 21¼ | ..... | 300 |
| RKO | 2½ | 2½ | 2½ | + ¼ | 200 |
| Warner Bros. | 5⅞ | 5⅝ | 5¾ | + ¼ | 600 |

## Technicolor Off ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅞ | 13⅞ | 13¾ | — ⅛ | 800 |
| Trans Lux | 1½ | 1½ | 1½ | ..... | 100 |

## Warner Bonds Up 2¼

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅞ | 8⅞ | 8⅞ | + ⅜ | 1 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8⅜ | 8⅜ | + ⅜ | 3 |
| Loew's 6s '41, ww deb rights | 101¾ | 101½ | 101¾ | + ¼ | 3 |
| Paramount F. L. 6s '47 | 53½ | 53½ | 53½ | — ¼ | 10 |
| Paramount Publix 5½s '50 | 54 | 54 | 54 | + ½ | 5 |
| Pathe 7s '37, ww | 99 | 98¾ | 99 | + ¼ | 3 |
| Warner Bros. 6s '39, wd | 59 | 58¼ | 58¼ | +2¼ | 142 |

# Purely Personal

W. RAY JOHNSTON, ED FINNEY, EDWARD GOLDEN and his son ROBERT, J. S. HARRINGTON and RUSSELL M. BELL attended the Park Central golf tournament yesterday at the Mayfair Country Club. JOHNSTON won a cigarette case for being most patient and courteous golfer; HARRINGTON, a case of White Rock for being the only tennis player at the tournament. GOLDEN and BELL each shot under 100, while FINNEY shot a good left hand.

REED BROWN, JR., has been signed for a part in "Woman in the Dark" along with FRANK OTTO, GEORGE GILDAY, SAMUEL WILMOT, HENRY F. KOSER, WILLIAM FORAN, WALTER ASCHE, FRANK SHANNON and GEORGIA HARVEY.

W. L. PARKER, Charlotte, N. C., exchange manager for Amity Pictures, arrived in New York today for a conference with the home office executives. He is accompanied by J. U. MCCORMICK.

ARTHUR LOEW didn't accompany HAL ROACH back to the coast yesterday. The plan was that LOEW join ROACH if repairs on the latter's plane were completed on time.

ED DUPAR, chief cameraman at the Brooklyn Vitaphone studio, spent most of last night riding around Times Square shooting atmospheric shots for Warners' "Gentlemen Are Born."

SID DAVIDSON of Warners' home office advertising and publicity departments, is in Norfolk to handle advance work on "Here Comes the Navy."

HARRY CLORK, one of the authors of "The Milky Way" who last week signed a long-term writing contract with Universal, leaves Sunday for Universal City.

SAM FLAX, Monogram's Washington franchise holder, is in town, as is IRVING MANDEL, Chicago franchise holder.

LOUIS COHEN finally landed in New York yesterday. Taking a stroll down Broadway yesterday, he arm-and-armed it with HERSCHEL STUART.

DAVID J. CHATKIN of Monarch Theatres, is in town from Cleveland. Just in for a few days.

FRED F. WAGNER, advertising man, has joined the Chicago office of Castle Films.

JOHNNY COSENTINO, special representative for Amity Pictures, is back in New York.

## Baer at Club Forum

Max Baer was preparing to show his versatility at the M. P. Club luncheon forum today when he was advised he would have to confine his time to talking and singing. Baer was disappointed when he was told he could not go into a dancing exhibition.

Louis Nizer will be toastmaster and flanked by Benny Rubin and Jimmy McHugh. The affair starts promptly at 12:30 P. M.

## "World Moves" Opening

Fox's "The World Moves On" opens at the Criterion tonight on a two-a-day policy.

JOIN THE WORLD
AND SEE THE NAVY
"HERE COMES
THE NAVY"
JULY 21st FROM WARNER BROS.

# Studios Slow Activities, Scan Dialogue

(Continued from page 1)

production of "Barbary Coast," taking an estimated temporary loss of $75,000. M-G-M has definitely abandoned production of "The Postman Always Rings Twice" and of "Professional Correspondent," screen title for the novel, "Man and Wife."

Other studios have shelved stories where they believe the material might be looked upon as "off color." For the purpose of taking added precautions, M-G-M is withholding preview of Jean Harlow's "Born to Be Kissed" for five days of laundering. The picture will not be previewed until next week.

M-G-M is also giving similar consideration to "The Green Hat" and Garbo's next, "The Painted Veil," although not yet started, is receiving careful preliminary treatment in keeping with the production code administration.

**Caution on All Sides**

Other society dramas in preparation are receiving slow and careful scrutiny and will, in many cases, be set back on production schedules in favor of the inoffensive and outdoor stories, such as "David Copperfield," "The Good Earth," "Death on the Diamond," "West Point of the Air" and others, indicating that this type of story will dominate production for the next six months.

As for RKO Radio, a planned effort to avoid suggestive or offensive themes is under way in earnest under the direction of B. B. Kahane. The script of "The Fountain" is the first to feel the scalpel.

At Warners, two reels of "Madame Du Barry" have been remade, eliminating a sequence in which scantily robed girls were shown participating in a wedding festival.

Paramount is treating the dialogue of Mae West's "It Ain't No Sin," and one sequence of the picture is being changed entirely. No complete stories at Paramount or Universal have been abandoned yet, although changes from original treatments are being made in several instances to avoid any possible objection from state or municipal censor boards or religious bodies.

The Hays office here reports that scripts are arriving in decidedly cleaner form than heretofore.

## *Roach Feature List Jumps from 2 to 4*

(Continued from page 1)

ter Keaton, Charles Chase, Thelma Todd, Patsy Kelly, Irvin Cobb, Benny Baker, Our Gang Kids and others will be featured.

Roach says all his comedies will be clean and will cost 20 per cent more than the current season's. Color is out so far as he is concerned. He left by plane yesterday for Hollywood after conferring with Nicholas M. Schenck and returns again in two weeks.

HOLLYWOOD, June 27.—Hal Roach has lifted Patsy Kelly's option for a second year. At the same time the studio exercised its option on the services of Benny Baker.

# Deal Struck, Loew to Drop Theatre Plans

(Continued from page 1)

dential districts, particularly in the Mission, Richmond and Fillmore sections in addition to Reno, Nev.; Santa Cruz, Monterey and Petaluma.

Col. E. A. Schiller has been on the coast surveying properties and taking options on plots where Loew's planned theatres. It is understood Schiller immediately leaves San Francisco for Honolulu, his original vacation destination.

McNeill has returned to the coast and, therefore, could not be reached for a statement. Efforts to reach Felix F. Feist, general sales manager for M-G-M, and Joe Vogel of Loew's, were unavailaing last night.

## Vanderlip Sailing Won't Delay Para.

(Continued from page 1)

Vanderlip said. "The bondholders' committee, of which I am chairman, will, in my absence, continue to work in close cooperation with the other creditor groups and I am very hopeful that before my return a satisfactory plan will have been developed that will meet the requirements of the new bankruptcy act.

"Matters have been so arranged," he said, "that my absence will not interfere with the confirmation of the reorganization just as soon as certain work now in process is completed, which will provide a basis for the formal submission of a plan to creditors and stockholders."

Vanderlip expects to remain abroad for the remainder of the summer.

## *B'way Pool Virtually Set, Awaits Signing*

(Continued from page 1)

Car," the pooling deal between the Paramount and Loew house is very much alive and one official holds there is no reason for the deal not going through.

In Loew quarters it is considered a deal despite the fact signatures have not been affixed. According to the original set up, policy changes in the two Broadway houses were to go into effect tomorrow, but may be delayed temporarily.

### *Calls for Technique*

**Col. Nate Manheim, head of the Foreign Legion division of the Kentucky Colonels International Brotherhood, was presented with a 150-year old sword yesterday by Irwin Shapiro and Archie Mayers of Du World Pictures, two admirers of the colonel's, who believe in proper dress for the military.**

**Manheim now has to learn the technique of not tripping.**

## *Mrs. Belmont Quits M. P. Research Group*

(Continued from page 1)

the work is greater than ever, for it is apparent that right-thinking people everywhere now see how essential it is to have motion pictures improved. While I haven't the strength to meet the exacting demands of leadership, I shall continue as a member of the executive board of the council.

The executive committee of the council will meet July 9 to elect a successor to Mrs. Belmont.

The organization has called a meeting of research workers, national organizers, scientists and educators in Washington today to consider a plan of coordinating the council's work with that of church organizations now engaged in film reform activities.

## *41 Films to Regale President on Trip*

(Continued from page 1)

released as yet and were supplied by Universal, United Artists, Warner, Fox, M-G-M, Radio, Paramount and Columbia from a check of the more than 300 features the President has has seen in the last year. Of the 41, ten have been seen by him already and are designed for the benefit of the crew, although the prints will be on board in the event the Chief Executive wants to have a second look. Here is the list:

The Last Gentleman, Bulldog Drummond Strikes Back, The Affairs of Cellini, The Personality Kid, Doctor Monica, Fog Over Frisco, Return of the Terror, House on Fifty-sixth Street, Baby Take a Bow, Handy Andy, Spitfire, Tarzan and His Mate, Twenty Million Sweethearts, Nana, Manhattan Love Song, Melody in Spring, Speedwings, Half a Sinner, Little Miss Marker, The World Moves On, Murder on the Blackboard, Cockeyed Cavaliers, Crime Doctor, Gambling Lady, Mystery of Mr. X, Viva Villa, Operator 13, I'll Tell the World, Counsellor at Law, Scarlet Empress, Most Precious Thing in Life, Twentieth Century, The Party's Over, Murder at the Vanities, Many Happy Returns, Looking for Trouble, The Key, Now I'll Tell, Sadie McKee and Thirty Day Princess.

# May Work Out Fox Met. Deal By Next Week

(Continued from page 1)

appeared for the bidders and sought the postponement in conjunction with Morton G. Bogue, counsel for the Fox Met Bondholders' committee, with whom the Loew-Warner group is negotiating. It was stated by both representatives negotiations are proceeding satisfactorily but additional time is needed to discuss disputed points of the deal. Both sides are compromising original attitudes on the deal, it was said, and an agreement between the bidders and the bondholders is expected before Tuesday.

Counsel for Frisch & Rinzler urged that a decision before Friday was essential and stated that losses to be charged against cash on hand held by the receiver for Fox Met were mounting daily. A previous ruling by Judge Mack permits Skouras and Randforce to charge operating losses from June 20 to the estate.

## *Seeking New Zoning Pact in Cleveland*

(Continued from page 1)

sentative of all subsequent runs in Greater Cleveland, is asking new availability for the city to be effective with the advent of the new season.

He seeks an availability date of 49 days after first runs for houses charging 20 cents, 63 days for 15 cent houses, 180 days for 10 cent houses and 365 days for houses playing duals. In the event circuits play second runs ahead of their own second run availability dates, he asks they waive the same measure of protection to all subsequents.

This proposal differs from the protection agreement operating here now only insofar as 20 cent, 10 cent and double bill theatres are concerned. First runs ask 35 days protection, 56 days over 20 cent houses and 365 days over both 10 cent and dual bill houses. They agree to waive protection on all subsequents if and when they forego it in favor of their own second run theatres. Whatever schedule is adopted it is understood will supersede the current agreement which expires the end of the year.

In the meantime, the pact to end doubles on July 8 is imperilled by the entry of new exhibitors. Victor Wolcott is one. Not an exhibitor when the agreement barring duals was signed, he will open the Temple Friday with duals at 10 cents.

## *8 Warner vs. Erpi Actions Withdrawn*

Eight actions pending in New York supreme court instituted against Warner subsidiaries by Erpi were withdrawn yesterday in accordance with the recent settlement of all litigation and claims existing between the two companies.

The actions withdrawn included three brought by Erpi against Stanley Co. of America, two against Vitaphone Corp. and three against Stanley-Mark-Strand Corp.

# *Would End Duals by Clause In Pacts, Delayed Release*

(Continued from page 1)

urges local units to work for elimination of premiums and give-aways in their territories by immediately instituting local ballots as provided for in the code.

The M. P. Research Council is condemned in the bulletin for what is described as its "ultimate objective" to lay the ground work for non-theatrical exhibition through its attack on films. It is stated that the Council "frustrated" M. P. T. O. A.'s efforts to have unfair non-theatrical competition banned in the code.

The church campaign against objectionable films is referred to as the "producers' problem." "They have accepted full responsibility and have gone to great lengths to correct their mistakes," the bulletin states.

Just a Few

of the

# GREAT PICTURES

On The 1934-1935

Box-Office Line-Up

*from*

# UNIVERSAL

Presented by

CARL LAEMMLE

# The GREAT ZIEGFELD

By WILLIAM ANTHONY McGUIRE and BILLIE BURKE

Starring

**WILLIAM POWELL**

*An* epic of the American Theatre!... A glamorous glorification of the glorifier of American beauty! The intimate life story of the man who contributed to the modern age a new world of entertainment; of beauty, music, gayety, drama — and who introduced to the world the greatest succession of star personalities it had ever known! Topping Ziegfeld at his best, the picture promises to become to the screen what the "daddy of 'em all" was to the theatre!

# NIGHT LIFE OF THE GODS

and one other

**LOWELL SHERMAN**

Production

*The* much-talked about novel by THORNE SMITH offers the most unique picture idea in years!...A man who finds the formula for changing people into stone meets a woman possessed of the power to bring statues back to life! . . . They face New York accompanied by Bacchus, Neptune, Venus, Mercury, Diana and the rest—in modern dress and just a' rarin to taste the high life, love and laughter of 1934 . . . They roam the town, with rip-roarin' ruin in their wake. A COMEDY SMASH!

The Girl
You Loved
in "Only
Yesterday"
and
"Little Man,
What Now?" –

# Margaret Sullavan in

# THE GOOD FAIRY

Franz Molnar's Famous Stage Play

---

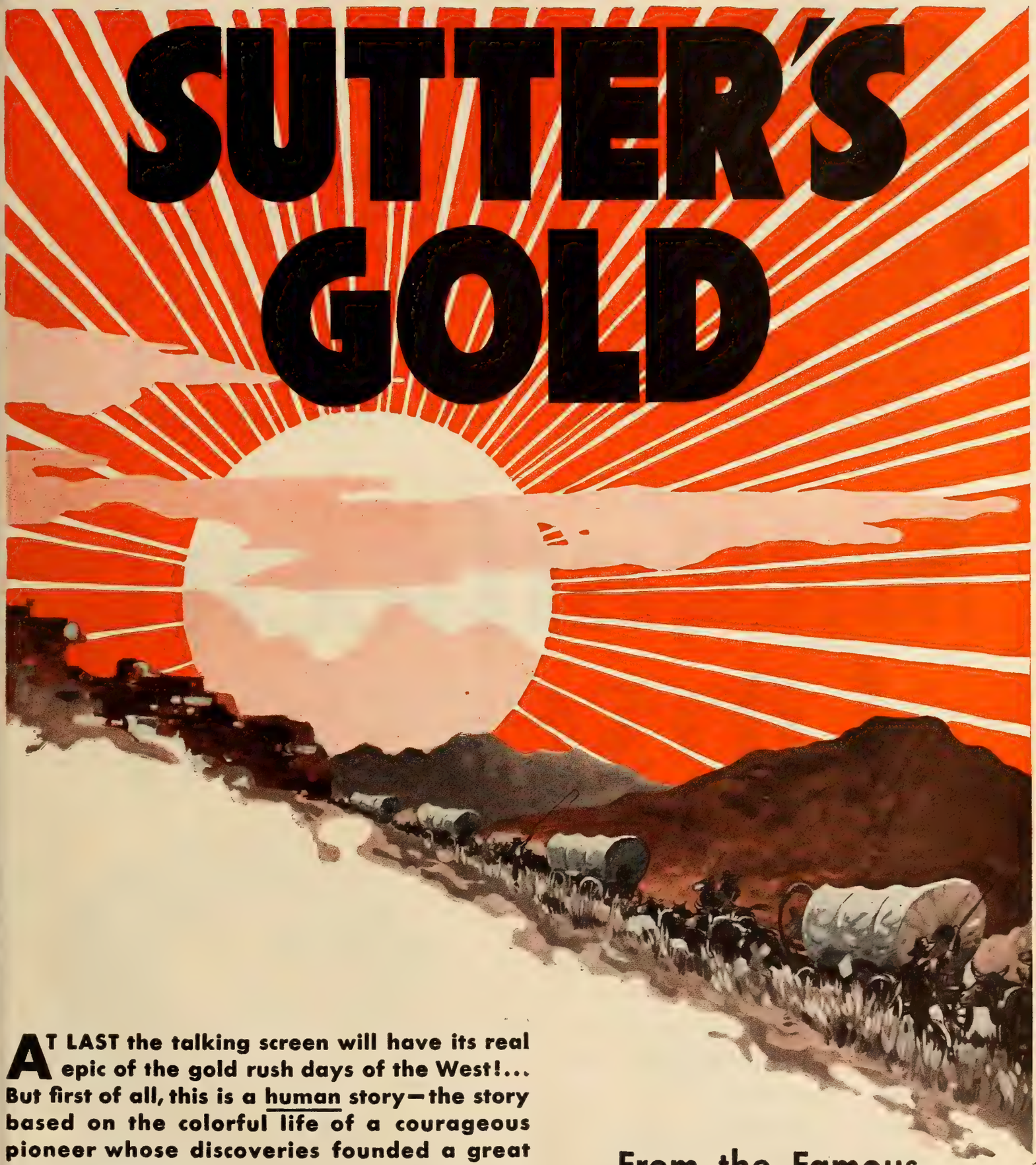
# WITHIN THIS PRESENT

Margaret Ayer Barnes' Current Best Seller

**2**

**GREAT PRODUCTIONS**

# SUTTER'S GOLD

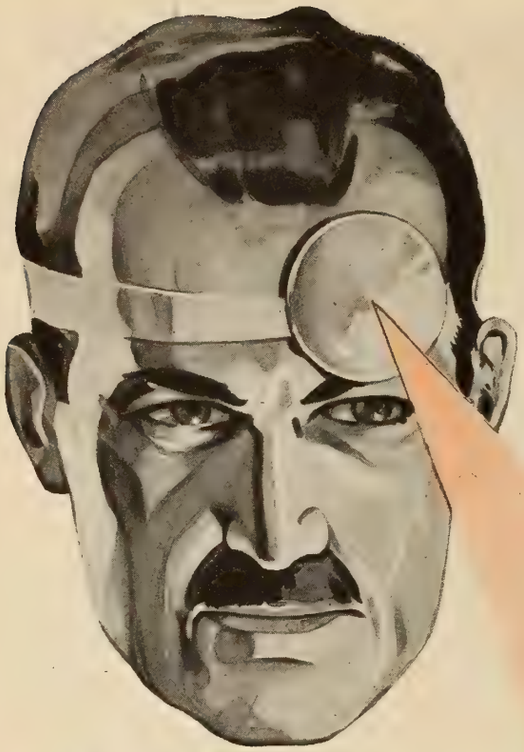


**AT LAST the talking screen will have its real epic of the gold rush days of the West!... But first of all, this is a human story—the story based on the colorful life of a courageous pioneer whose discoveries founded a great American Empire and who, although he brought fortune and happiness to millions, died a forgotten man! Tremendous in sweep, gigantic in scope, blazing with action—yet basically the drama of human souls!**

**BIG! - - BIG! - - BIG!**

From the Famous Novel by

**BLAISE CENDRARS**



**LLOYD C. DOUGLAS' FAMOUS NOVEL**

**(Now in its 35th edition)**

# Magnificent Obsession

*Said* the New York Times of this great novel: "The fault with many a modern novel is that nothing happens in it. It is one merit of Magnificent Obsession that IT REALLY HAS A PLOT! Incident follows incident with impelling force. Love, finance, accident, injury and death all play their part in depicting a character controlled by a great ideal" . . . Showmen, the book is excellent, but the picture will beat it!

# FLORENZ ZIEGFELD'S

## One and only

# SHOW BOAT

## EDNA FERBER'S

greatest novel—The American people's favorite romance—reborn on the screen with such a glittering array of stars, such prodigal production, such rich exploitation tie-ups, as to stagger the imagination! ...Loaded to the gunwhales with its precious wealth of unforgettable Jerome Kern music and songs, Show Boat is coming to port with a cargo of gold for YOU!...WATCH UNIVERSAL BUST THE INDUSTRY WIDE OPEN WITH CAST, DIRECTOR AND OTHER ANNOUNCEMENTS!

# A JOHN M. STAHL PRODUCTION

One of the surest-fire "money" directors in this business is John M. Stahl, the man who gave you in the past such pictures as "Seed," "Back Street," and "Only Yesterday." The picture Universal has in mind for John Stahl is a story that will top all his previous efforts. The title cannot be announced as yet because negotiations are not fully completed. Watch the trade papers for the big news on the next John M. Stahl Production!

# BRIDE OF FRANKENSTEIN

Out of the ruins of shattered box-office records rises the Frankenstein monster—to claim himself a bride, and to work further havoc with record theatre grosses! . . . Can you imagine the advertising you can do on this one? The mere thought of the monster seeking a bride makes a showman's fingers fairly itch to write the flaming lines that will pack any theatre in the world. Add the bride idea to all you've had before, and you've got a "tremendousity" of appeal—and in plain English, THAT'S PLENTY!

**A JAMES WHALE Production**

## Authorized to Put Its Stock on Sale

WASHINGTON, June 27.—Submission of registration certificates for Major Film Prod., Inc., Los Angeles, was made public today by the Federal Trade Commission.

The company was organized in Delaware May 3 to produce and distribute pictures and proposes to issue 3,000 shares of six per cent participating preferred stock of $100 par value each, the proceeds to be used as working capital, the statements disclosed.

The stock is to be sold to Blanchet & Co., New York, the underwriters, at $85 per share. Officers of the company include Fred Church, San Fernando, Cal., president; Samuel I. Saunders, Los Angeles, vice-president; William D. DeLong, Los Angeles, secretary-treasurer.

Blanchet & Co. yesterday refused to comment on the new company or to make any statement concerning their plans, referring all queries to DeLong.

## Fund Elects Officers

HOLLYWOOD, June 27.—At the annual meeting of the M. P. Relief Fund last night, Marion Davies was reelected president; Ronald Colman, first vice-president; Mary Pickford, second vice-president; Will H. Hays, third vice-president; Samuel Goldwyn, fourth vice-president; M. C. Levee, treasurer and F. X. Baur, executive secretary.

The new trustees, elected for three years, are Irving Thalberg, Janet Gaynor, Frank Craven, Fredric March and Joe E. Brown. Those trustees reelected for three years are Richard Barthelmess, Miss Davies, Cecil B. DeMille, William Randolph Hearst and Carl Laemmle, Sr.

Plans were also completed for an intensive campaign to raise $200,000 for current relief work.

## Ties in Kidnaping With Union Activity

KANSAS CITY, June 27.—W. Lee Vaughan, Kansas City, Kan., exhibitor, believes the kidnaping of Mrs. Laura Ellis is the latest of a series of gestures by sympathizers of the operators' union that has followed his refusal to employ union operators. Mrs. Ellis is a friend of Vaughan, who said he had been harassed by the union the last three years and that, besides himself, threatening letters had been received by his daughter and by Mrs. Ellis.

## Kuykendall to Talk

PHILADELPHIA June 27.—Ed Kuykendall is scheduled to speak Thursday before the meeting and luncheon of the M. P. T. O.

In view of the recent formation of the I.E.P.A. in the territory and the contrasting views of the two bodies, the meeting promises significant developments, in the opinion of local exhibitors.

## Roumania Goes National

BUCHAREST, June 27.—A domestic picture industry at the expense of American and other producers is planned here by the government, it was learned today. The plan calls for an increase on duties on imported film. About 200 American pictures are shown in Roumania yearly.

# Looking 'Em Over

## "Black Moon"

(*Columbia*)

Mildly entertaining is this story of voodoism and how it gets under the skin of Dorothy Burgess to the point where she is ready to sacrifice her daughter to satiate the continuous tom-tom of native drums. However, Jack Holt sacrifices his wife, Miss Burgess, rather than let her kill the baby while under a voodoo spell.

The plot moves slowly, but the last reel has a good deal of suspense and action to make up for some weak points. A number of black girls at times forget they are supposed to act like natives and have a silly grin on their faces. The photography is fine and direction fair. The main drawback is the story itself.

Fay Wray, who visits the tropic island with Holt and his wife, originally starts out as secretary, then becomes guardian and finally a secret lover of Holt's. When the hero kills his wife to save the baby, this clears the way for Holt and Miss Wray.

Cora Sue Collins as the child is capital, Arnold Korff as Dr. Perez, uncle of Miss Burgess, also is very good. Other minor players do nice work, too. Running time, 68 minutes.

## "City Park"

(*Chesterfield*)

Laden with human interest and hokum, "City Park" should prove pleasant entertainment for neighborhood audiences. There are many amusing moments and the acting is adequate.

Sally Blane, a small-town girl in the big city, is down on her luck. A love affair to which her parents by adoption objected has something to do with her leaving home. In the hope of finding food and shelter in jail, she accosts a detective in a park, knowing he will turn her in for soliciting. To her rescue come Henry B. Walthall, an old soldier living with his wealthy son, and two of his friends. Walthall pretends she is his granddaughter out to get material at first hand for an article on sociology.

The three old men take her under their wing and dedicate themselves to her welfare. When Walthall's grandson (Matty Kemp) trails the old fellow to the girl's room he suspects him of having an affair with her. The youth berates the girl, but when he learns the truth he falls in love with her. When the home-town lover shows his face Miss Blane decides to marry him though she really loves Kemp. She is impelled by a strange sense of self-sacrifice that is not exactly convincing. At the crucial moment the old boy friend is revealed as a crook. This clears the way for Kemp.

Other players are Hale Hamilton, Gwen Lee, Lafe McKee and Judith Voselli. Richard Thorpe directed. Running time, 72 minutes.

*"Of Human Bondage," this morning's opener at the Radio City Music Hall, was reviewed yesterday.*

*"Kiss and Make Up," this morning's opener at the Paramount, was reviewed by wire from Hollywood on June 12.*

*"The Thin Man," tomorrow morning's opener at the Capitol, was reviewed by wire from Hollywood on May 11.*

*"Baby Take a Bow," tonight's preview at the Roxy, was reviewed by wire from Hollywood on June 7.*

*"The Circus Clown," tonight's preview at the Mayfair, was reviewed by wire from Hollywood on May 9.*

## Goldwyn Action Praised

HOLLYWOOD, June 27.—Samuel Goldwyn today received more than 300 wires and letters from authors, clubs and various organizations praising him for discontinuing plans to produce "Barbary Coast."

## Paramount Signs Meggs

HOLLYWOOD, June 27.—Paramount has engaged Winfield Meggs, author and artist of the "Road to Romance" strip which is now syndicated throughout the country, to work with William Bine on exploitation.

## Kay Francis in Naples

NAPLES, June 27.—Kay Francis arrives Friday on the *Rex*. She is on her first vacation in three years and plans to spend two months in Europe.

## Campi Expenses Out

No expenses will be paid by Campi to out-of-town members of the panel for the 10 committees hearing appeals. Exhibitors will be asked to attend sessions, but the request is not mandatory. A rotating plan for selecting the two men to supplement Campi members will prevail.

## Amity Sold in Buffalo

John M. Crinnion, executive vice-president of Amity, has closed with Charles H. Tarbox whereby the latter will distribute Amity product through the F. C. Pictures Corp., Buffalo.

## Bennett Film Delayed

HOLLYWOOD, June 27.—Due to Joan Bennett's bronchial trouble, Paramount has postponed production of "The Road to Happiness" until July 2.

## Richardson Expects To Quit Para. Post

The increasing pressure of personal affairs was cited by Charles E. Richardson, temporary Paramount Publix trustee, yesterday as making it necessary for him to consider the advisability of declining a permanent appointment to the post on July 10, the date on which the Federal court here is scheduled to name permanent trustees under the new bankruptcy laws.

Richardson denies that he has resigned as temporary trustee, but indicated that he had requested counsel for the Paramount trustees to advise the court at the proper time of his attitude toward a permanent appointment. Indications are that if the court follows Richardson's inclination in the matter a new trustee will be named to replace him on July 10.

So far as could be learned yesterday, Charles D. Hilles and Eugene W. Leake, the other trustees, are not averse to permanent appointments.

Richardson said that the same personal reasons which impelled him to resign as treasurer of Fox in 1932 were still in existence and had been made more urgent by neglect. In the event of his retirement next month he will reside in Philadelphia.

## 5 Plays Lined Up

Five plays have been lined up by Columbia for next season's program. Bryan Foy Prod. will make "That's Gratitude" by Frank Craven. Others are "Eight Bells," by G. Mandley; "25 an Hour," by Gladys Unger and Leyla Georgi; "Sure Fire," by Ralph Murphy; "Spring 3100," by Argyll Campbell.

HOLLYWOOD, June 27.—John Mack Brown has been given a term contract by Columbia.

## Dates Set for July 8-9

ATLANTA, June 27.—The GFTA Independent Theatres' Ass'n., of which Ike Katz of Montgomery is president, has definitely set July 8-9 for its first convention. Less than 30 days old, the organization claims 100 members. One of the principal speakers at the gathering, which will be held at the Ansley Hotel, will be Edward Golden, Monogram sales head.

## Out of the Hospital

HOLLYWOOD, June 27.—June Knight left the hospital yesterday for the second time this year. She emerged with chestnut hair instead of the usual toffy top. It will be three weeks, however, before she is permitted to dance in "Wake Up and Dream," B. F. Zeidman musical production starring Russ Colombo for Universal.

## U Renews With Thalians

HOLLYWOOD, June 27.—Universal closed a deal today with the Thalians for a new series of six two-reelers to be produced by Jack Townley Prod., Inc. Townley says the new company will also engage in feature production.

## Dembow En Route Here

Sam Dembow, Jr., head of Paramount's theatre department, and E. V. Richards, head of Saenger Theatres, will stop off in Chicago tomorrow en route here from the Paramount Los Angeles convention.

Leslie
HOWARD
With
BETTE DAVIS
FRANCES DEE
KAY JOHNSON
REGINALD DENNY
DIRECTED BY JOHN CROMWELL
A PANDRO S. BERMAN PRODUCTION
W. SOMERSET MAUGHAM
OF HUMAN BONDAGE
OF HUMAN BONDAGE
RKO RADIO PICTURE

W. SOMERSET MAUGHAM'S "OF HUMAN BONDAGE" COMES TO THE SCREEN VIBRANT WITH THE POWER THAT HAS MADE THE NOVEL OUTSTANDING AMONG THE GREAT BOOKS OF ALL TIME.

# Price Tussle Choking K.C. Code Machine

KANSAS CITY, June 27.—The local price war has resulted in numerous complaints piling up on the grievance board charging exhibitors with reduced admission, playing pictures ahead of the spot at a price below contract stipulations and jumping clearance in double billing.

The first complaint by Fox Midwest since the boards went into operation cites a contract violation by reduced admission on the part of H. H. Barrett of the Ritz, which recently cut from 20 to 10 cents. It is charged Barrett played "The Meanest Gal in Town" at 10 cents 21 days ahead of clearance, and on a double bill, which would set the picture back still further. Complaint was filed by Leo J. McCarthy, Fox Midwest district manager.

Pleading for the circuit recently in a reduced admission case involving the Fox Isis, McCarthy contended no clearance schedule existed for this territory since the old schedule has gone by the boards as a result of widespread price slashes and no new plan has as yet been adopted. He also insisted Fox Midwest contracts do not stipulate exhibition price. The grievance board found a clearance and zoning schedule did exist for Kansas City and issued a cease and desist order against the Isis.

Mrs. A. Baier of the Lindbergh, secretary of the I. T. O., who has been given power of attorney to file complaints for the association, said she would file reduced admission complaints against theatres admitting children for five cents at Saturday afternoon children's matinees. She said she was preparing to bring charges this week against Fox Midwest theatres staging special matinees for the Br'er Fox clubs. A complaint she recently filed against the Fox Gladstone on this charge was dismissed because the picture cited was not played.

## Dickinson, Outside Code, Would Cancel

KANSAS CITY, June 27.—The Dickinson circuit of 20 houses in Kansas and Missouri has not assented to the code, but is seeking to take advantage of the 10 per cent cancellation privilege. In the list recently made public by Campi of non-assentors taking cancellation rights, the names from the Kansas City territory were all of Dickinson houses.

Since Dickinson has not assented, a complaint filed by one of his managers is not being considered by the grievance board. The complaint, by the Dickinson at Hiawatha, Kan., charges the Liberty in nearby Horton advertised in the Hiawatha paper that "Wild Cargo" would not be shown in the latter town. Such advertising was termed unethical in the complaint.

A number of complaints filed with the grievance board have been returned because either the complainants were non-assentors, or the required forms were not used. In the latter instance, the complainants have not taken the trouble to file again.

It is believed the number of assents in this territory would be increased if Campi would extend the privilege.

## *Passes on Rogers to Stockyards Stopped*

KANSAS CITY, June 27.—Passes handed out on a Will Rogers' picture to the stockyards in Parsons, Kans., must stop, the grievance board today informed the Dickinson circuit whose Uptown in that town has been indulging in the practice. C. B. McAleer of the Orpheum, same town, filed the complaint.

The board ruled Dickinson was evading the code by distributing 375 passes to the stockyards for "David Harum," supposedly in exchange for the stockyards meeting the cost of a full page newspaper ad which the board found the Uptown had paid for itself.

The same theatre also was found guilty of running dual bills at 10 cents in violation of its minimum contract clause.

Reuben Finkelstein of the Belmont here was found guilty of showing "Flying Devils" (Radio) at a children's matinee for five cents, thereby violating the minimum price clause in his contract which stipulated low admission must be a dime. T. R. Thompson, Radio manager, denied Finkelstein's contention the exchange had permitted him to drop the admission scale.

## *Campi Confronted by Busy Session Today*

Several important matters will be disposed of today by Campi, despite the fact the tribunal will not hear appeal cases. On the tapis are appointment of committees in Hollywood, naming of the panel body to sit with Code Authority members hearing appeals, the U. A. 10 per cent cancellation issue, which Campi found itself without sufficient data to decide and then turned it over to the legal committee for ruling, new assessments paid and the Los Angeles clearance and zoning plan. Harry Hicks, president-elect of the I.T.O.A. of Southern California, flew in from the coast yesterday to attend today's discussion on the schedule which will be made available for protests.

The NRA in Washington has turned over to Campi distribution of blue eagles which are being sent only to exhibitors and distributors assenting to the code and paying levies.

## *Not Banned in Ohio*

Contrary to a telegraph dispatch from Columbus, O., in Monday's edition of MOTION PICTURE DAILY, "It Ain't No Sin" has not been banned in that state. In a wire to John Hammell of Paramount, Dr. B. O. Skinner, director of education in whose province censoring falls, said yesterday:

"Mae West's picture never presented to censor board of Ohio. Anyone who stated he got information from this office that it had been banned misrepresented the fact. Only one reporter inquired and I told him it had not been presented."

## *End Frisco Regional*

SAN FRANCISCO, June 27.—Paramount's two day sales regional has been brought to a close. Fifty delegates from Seattle, Portland, Salt Lake, Los Angeles and San Francisco were given an outline of new product in addresses by Neil F. Agnew, Charles M. Reagan, Myke H. Lewis and Hugh Braly.

## *Portland Zoning in Snarl; New Plan on*

PORTLAND, Ore., June 27.—Zoning proposed out of this exchange is all snarled up. Sixty exhibitors and distributors in this territory held an all-day mass meeting yesterday to fully discuss all angles of the tentative clearance plan prepared by the code board. Both first and subsequent run houses have rejected the proposal.

Robert White, representing Allied and claiming to speak for 31 houses with a $5,000,000 investment, argued his constituents were entitled to more liberal clearance. Manager Gallagher of the Paramount and Gamble of the Broadway, both first runs, declared they had been consulted when the schedule was prepared.

Out of the welter of talk, a committee composed of White, Gamble and Pete Stewart of Warners was named to meet the clearance committee with an idea of drawing up a new plan.

Duals were decried by all factions and discussed at length with no decision reached. Practice of adding vaudeville to a single feature was regarded by some exhibitors as constituting a double bill.

## *Move On to Clarify L. A. Zoning Scheme*

Differences among California exhibitors over the Los Angeles clearance and zoning schedule are now being ironed out at informal meetings at Campi headquarters.

J. J. Sullivan, Fox West Coast film buyer, and Harry Hicks, president-elect of the I.T.O.A. of Southern California, yesterday conferred on the new clearance and zoning schedule. The plan is to be aired at the regular Code Authority session today and following this, the schedule will be subject to public protests for 30 days.

Sullivan plans to remain here indefinitely on new season's buys while Hicks leaves Sunday.

## *Manhattan Zoning Plan Is Up Today*

Exhibitors with theatres located between 59th and 110th St. from Central Park West to the Hudson River meet today at the New York clearance and zoning board in an effort to draft a new schedule for this zone.

The meeting was called because the board failed to decide recently in clearance protest by the Edison against Springer & Cocalis.

Next Monday, Long Island theatres will get together and work out a new plan.

## *Rosenblatt After 4 More Houses in N. J.*

Leon Rosenblatt, operating 10 houses in northern New Jersey and Staten Island, is negotiating for four more across the Hudson. He recently took over the lease on the Orpheum, Jersey City, from George Brenon.

## *Form Theatre Company*

ALBANY, June 27.—Buffalo Theatres, Inc., a Delaware company, has been authorized to transact business in this state. Vincent R. McFaul, general manager of the Shea theatres in Buffalo, is president. Three hundred shares of no par value stock are listed.

# Duals, Rebates Escape Ban in K.C. Clearance

KANSAS CITY, June 27.—The drastic provisions contained in the initial clearance and zoning schedules for the Kansas City territory which were designed to eliminate or sharply restrict double featuring, premiums, rebates and similar price reducing practices, were eliminated from the new clearance schedule set up by the local zoning board late today. The schedule applies to Greater Kansas City, including Kansas City, Mo.; Kansas City, Kas., and North Kansas City, Mo.

The new plan is more liberal than the initial schedule, which was vigorously protested by the downtown first runs and independent suburbans when promulgated several weeks ago. It makes no mention of trade practices which the first clearance schedule sought to regulate. Neither does it impose shorter protection for houses using stage shows, as originally proposed.

The board today also completed the Wichita, Kas., and St. Joseph, Mo., clearance schedules. While the new schedules, which go into effect next season, will not be made public until tomorrow, it is learned that the Kansas City plan classifies theatres according to their admission schedules, making first run admissions the basis for clearance. First run protection is graduated according to admissions instead of the generally prevailing 28 days over first suburban run. This is designed as an incentive for increasing first run scales above the prevailing 25 cents, houses which continue that top in the future to have protection reduced to 14 days, it is understood.

The board waited today for Jay Means, I. T. O. president, to submit his expected recommendations based on an anticipated agreement among independent suburbans establishing a 15-cent minimum admission and restricting double features to one program weekly, but Means failed to appear. Exhibitors controlling eight houses have refused to sign the agreement and are holding out for price or dual concessions on the part of competitive houses.

## *Darrow Report Ready Now; Hits Film Code*

WASHINGTON, June 27.—The third and final report of his board will be submitted to President Roosevelt tomorrow, it was made known this afternoon by Chairman Clarence Darrow.

Although the report, like its predecessors, has been surrounded with secrecy, it is known it will revive the attack upon the film code, apparently in support of recommendations that changes be made in organization and methods of the National Recovery Administration.

## *Engel on Code Board*

PHILADELPHIA, June 27.—Joe Engel, who has succeeded Mike Landow as manager for Universal, succeeds also to Landow's post on the grievance board.

# Opposes Any Protestant Boycotting

(*Continued from page* 1)

ecclesiastical dictation and therefore any attempt at a film boycott by the Protestant churches will be a failure."

His assertion is considered significant because the local Council of Churches this week was to consider the call of the Federal Council of Churches for a nation-wide crusade similar to that of the Catholic Church. Rev. Deer is the local representative of the Federal Council and was chairman of that body's recent social work conference here at which speakers approved the Catholic boycott.

"The plan of boycotting objectionable films has to face two difficulties which have not as yet been solved, namely, who is to judge whether or not a film is to be patronized, and how this judgment shall be made effective," said the minister.

"Protestants are adherents of the principle of the right of private judgment and individual interpretation. They are not accustomed to ecclesiastical domination. For this reason it would be next to impossible to regiment them for a boycott.

"In the last analysis, it seems to me there is only one permanent solution, the lifting of the public taste to a point where there will be vast numbers of individuals who will insist on clean pictures and who will know how to discriminate intelligently. Some good may be achieved by a regimented boycott in those circles where millions are willing to accept mass guidance and control. The very genius of Protestantism, however, is a revolt against such domination."

Enumerating other methods for achieving a higher moral status in pictures, Rev. Deer declared that while censorship "does not seem to be as successful as its advocates had hoped it would be, there is no doubt that an honest, intelligent and aggressive board does accomplish much in eliminating objectionable features from films."

Another plan, he said, is that of co-operation by the public with the producer and exhibitor in securing the kind of films desired by the community, using the admission ticket as a ballot to be cast only for clean pictures.

"That plan has broken down in several respects," he continued. "The industry, through elaborate advertising campaigns, has pushed the kind of pictures which the cooperating individuals and organizations do not wish to patronize. Through the system of block booking, the local manager claims to be unable to make his own selection and therefore is unable to comply with the desires of his local clientele."

## *Move Was Launched By Catholics Here*

(*Continued from page* 1)

committee of Catholic bishops is an independent American effort which was not directed, and has not thus far been recognized, by the Vatican.

While purposes of the campaign are understood to be favorably regarded at Rome, it is nevertheless declared to be a fact that the campaign originated here and that no formal sanction of it has yet been issued by the Vatican.

Yesterday's developments in church campaigns against objectionable pictures include these:

### *Illinois*

CHICAGO, June 27.—"The Movies Are Scared" is the heading over an editorial in *The Christian Community*, official organ of the Community Churches of America published here by the Community Church workers of the U. S. A.

"Talking pictures produced in Hollywood are being talked back to by the forces of decency," says the editorial. "The movies have been on a wild ride of indecency both in form, content and advertising. Now comes the Legion of Decency of the Roman Catholic Church and says: 'Clean up or we will boycott your shows.' Each one who joins signs a pledge to stay away from all shows.

"The way of coercion for Catholics is perhaps right and proper. The way of persuasion for others will seem more fair.

"We have visited good pictures recently. The list is a clean and satisfactory one. We may choose rather than boycott. 'Little Women' is a fine picture. So is 'Wild Cargo'. . . . 'Stand Up and Cheer' is relieving. 'David Harum,' while in the grand manner, is Will Rogers at his best. 'Itchy Scratchy' is an animal picture, vivid and entertaining. 'You're Telling Me' is good comedy. 'Carolina' is at least innocuous. And so the list grows.

"We deplore indecency as do all good lovers of 'the greatest educational force in American life,' as some one calls the cinema. Let people of the churches use and choose the better pictures, boycotting only the bad, and they will clean up.

"Communities need to be more vigilant about their own shows, whether pictures or legitimate stage. The right choice is still with individuals. So let the producers beware. America has passed from sophistication to discrimination."

### *Missouri*

SPRINGFIELD, Mo., June 27.—While other Protestant denominations are calling for a screen cleanup, the 104th general assembly of the Cumberland Presbyterian Church, meeting here and representing congregations largely in the South, refused to take any stand. A resolution condemning "the degrading moving picture show" and requiring the body to ask other denominations to join in a demand for Federal censorship was stricken from the agenda without discussion.

### *Massachusetts*

BOSTON, June 27.—Campaign of the Knights of Columbus against objectionable film calls for a division of the state into three parts, each in charge of a director. Each council will be assigned one or more parishes. Each parish will appoint committees to work with the council committees and the pastor of each parish will be asked to serve as honorary chairman of the parish committee. Members of the parish committee will distribute to each family in the parish a printed form giving the information to be disseminated.

### *Nebraska*

OMAHA, June 27.—An attempt to achieve some compromise between the local Catholic Standards Committee and distributors and exhibitors of Omaha came to a stalemate at a meeting held in the Catholic diocesan headquarters at the invitation of the Catholic group today.

More than a dozen neighborhood managers complained that the Catholic boycott of films came after first runs had finished and Charles Williams, president of the Nebraska M.P.T.O., made an appeal that the boycott be either made by a national board before the films are released or locally before the pictures play first runs. The committee promised to rush criticisms as far as local films are concerned.

A. Mendenhall, Paramount manager, explained that producers have taken recognition of the necessity of action and assured the committee that a new cycle of clean pictures is on the way.

One committeewoman admitted to Mendenhall that she had not seen a picture for four years and that she was instrumental in banning "Many Happy Returns," playing the Orpheum this week.

Evert Cummings, local manager for the A. H. Blank chain, spoke for the exhibitors. The meeting lasted three hours with no results other than each side explaining their positions.

### *Oklahoma*

OKLAHOMA CITY, June 27.—It appeared likely a new board of censors for Oklahoma City will be formed soon. Pat McGee, district manager for Standard Theatres, said he and Bishop Frances C. Kelly of the Oklahoma City and Tulsa diocese of the Catholic Church have been conferring.

McGee is for full co-operation with the Legion of Decency movement. In a formal letter to the legion, McGee pointed to the efforts of his company along these lines in special Saturday morning matinees for children. In a surprise move, he offered season passes to a legion board of censorship, suggesting that weekly lists of the objectionable and non-objectionable pictures be made public.

PREVIEW AUDIENCES CHEERED
COLUMBIA'S OPENING TRIUMPH
For 1934—1935
Watch this paper TOMORROW

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 151 | NEW YORK, FRIDAY, JUNE 29, 1934 | TEN CENTS

# $25,000 Fines Planned Under Production Code

## Fox Met. Deal Delays Film Selling Here

### *Shift of Control Might Shuffle First Runs*

Pending decision as to who is to get control of Fox Metropolitan Playhouses, all product deals are being held up in this territory. A realignment of the Fox Met. houses may change the entire first run situation and distributors cannot sell subsequents until the priority run deals are disposed of.

Some exchanges are selling major circuits all of their product, while

(*Continued on page* 15)

### *Complications Grow On Cleveland Duals*

CLEVELAND, June 28.—Efforts to eliminate duals here are becoming further complicated.

Aside from the plan of Victor Wolcott to open the Temple Friday with duals at 10 cents, three other groups, not in exhibition when Greater Cleveland exhibitors signed the pact providing for singles after July 8, are reported getting set to open double bill houses at the same price scale.

### *Para.-Capitol Pool Awaits Only Detail*

The Capitol-Paramount pool on Broadway is set except for minor details, Austin Keough of Paramount stated yesterday. One of the reasons for holding up the deal is the Mae West picture, "That St. Louis Woman." No date has been reached when the deal goes into effect.

Charles Moskowitz yesterday concurred in this view, stating another reason for holding up the deal is the fact attorneys for both parties are busy with the code and Fox Met. negotiations.

### *Columbia Three-Day Meet Starts Monday*

Columbia Pictures will hold its annual sales convention at the Ritz-Carlton, Atlantic City, starting Monday and terminating Wednesday.

Managers and the sales forces from Albany, Boston, Buffalo, Cincinnati, Cleveland, New Haven, New York, Philadelphia, Pittsburgh, Washington, Atlanta, Charlotte, Dallas, Memphis, New Orleans, Oklahoma City and the Canadian offices, will be in attendance.

Jack Cohn will welcome the visitors, after which Abe Montague, general

(*Continued on page* 15)

## *Pictures Are Pleasing 95% of Public—Warner*

ALBUQUERQUE, June 28. — "We are pleasing 95 per cent of the public," declared H. M. Warner here tonight during a pause of the westbound Chief in discussing the nationwide agitation for clean films.

"The present objections are coming from five per cent, which is a small but militant vocal minority," he went on.

"If this minority is sincere and broadminded and wants to cooperate with company heads, the problem can be solved, but if its motives are selfish and ulterior and designed to destroy the theatre because it competes with the church for the public's attention, then the crusade will fail."

The fact that some companies came through the depression without bank-

(*Continued on page* 8)

### *Playing Safe*

**Hollywood, June 28.—As a safety measure against the current movement for cleaner pictures, Samuel Goldwyn is having two different versions shot of several scenes in "Resurrection."**

## Para. Holders Outline Fight On Assessment

Whether or not Paramount stockholders will oppose any assessment on their holdings for reorganization purposes will depend upon a report of Coverdale & Colpitts, consulting engineers. The firm has been delving into Paramount affairs for the past two weeks and is expected to submit a report within the next two weeks.

First indication that the Kuhn, Loeb & Co. reorganization plan, which has been in work for several months, contemplated a stock assessment of approximately $2 per share for the pur-

(*Continued on page* 15)

## Clearance Not To End Coast Duals, Belief

LOS ANGELES, June 28.—Although Campi in New York today voted evenly on the local clearance and zoning schedule, the general opinion here is that duals will not be eliminated.

There is a clause in the clearance plan which provides a penalty of 182 days for theatres doubling. Objections have been raised locally by two distributors and independent exhibitors. In addition to the 182 days' penalty, twin bill houses lose all right to priority of run.

As a result of Campi's action, the

(*Continued on page* 19)

## *Campi Asks More Facts On U. A. Cancellations*

Due to lack of sufficient facts, Campi yesterday referred the U. A.-Egyptian, DeKalb, Ill., 10 per cent cancellation issue back to the Chicago grievance board for additional information. A rehearing of the case has been ordered.

Code Authority holds that all the facts in the case have not been presented and hence no decision can be rendered. What Campi particularly wants to know is whether the exhibitor was offered all U. A.'s product. If he did not buy all the films offered, it is held he has no case.

The legal committee is now drafting a report on the U. A. cancellation

(*Continued on page* 19)

### *Distributors Will Pay Penalty for Taking Films Not O.K'd*

HOLLYWOOD, June 28.—A fine of $25,000 in cash is to be exacted from any distributor member of the Hays organization releasing any picture that violates the production code or one in which ordered changes, corrections or modifications have not been made after production code administration has so decreed.

On unimpeachable authority, MOTION PICTURE DAILY learned today this drastic method has been determined upon to put teeth into production code administration and to demonstrate that the formula newly developed in New York as the organized industry's answer to church demand for cleaner pictures will function in deed as well as in theory.

It is understood the fine puts the responsibility on the distributor and will compel him not only to review pictures before his producing factor makes deliveries, but virtually guarantees that the code will be observed in order to escape the cash penalty. The plan will bind producers additionally in view of the fact that practically all of the major companies are their own producers anyway.

(*Continued on page* 8)

### *Unger May Be Named As Waite Successor*

J. J. Unger, who has temporarily taken over the duties of the late Stanley Waite, will most likely be appointed to Waite's former post. Unger is eastern division manager and is expected to continue present duties under a new appointment.

Unger is now attending Paramount's regional meets and will also be one of the principal speakers with Neil Agnew at the New York session, slated for July 5 and 6 at the Waldorf-Astoria.

### *Ontario Premier for Federal Censorship*

TORONTO, June 28.—Mitchell Hepburn, new Ontario premier, is in favor of abolishing the whole Ontario censor board and the creation of Federal film censorship covering all provinces to cut out the duplication of the eight boards now operating in the Dominion.

It would also reduce expenses, he contends. The trade is interested because it might make possible the elimination of two or three exchanges.

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Bareford, Leserman And Einfeld Return

Harold S. Bareford, Carl Leserman and S. Charles Einfeld returned to New York yesterday from the coast, where they spent several days following the company's final sales meet in San Francisco. Norman H. Moray, Vitaphone executive in charge of shorts and trailers, left Hollywood with them, but stopped off in Chicago for a brief business stay and is expected in New York Monday.

Major Albert Warner and Gradwell Sears remain at the studios for a while.

## Futter Here on Deals

Walter Futter is in town from the coast negotiating with three major companies on distribution for a series he plans next season. Futter will remain here two weeks and will then decide whether to return to the coast or sail for England.

He has not determined whether he will produce abroad or on the coast.

## Samuelson in West

GENEVA, Wis., June 28.—Sidney Samuelson, president of Allied, has arrived here from Buffalo to confer with unit leaders in connection with expansion plans. He will remain here for several days returning east early next week.

## Dixon in from London

P. McNeil ("Pat") Dixon, who handles theatre advertising and publicity for Gaumont British, arrived in New York yesterday from London. The trip is essentially a holiday.

# Insiders' Outlook

IT all ended in a blank. Efforts to check at this end the significant yarn which developed at the other end of the business, meaning Hollywood, got nowhere yesterday. There was speculation, all of it natural enough, following the decision to sharpen the teeth of production code administration by transferring the right of appeal from Hollywood to New York. The speculation began and ended in one sentence: How will the majors make their own decision work? . . .

▼

The answer developed yesterday. They propose a fine of $25,000 per violation and the distributor will be the goat if he's shortsighted enough to have himself manouevred into that position. Why the distributor? He sells them, doesn't make the product. Why not the producer? While the proposed plan would sock the distributor in reality it allows no escape for the producer. It does place the policing job on the former, it is true. But since he is the factor who makes available to the consumer the product over which the consumer, in very large numbers, has been complaining, the job will go where it belongs. . . .

▼

It will be up to the distributor to see that each picture is code-approved. If it is not, he will refuse to handle it, for if he does, he parts with 25,000 iron men in cash money, not promissory notes. Obviously, the distributor will see to it full well that the producing end of his enterprise conforms. Paramount, Fox, Universal, Metro, Columbia, Radio and Warners make their own pictures anyway and any patroling, therefore, will be easy. United Artists, as a selling organization, has contracts with producing companies and, by merely insisting that the code must be observed to the letter, rounds out the to-be-applied method where the distributor per se has nothing to do with the making of the pictures he handles. Outside product acquired by any or all of the above fit into the same division as U. A. . . .

▼

One of the weaknesses of the Studio Relations Committee, or forerunner of the production code administration, has been that it had no enforcement powers. When Joe Breen, who becomes a much more potent factor now than he has been—and this is anything but a slight to the power he has been wielding until now—today serves notice that a particular attraction violates the code, he cannot go beyond informing the producing studio that the picture is minus his endorsement. Now that disputes are to be adjudicated by the Hays directors in New York, the decision will be handed down in atmosphere less susceptible to favoritism and one-sided judgment. . . .

▼

Now that violators are to be punished by the fine system, considerably more judgment will enter any final decision to tell the code to go places. In other words, the setup turns the code into a powerful and effective brake on producers who have been difficult to keep in line. It serves notice on them that "bad boy" tactics won't go any longer and that this job of housecleaning is a serious, earnest endeavor to transform promise into action. . . .

KANN

## Loew Pfd. Slumps 5¾ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 29 | 28½ | 29 | —1¾ | 300 |
| Consolidated Film Industries, pfd | 14½ | 14½ | 14 | ..... | 100 |
| Eastman Kodak | 99½ | 99 | 99 | ..... | 200 |
| Fox Film "A" | 13¾ | 13 | 13½ | — ⅝ | 1,200 |
| Loew's, Inc. | 29⅞ | 27¾ | 28⅜ | —1¼ | 2,400 |
| Loew's, Inc., pfd | 96 | 91¼ | 91¼ | —5¾ | 300 |
| Paramount Publix | 3⅜ | 2⅛ | 2¼ | ..... | 12,000 |
| Pathe Exchange | 2⅜ | 2¼ | 2¼ | ..... | 1,400 |
| Pathe Exchange "A" | 20⅞ | 20½ | 20½ | — ¾ | 1,000 |
| RKO | 2¼ | 2⅛ | 2⅛ | — ⅜ | 800 |
| Warner Bros. | 5¾ | 5⅜ | 5½ | — ¼ | 2,900 |
| Warner Bros., pfd | 23½ | 23½ | 23½ | —1½ | 100 |

## Technicolor Off ½ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13½ | 13¼ | 13¼ | — ½ | 700 |

## Bond Market Off Slightly

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅞ | 8¾ | 8⅞ | ..... | 10 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8½ | 8½ | + ⅛ | 7 |
| Loew's 6s '41, ww deb rights | 101½ | 100 | 100 | —1¾ | 18 |
| Paramount Broadway 5½s '51 | 43 | 43 | 43 | —1⅛ | 2 |
| Paramount F. L. 6s '47 | 53 | 53 | 53 | — ½ | 1 |
| Paramount Publix 5½s '50 | 53 | 52½ | 52½ | —1½ | 2 |
| Pathe 7s '37, ww | 99⅜ | 99 | 99 | ..... | 8 |
| Warner Bros. 6s '39, wd | 58½ | 56⅝ | 56¾ | —1¾ | 40 |

# Purely Personal

DAMON RUNYON has sold "Broadway Financier" and "The Idyll of Miss Sarah Brown" to Paramount. The same company has also taken options on his "Hole 'Em Yale" and "Dark Dolores."

JACK ELLIS has written a new song, "Get the Dough With Radio," which he sang at the company's Chicago convention. He also wrote parodies on "Keep on Doing What You're Doing" and "Carioca."

WILLIAM MCBRIDE, formerly with H. C. Miner Lithograph Co., has joined Tooker-Moore Lithograph as salesman and contact man.

LOUIS GOLDING has completed a novelization of "The House of Rothschild," which will be brought out in England.

JACK BACHMANN slipped into town with B. P. SCHULBERG. Both leave for the coast today. At least, this was the plan late yesterday.

MAX BAER says he'll box any man in the crowd expected at the M. P. Club forum today. No takers at press time early this morning.

ERIK RHODES, Broadway stage player, has been signed by Radio and has left for the Coast. He will play in "The Gay Divorce."

JOE PENNER leaves for the coast by boat next Thursday to start work in "College Rhythm" for Paramount.

LANNY ROSS leaves for the coast in about three weeks.

LOU METZGER plans to leave for the coast tomorrow or Sunday.

CLINT WEYER leaves for Philadelphia today. Returns tomorrow.

## David Ginsberg Dies

David Ginsberg, father of Henry, vice-president and general manager of Hal Roach Prod., died Wednesday night. He was over 70.

HOLLYWOOD, June 28.—Henry Ginsberg is hurrying east by plane and, weather permitting, was scheduled to arrive in New York late Thursday night or very early Friday morning.

## Condition Unchanged

HOLLYWOOD, June 28.—Marie Dressler's condition continues unchanged. Doctors admit her conditions is serious, but say there is no immediate danger.

## To Show French Films

Two French features, "L'Enfant Du Carnival" and "Le Gendre de Monsieur Poirier," are to be shown on the *Paris* tonight by John S. Tapernoux.

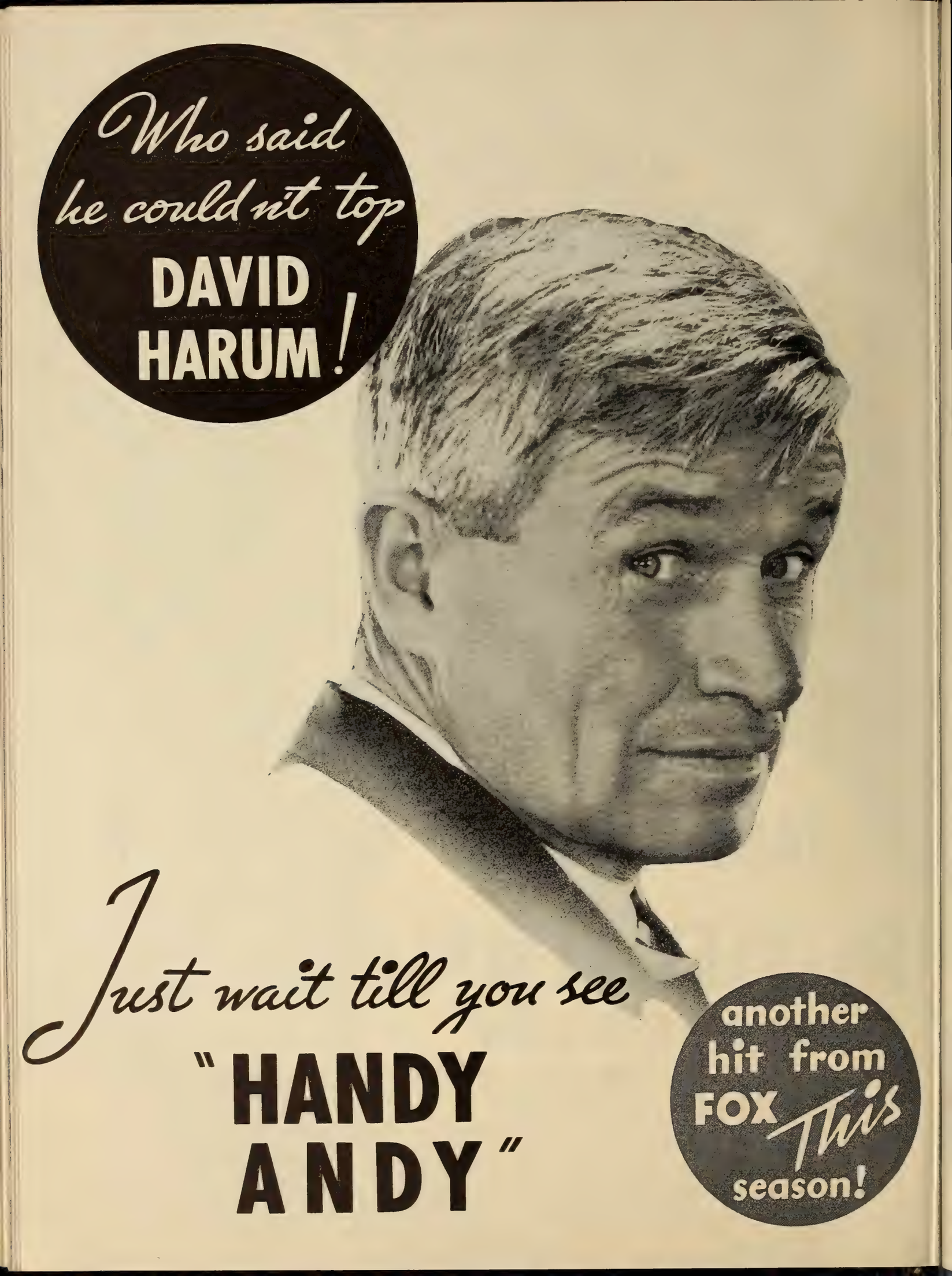
## "Cleopatra" Roadshow

"Cleopatra" will be the first special on Paramount's list to be roadshown. The Criterion will in all probability be the New York opening spot.

## "Shoot Works" to Para.

"Shoot the Works" has been dated into the Paramount starting July 6 for two weeks.

RIGHT UP ON TOP Right now!
...and proving in town after town that she is the outstanding personality of today's box-office bets!
"BABY, TAKE A BOW"
with
SHIRLEY TEMPLE
JAMES DUNN
CLAIRE TREVOR
Produced by John Stone Director: Harry Lachman
Based on a play by James P. Judge
Screen play: Philip Klein and E. E. Paramore, Jr.
another hit from FOX This season!


Who said he couldn't top DAVID HARUM!
Just wait till you see "HANDY ANDY"
another hit from FOX This season!

**HERE'S WHY**
(from *"Variety Daily"*): ***Fast stepping entertainment which is bound to please the populace.*** The wholesomeness of the piece provides one of the strong selling points for family trade. Alice Faye carries herself with seductive appeal. Lew Ayres does his stuff with amusing swagger. Mitchell and Durant are hilarious.

**HERE'S WHY**
(from ***"Motion Picture Daily"***): "Comedy and romance hornpipe together with laughter holding both its sides. Miss Faye is tailor-made with her song number, a honey. Ayres makes a decided dent in a rollicking romantic part. Mitchell and Durant groove into the plot with hilarious hokum. ***Because it is clean, smart entertainment with laughs and kisses, this should hit."***

# SHE LEARNED ABOUT SAILORS

with

## LEW AYRES · ALICE FAYE

### HARRY GREEN

### Frank MITCHELL & Jack DURANT

**Produced by John Stone**
**Director: George Marshall**
Screen play by William Conselman and Henry Johnson

FOX

another hit from FOX This season!

# "MONICA" M

IN NEW YORK (HELD OVER)—IN MILWAUKEE (TRIPLE

# WARNERS

IN THE 1935 MANNER—FOR SUMMER!...

—"HERE COMES THE NAVY"—"DAMES"—

# AKES GOOD

ROSS)—IN MEMPHIS AND SAN ANTONIO (50% INCREASE)

# MAKE HITS

"MADAME DUBARRY"—"CIRCUS CLOWN"
"BRITISH AGENT"—"FLIRTATION WALK"

# $25,000 Fine For Offenses Via the Code

(Continued from page 1)

In the event of violations, the cash thus gathered will not be turned over to the treasury of the Hays organization, but be set aside in a special production code administration fund to strengthen the formula and augment its activities and functions.

MOTION PICTURE DAILY's informant here also suggested that the fund which may grow out of code infringements might be used for hiring code scenario editors who would write suggested scenes in any scripts for those under fire. Where recalcitrant producers might assume the stand specific and objectionable scenes could not be rewritten, production code administration, under this plan, then would turn to its own scenarists to demonstrate how it can be done.

Diligent efforts to line up comment or reaction from ranking studio executives failed to get very far today. Over the telephone, B. B. Kahane of Radio stated this was the first he had heard of any such plan and naturally could not make comment. Jack L. Warner stated he knew nothing of any such proposal. Emanuel Cohen of Paramount and Winfield Sheehan at Fox would neither confirm nor deny, declaring they had no official notification of the existence of such a plan.

Louis B. Mayer said he had never heard of the idea and added it sounded illogical. Samuel Goldwyn was another who professed to be in the dark.

Harry Cohn, president of Columbia Pictures, today said, "If they have decided on that it's a damned good idea."

## U. S. Judge Nields Criticizes Pictures

WILMINGTON, June 28.—Films produced here and exhibited in foreign countries which give a false and distorted idea of the manner in which the people of the United States live and of their standard of morals were severely criticized by Federal Judge John P. Nields of Wilmington before a naturalization class in the U. S. District Court room here.

"Eighty per cent of the films shown in foreign nations," Judge Nields said, "come from America and give a false and highly distorted picture of life and morals in the United States." He said more than 10 years ago the spokesman of the producers of this country had promised that "the films that shall go from this country abroad shall present to the world in proper manner the purposes, the ideals and the life of America."

"This promise," he asserted, "has not been kept and the American film board is a serious problem with which foreign born citizens should be concerned."

## *Iowa, Nebraska ITO Endorses Film Drive*

OMAHA, June 28.—Approval of the Catholic drive for clean films has been voted by the I. T. O. of Nebraska and western Iowa, meeting here. Block booking was condemned at the same time.

# *Pictures Are Pleasing 95% of Public—Warner*

(Continued from page 1)

ruptcy or receivership and showing a profit is proof they must have satisfied public entertainment tastes and demand, he said.

The industry plant is geared to produce any sort of entertainment called for, he continued.

"If the public wants clean entertainment, we can turn it out, but we can't do it at a loss. During last season Warners turned out two absolutely clean pictures, but they failed throughout the country, and it is doubtful if we will even get the negative cost out of 'As the Earth Turns.'

"Conceptions of morality, what is clean and unclean, are mental and we can't make pictures to suit everybody's taste. Regardless of any measures we take to satisfy reformers, we will still be censured by some elements. The industry's sole reason for existence is to make entertainment, which has been recognized to be as essential to present day life as food.

"Moral standards are much higher than several years ago."

Answering the criticism that the screen influences child behaviour, Warner said:

"We don't produce pictures exclusively for children, but I don't know of any Warner picture I wouldn't want my own children to see. However, we have recognized the child angle by having special Saturday matinees."

Warner indicated that literature, even the Bible, contains many references to sex, but it is not subject to wholesale condemnation for this reason.

## *Kansas City Bishop Enters Film Drive*

KANSAS CITY, June 28.—Bishop Thomas F. Lillis, head of the Kansas City diocese, today joined the clean film drive by issuing a pastoral letter to be read in Catholic churches next Sunday.

The diocese includes 80,000 Catholics in Kansas City and and 24 western Missouri counties.

Calling for League of Decency pledges, Lillis said the move had been ordered by the hierarchy of America. He accused the industry heads of bad faith in that they had violated pledges to produce only clean pictures. He also declared that Catholics will continue the boycott until proof is furnished decency has been restored.

New developments in the campaign against objectionable films follow:

### *Illinois*

CHICAGO, June 28.—Approximately 2,600,000 Catholic children in parochial, grammar and high schools will be enrolled in the League of Decency campaign on advice of Archbishop John T. McNicholas of Cincinnati. The archbishop is chairman of the Catholic Bishops' Committee on Motion Pictures which conferred with industry representatives in Cincinnati last Wednesday and Thursday and was informed of plans to strengthen the production code administration.

In a statement, Archbishop McNicholas declared:

"We are assured by the production industry that this week part of the code has been abrogated, that the appeal jury has been transferred to New York, a jury of the presidents of the producing companies," he said. "There is promise in this, but at the same time the church must be vigilant. You must be vigilant. If the jury does its work in New York as badly as it did in Hollywood, there is nothing to do but continue aggressive action."

There will be no compromise with the industry in the League of Decency fight against unclean films, according to Rev. George F. Dinneen, rector of St. Ignatius church, now a member of the national committee of priests leading the movement.

Father Dinneen, for many years, has been active in motion picture work and has frequently appeared in connection with differences within the local industry over problems of censorship. He has also been active in directing the film programs at Loyola University Theatre.

### *Louisiana*

NEW ORLEANS, June 28.—Mississippi's Catholic women, acting through the board of the Natchez Diocesan Council, have lined up squarely behind the recently inaugurated campaign against objectionable pictures. The Right Reverend R. O. Gerow, Bishop of Natchez, and a prime mover in the drive in this state, attended the semi-annual meeting of the board here and drew satisfaction from the wholehearted assurances of co-operation given him by the women's council. Frances Donovan, of Vicksburg, secured the signature of every member of the board of resolutions endorsing the drive for cleaner films.

### *New York*

A resolution indorsing the protests of various church groups against indecent pictures, introduced by Rev. Geo. A. Crapullo, pastor of Irving Sq. Presbyterian Church, Brooklyn, has been unanimously passed by the Presbytery of Brooklyn-Nassau. The resolution also condemned block booking.

### *Tennessee*

NASHVILLE, June 28.—Southern Baptist ministers, 12,000 strong, have been requested by their denominational leader to join actively in the movement against films and "picture places which are destructive of home and religious ideals."

### *British Columbia*

VICTORIA, June 28.—Members of the Catholic Women's League, meeting here, have been urged to remain away from sex and gangster films. A Canawide movement, non-sectarian in nature, is being considered to further the move against objectionable films.

## *Clean 'Bordertown' Story*

HOLLYWOOD, June 28.—Warners are making every effort to clean up the "Bordertown" script. The story deals with Mexican border towns and is slated for Paul Muni.

# Segall Named New Head of Penn. MPTO

PHILADELPHIA, June 28.—Following the resignation of all officers of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware an entirely new slate was chosen with Charles Segall as president.

Others named were: First vice-president, Harold D. Cohen; second vice-president, Michael Egnal; treasurer, Mike Leffy; financial secretary, Marcus Benn; secretary, George P. Aarons; board of managers, which was increased to 12, Ed Jeffries, Benn, Morris Gerson, Luke Gring, Leonard Schlessinger, Abe Sablosky, Morris Spiers, Lou Felt, Joseph Conway, I. Hoffman, Morris Handle and Fred Leopold.

Lewen Pizor was made an honorary member of the board with a right to vote. The members also voted to remain with the national body and to retain the present name.

Ed Kuykendall, M. P. T. O. A. head, reviewed the code situation and defended the M. P. T. O. A. He insisted it was necessary to give the code a fair chance. He declared there was great danger from outside the industry and cited proposed film legislation in a number of states.

M. E. Comerford called on the meeting to pass a resolution asking producers to clean up films and to watch advertising. He expressed the opinion that churches would be fair to films, if they were cleaned up, and said he believed about 80 per cent of the present complaints were justified.

At a luncheon which followed the meeting George Dembow of National Screen Service brought up the subject of distribution of trailers by M-G-M, and said he had copies of protests from 750 circuits and individual exhibitors representing 4,000 theatres. He said distributor participation in trailer selling would soon raise another score charge problem. A resolution was passed asking M-G-M, in view of economic conditions, not to lay an added expense on exhibitors by launching its own trailer service.

The meeting closed with a testimonial to Lewen Pizor by Segall, the new president.

## *Council Lining Up Program for N. E. A.*

WASHINGTON, June 28.—Meeting at the call of Mrs. August Belmont, president, and former Ambassador Alanson B. Hopghton, a group of members of the M. P. Research Council today opened a conference at which will be developed a definite program with respect to the religious movement for clean films.

The meetings are being presided over by Dr. Charters of the School of Education of the University of Ohio. Results attained will be laid before the convention of the National Education Ass'n. to be held here next week.

Officials of the council explained that the conference was called to devise a program which will meet the "emergency situation" brought about by "public opinion."

# FOX-*Educational*

# SHORT SUBJECTS

## Sparkling Gems
FOR THE
## PERFECT PROGRAM

**Like sparkling jewels, adding their dazzling touch to a perfect ensemble, Fox short subjects are the ideal embellishment for a fine feature, the perfect finishing touch for a good show.**

**Short subjects from Fox are the product of the industry's foremost specialists in this field, Educational Pictures and Movietone News, Inc. Through big star name values, timeliness and high entertainment quality, they build the kind of program that makes for more satisfied audiences and bigger theatre profits.**

# The Best Fun and the

# in Educational's 52

Ernest Truex

HA! HA! HA! HA! HA! HA! HA! HA! HA! HA! HA! HA! HA! HA!

OLD Experience and a New Deal—the specialized short subject training of the makers of *Educational Pictures,* now distributing through Fox—brought you last season a program of comedies that reached a new high level for big name values. They presented an imposing array of marquee names...ERNEST TRUEX...BUSTER KEATON...HELEN MORGAN...STOOPNAGLE and BUDD...MILTON BERLE...BOB HOPE...SHIRLEY TEMPLE...The Three RITZ BROTHERS...and many other popular favorites of the screen, the stage, and the radio.

The record achievement of 1933-1934 is the starting point for 1934-1935. Here is a line-up of comedies that will set still higher records for name value, for production quality, for entertainment merit.

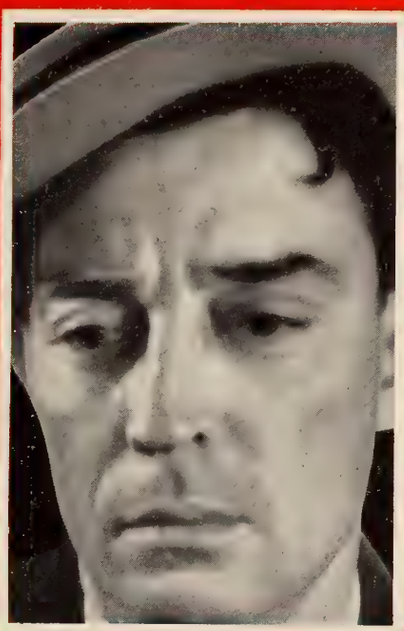
As for many years past, the *Educational Pictures* trade-mark will again in 1934-1935 be the guide for thousands of exhibitors to the best they can offer their public in two-reel comedies.

## Educational Pictures

# BIGGEST STAR NAMES are Two-Reel Comedies . . .

## 12 STAR PERSONALITY COMEDIES

Every month a Big Comedy featurette, with a name ranking with you better feature attractions. Starring **Ernest Truex** and **Buste Keaton,** two of the greatest names in comedy, continuing the big hit with which they took commanding leadership in short comedies last season



**Buster Keaton**

## 12 MUSICAL COMEDIES

Stars famous for successes on stage and radio . . . new son hits . . . snappy amusement in the modern mode. Another deluxe series one-a-month featurettes that will provide some of the finest music comedy entertainment you will get in any pictures—of any length.

## 6 FROLICS OF YOUTH

Youth has its fling, and all the world, young and old, has hearty laugh. The unbroken record of big first-runs for the first seri of **"Frolics,"** featuring **Junior Coghlan** and **Shirley Templ** proves their universal popularity.

ADDITIONAL SERIES OF TWO-REEL COMEDIES ON NEXT PAGE . . . .

# THE TWO-REEL COMEDIES WITH THE BIG NAMES AND THE BIG LAUGHS

## 8 CORONET COMEDIES

The series of star comedy hits that last season featured a long list of stage, radio and screen favorites—**Taylor Holmes, Tom Patricola** and **Charles Judels, Stoopnagle** and **Budd,** the **Three Ritz Brothers.** Every new **Coronet** is a surprise and a rare laugh treat.

## 8 MARRIAGE WOWS

Homely, down-to-earth comedies that America loves, because they *are* America. Featuring a young married couple as American as chewing gum, in situations which crystallize the humor of the modern American home. People that everybody knows, in comedies that everybody will appreciate.

*Educational Pictures*

## 6 YOUNG ROMANCE

Sparkling episodes of the younger set's romantic interludes. A series about "charming young people" who can love and laugh—boys and girls whose enthusiasm for life is exhilarating. Refreshingly different, **"Young Romance"** will "perk up" any program.

Presented by
E. W. Hammons

SPECIAL EXTRA...

## ...BING CROSBY...

*Singing The Songs That Made Him The Radio Idol of Millions* in **4** SHORT SUBJECT SPECIALS *Offering Big Feature Profits*

"I SURRENDER, DEAR" • "DREAM HOUSE" • "ONE MORE CHANCE" • "BILLBOARD GIRL"

*Produced by* **MACK SENNETT**

# AS A GOOD COCKTAIL STARTS A FINE DINNER....

## These 58 ONE-REEL GEMS

of Music, Mirth, Thrills and Novelty

will add Zest to Your Programs

## 6

## ADVENTURES OF A NEWSREEL CAMERAMAN

Most Thrilling
Short Subjects
Ever Produced

FOX

## 26

## PAUL TERRY TOONS

*By Frank Moser and Paul Terry*

Every season adds to the popularity of the screen cartoon.... the picture everybody loves. Terry-Toons always furnish a perfect touch for any program because of their unfailing laughs, their splendid musical treatment, their good, clean fun.

*Educational Pictures*

## 10

## Gems from the TREASURE CHEST

The pick of the surprise single-reel hits of the year. The series that has just brought out "Pagliacci." Drama, comedy, music, beauty, thrills... children and animals... nature, adventure. A wide variety of subject matter, but every one a jewel of entertainment.

*Educational Pictures*

ADDITIONAL SERIES OF ONE-REEL SUBJECTS ON NEXT PAGE....

# 6
# ALONG THE ROAD TO ROMANCE
## Upon the Magic Carpet of Movietone

World's Most Beautiful Travel Series

FOX

# 10
# SONG HIT STORIES

Songs the whole world is singing. Their drama, their humor, their romance told in pictures such as "The Last Dogie." Their popular melodies sung by famous stars.

Educational Pictures

## YOU CAN ALWAYS HAVE A GOOD SHOW WITH FOX-EDUCATIONAL SHORT SUBJECTS

## YOU CAN ALWAYS BUILD BIGGER PROFITS BY EXPLOITING THEM

Hectic years of strange battles for business, of wild premium orgies, of double featuring, cannot obscure the fact that the biggest asset a theatre can have is a reputation for always having a good show, on the screen. Only with good short subjects can this reputation be built. Only by exploiting them can you take full advantage of their business building power.

Fox-Educational short subjects are the kind that make the customers want to come again. Their stars are real marquee names. They are backed up with consistent, nation-wide exploitation and publicity. They are accompanied by accessories to make theatre exploitation easy and efficient. It's good business to make them always a part of your show, and to make them a vital part of your advertising as well.

FOX

Educational Pictures

"THE SPICE OF THE PROGRAM"

Printed in U. S. A.

# Fox Met. Deal Delays Film Selling Here

(Continued from page 1)

others are contracting for only half to one circuit and the balance to another.

Recently Randforce and Skouras tried to enter negotiations for new product and were told by distributors nothing could be done until the court decides who will get the circuit of 87 houses.

If Warners and Loew's get the houses, RKO may find some of the distributors' product now playing its theatres switching to Loew's and Warners. RKO, in rebuttal, is lining up a number of independent houses on booking and operating deals.

No new developments took place yesterday between bondholders of Fox Met. and attorneys for Loew's and Warners. No meeting was held but it is likely an agreement will be reached prior to the court hearing before Judge Julian Mack next Tuesday.

## Columbia Three Day Meet Starts Today

(Continued from page 1)

sales manager, will discuss policies governing Columbia's activities for the coming season, followed by the various heads of each department identified with the sales force. One of the most important features of the first day's program will be a talk by William Jaffe, head of Columbia's legal department, who will explain the code. In his address to the visiting delegates, Montague will divulge promotions and plans for expansion in both domestic and foreign fields.

Current product liquidations and plans for the new season will be discussed by Joe McConville, national sales supervisor. The proper methods of writing an equitable contract with a view of reducing to a minimum possibility of misunderstanding or dissatisfaction will be thoroughly discussed by Rube Jackter, assistant sales manager. Louis Astor, home office sales executive, will talk on the relation between the home office and the forces in the field, and urge the development and maintenance of a closer contact.

Maurice Grad, director of sales promotion, will discuss the further development of his department with a view to affording further assistance to the exhibitor through direct contact with the public. Lou Weinberg will take for his subject liquidation as it applies to the major circuits as well as the major independents. J. W. MacFarland, short subject sales supervisor, will discuss various phases of the activities grouped under that head. Accessories will be handled by Al Seligman, manager of the accessory department.

## Toeplitz Sets First

LONDON, June 28.—Toeplitz Prod. recently formed here, will produce "The Dictator" as its first. It is a costume story dealing with Sweden in the 18th century.

# Tower Publications Gives Medals on Best Film Work

*Tower Publications* yesterday presented gold medals to the producers, directors and players whose motion picture contributions during the past year were acclaimed by the Peoples' Academy to be the most meritorious.

Universal's "Only Yesterday" was acclaimed the best romance; Warners' "Kennel Murder Case," the best mystery; Radio's "Little Women," the best human interest story, and M-G-M's "Dinner at Eight," the best feature of 1933.

Paramount's "Duck Soup" took top honors for being the best comedy while Warners' "42nd Street" got a gold medal as the best musical. Walt Disney and United Artists won the award for the best short subject with "Three Little Pigs," and Paramount took a second medal for the best newsreel.

To Frank Capra went the award for the best direction, on the merits of Columbia's "Bitter Tea of General Yen." Katharine Hepburn and Fredric March were each awarded a medal as the best performers of the year.

The presentations were made by ex-Governor Nellie Taylor Ross of Wyoming, who is now director of the United States Mint. Louis Nizer of the New York Film Board of Trade was the toastmaster, and addresses were made by Miss Catherine McNelis, presedint of the *Tower Publications*, by Major Edward Bowes, vice-president of M-G-M; Arthur De Bra, representing Will H. Hays, and Mrs. Constance Sporborg, head of the east coast previewing group of women's associations, and an executive of the General Federation of Women's Clubs.

The presentations were made at a luncheon at the Hotel Astor, attended by Robert F. Sisk, advertising director of RKO; Ned Depinet, president of Radio Pictures Distributing Co.; Hal Horne, advertising head of United Artists; Al Wilkie, publicity executive of Paramount; Herb Crooker, representing Warners; Aileen St. John Brenon; Si Seadler, advertising chief of M-G-M; Jack Cohn, vice-president, and George Brown, advertising director of Columbia; Alma Masony, *New Movie Magazine;* Mrs. James Featherstone, editor of *Home Magazine;* James P. Cunningham, of *Quigley Publications;* Paul Gulick, advertising and publicity executive of Universal; Hazel Flynn, Music Hall; Jack Harrower, *Film Daily;* Howard Dietz, in charge of M-G-M advertising and publicity; Betty Lenahan, *Tower Publications;* Harry Buckley, United Artists; Helen Hughes, secretary of Universal; Russel Holman, Paramount, and Bert Adler, *Tower Publications.*

People's Academy, the source of the awards, is said to represent some 1,300,000 readers of the *Tower Publications.* The poll was based on ballots submitted by these readers.

The keynote of the speeches was the significance of the type of product selected by the public to the so-called "clean pictures" movement, the votes reflecting the preference for this type of feature, it was said.

## No More Charges in New Darrow Report

WASHINGTON, June 28.—No additional charges are made against the code in the third and final report of the Darrow Board, shortly to be submitted to President Roosevelt, it was learned upon good authority today.

While the code is discussed to considerable extent in the report, it was said, no new complaints are lodged and it represents merely a restatement and expansion of the original criticisms, accompanied by a vigorous condemnation of the National Recovery Administration for its failure to make the changes recommended.

Since presentation of the original report, it was revealed, a number of additional complaints and criticisms have been received, but most of these were found to apply to matters studied by the board during its investigation.

## Fox and Warners to Avoid Studio Rushes

HOLLYWOOD, June 28.—In order to maintain an even production level so that no shutdown will be necessary and also to avoid extremely high and low points of activity, Fox will endeavor to have only five pictures in production at one time throughout the ensuing season. The five will be divided between the Western Ave. plant and Westwood.

Warners are inaugurating the same policy for the same reasons. In Warners' case, as with Fox, production will be divided between their Burbank and Sunset Ave. studios.

## Court Holds Fate Of Union Records

Justice James A. Dunne in the Brooklyn Supreme Court, after hearing argument for and against the motion to compel the Brooklyn District Attorney's office to return forthwith all books, papers, records and letters that were seized in simultaneous raids on the Brooklyn and Manhattan offices of Local 306 of the Operators' Union, and the Empire State Operators' Union said, "I will decide this on the legal aspect alone."

If he decides the seizure was legal, the grand jury will go through the books for evidence to indict union officials over labor disputes and contracts. Otherwise the District Attorney's office will be stopped from pursuing its investigation against union activities.

## Grace Moore Retained

HOLLYWOOD, June 28.—Columbia has retained Grace Moore on a contract calling for three pictures a year as a result of her work in "One Night of Love."

## Beery Enroute Here

HOLLYWOOD, June 28. — Wallace Beery is flying to New York in his own plane for a ten-day trip to conduct personal business.

## Set Chicago Distribution

CHICAGO, June 28.—Irving Mandel's Security Pictures is handling Master Arts sales here under the new distribution plan of the company.

# Para. Holders Outline Fight On Assessment

(Continued from page 1)

pose of raising $5,000,000 for partial retirement of bank loans was contained in MOTION PICTURE DAILY last Monday.

Stockholders, basing their knowledge thus far on trustees' reports, take the stand that the company is not insolvent and that an assessment is not necessary. A spokesman for the protective committee points out that the $25,000,000 in debentures, the $30,000,000 in subsidiaries' debts and the $13,000,000 in bank loans can be carried for about $4,000,000 a year, and it is estimated that the producing and theatre companies will have an income this year of $8,000,000 or $9,000,000.

Under the new bankruptcy law, it was pointed out, the court has wide discretion in deciding reorganizations. If the court decides a company is insolvent, two-thirds of the creditors and security holders can decide a reorganization plan; if it decides a company is not insolvent, consent of a majority of the stockholders is needed.

## Para. Reorganization Plan Gossip—Keough

Denying a plan for reorganization of Paramount had ever been presented officially, Austin Keough yesterday said that "it is purely gossip. No deal of any kind has yet been presented."

## Subbing for Holmes

Maurice Newton, of Hallgarten and Co. will act as temporary chairman of the Paramount stockholders' protective committee when Duncan A. Holmes, chairman, sails for Europe shortly. Holmes is a partner of Moore, Leonard and Lynch, downtown bankers and brokers.

## Eastern Allied to Join A. C. Session

Eastern Allied units will join Allied of New Jersey at the annual convention in Atlantic City Aug. 22-24. The convention committee, comprising Julius Charnow, Leon Rosenblatt, Harry Hecht, Dave Snaper and M. Gerofsky, yesterday decided to hold the three-day session at the Ritz Carlton.

About 300 are expected to attend and Sidney Samuelson will be reelected president. Units from Albany, Baltimore, Boston and New England will attend.

## Western Theatres Shift

DENVER, June 28.—One spot, the Colonial, managed by Ed Anderson, at Pueblo, closes July 1. Another, the Chief, Colorado Springs, has reopened. Opening of the Cactus at Carlsbad, N. M., has been set back to the middle of July.

## Percentages Not Set

RKO has not yet decided on the number of percentage pictures next season. The company is releasing 50 features during 1934-35.

# "Shoot Works" Pulls Despite Coast's Scare

Los Angeles, June 28.—Theatre business continues to take it on the chin as the infantile paralysis scare gains. Only two first runs succeeded in reaching average last week.

One of these was the Paramount, with "Shoot the Works" and a stage show headed by an F. & M. Revue. The $18,641 take was up by $641. At Loew's State "Manhattan Melodrama" was $450 up with $14,450.

Total first run business was $67,969. Average is $71,850.

Estimated takings for the week ending June 20:

**"HOUSE OF ROTHSCHILD" (U. A.)**
CHINESE—(2,500), 50c-$1.65, 3 days. Sid Grauman prologue. **Gross:** $6,218.

**"SHAME" (Amkino)**
FILMARTE—(900), 40c-50c, 3 days. **Gross:** $200.

**"ISLAND OF DOOM" (Amkino)**
FILMARTE—(900), 40c-50c, 4 days. **Gross:** $160. (Average week $2,650.)

**"MANHATTAN MELODRAMA" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $14,450. (Average, $14,000.)

**"SHOOT THE WORKS" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue with David Lorenz, Kirby & Duval, etc. **Gross:** $18,641. (Average, $18,000.)

**"FINISHING SCHOOL" (Radio)**
RKO—(2,700), 25c-40c, 7 days. Baer-Carnera fight picture. **Gross:** $7,500. (Average, $8,000.)

**"A MODERN HERO" (Warners)**
WARNER BROS. (Hollywood)—(3,000), 25c-55c, 7 days. **Gross:** $9,500. (Average, $14,000.)

**"A MODERN HERO" (Warners)**
WARNER BROS. (Downtown)—(3,400), 25c-55c, 7 days. **Gross:** $8,200. (Average, $12,000.)

**"LITTLE MAN, WHAT NOW?" (Univ.)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $3,100. (Average, $3,200.)

## *Drops Missouri Case*

Kansas City, June 28.—S. Bank, Fulton Theatre, Fulton, Mo., has withdrawn his complaint against Dubinsky Bros. in Jefferson City, Mo., charging excessive protection over Fulton. Existing clearance of two weeks between the towns will stand, it is understood, pending other arrangements.

Originally filed in St. Louis, the case later was transferred here by Campi and served to establish the principle that complaints must be filed in the respondent's territory.

## *Allot New Franchise*

World Wide Pictures, Inc., has allotted the Buffalo and Albany territory franchise to Charles H. Tarbox, F. C. Pictures Corp.

## *Real Fans*

**Cincinnati, June 28.—Word comes from Frankfort, Ky., of the movie-minded family of Mr. and Mrs. Joseph M. Lutkemier, who named their first daughter Jo Ann after Joan Crawford. The next offspring, also being of the female of the specie, was named Kay Francis, while the third arrival last week, likewise of feminine persuasion, was christened Shirley, after Shirley Temple.**

## *Stay Aids Memphis Programs on Sunday*

Memphis, June 28.—Chancellor Bejach has granted the Orpheum a preliminary injunction restraining the city from interfering with the theatre's license while operating the Sunday Cinema-teria, and has agreed to hand down a declaratory judgment on the legality of the Sunday sandwich show.

It is expected this will enable the Orpheum to run at least two months on Sundays. Charles Mensing, manager, says he will have a revue and vaudeville in connection with "Along Came Sally" next Sunday.

## *Lines Up Big Cast*

Hollywood, June 28.—Universal bought a load of names today for "Gift of Gab," Edmund Lowe starring vehicle, which goes into production Monday. Gloria Stuart will have the feminine lead and Alice White and Victor Moore are already assigned. New additions will include Lowell Sherman, Paul Lukas, Chester Morris, Karloff, Bela Lugosi, Binnie Barnes and Roger Pryor. Phil Baker, Ruth Etting, Gene Austin, the Downey Sisters, the Beal Street Boys and Gus Arnheim's orchestra and Ethel Waters will appear in a radio skit. Karl Freund is directing.

## *Meeting Postponed*

Hollywood, June 28.—With both Writers' and the Actors' Guild prepared to meet in Emanuel Cohen's office to lay down a code of fair practice with agents before the Agency Committe today, the meeting was postponed until Monday night due to the inability of several members of the 5-5 commit tees to get working.

## *Set Allied Hearing*

Federal Judge Robert A. Inch in Brooklyn yesterday fixed July 20 date for hearing the petition of Francis T. Pender, president of Allied Owners Corp., bankrupt, for the reorganization of the corporation under the new bankruptcy law. Allied is a subsidiary of New York Investors, Inc., and the petition for reorganization was filed June 22.

## *Charter Liberty Theatre*

Albany, June 28.—Theatre of Liberty, Inc., Liberty, N. Y., has been chartered at Albany with capital of 200 shares non par value stock. Frederick H. Starck, Lulu H. Starck, Calicoon, and Joe Dealy, Liberty, are directors and subscribers.

## *Ida Lupino Better*

Hollywood, June 28.—Ida Lupino, who has been ill with infantile paralysis, is well on her way to recovery. The actress will be ready to resume activities at Paramount by July 15, according to her physician.

## *Hoffberg Opens in Paris*

J. H. Hoffberg Co. has opened a new sales office in Paris, in charge of Joseph P. Lamy. Hoffberg has acquired from Morris Kleinerman the European rights to four series of colored cartoons and colored novelties.

## *N. O. to Meet Mondays*

New Orleans, June 28.—Meetings of the clearance and zoning board will hereafter be held every other Monday.

## *Admonished*

**Hollywood, June 28.—This is a follow-up on the story of the two producers who got into an altercation in the locker room of a swank golf club, exchanged words, shook fists, and chased each other around the locker alleys nude as two babies.**

**The sequel occurred when first producer attended the preview of a film in which his opponent was interested.**

**After the showing, the first producer inadvertently ran into his adversary face to face in the lobby and remembering the admonitions of his wife, sputtered:**

**"It's a fine picture—God forbid."**

## *'Marker' Ban Throws Bombshell in Omaha*

Omaha, June 28.—Exhibitors here, as well as the Paramount exchange, were rocked and shocked today when the Catholic Standards Committee banned "Little Miss Marker," slated to open at the Orpheum Friday. Only last Sunday the picture had been recommended in the *Sunday Visitor*, a Catholic weekly, by the International Federation of Catholic Alumni.

The Catholic Standards Committee, however, stated it is not always in agreement with the Federation and could not accept its recommendation in this instance.

## *Fox Special Opens*

"The World Moves On," Fox special with Madeleine Carroll and Franchot Tone, opened at the Critrion last night on a two-a-day basis.

S. R. Kent, John D. Clark, Spyros Skouras and Jack Sullivan were among the Fox distribution and theatre executives present.

Glenda Farrell, now visiting from the coast, also was in the audience.

## *Kennedy's Name Up*

Washington, June 28.—Joseph P. Kennedy, former head of FBO and Pathe, today was reported in line for the chairmanship of the new Federal commission which will regulate the stock market.

He is one of the candidates along with Ferdinand Pecora of New York.

## *Kansas Passes Fight*

Topeka, June 28.—The Baer-Carnera fight films have been passed by the Kansas state censors and are showing in Fox theatres. Some championship fight pictures have been banned by the censors in previous years.

## *Melniker to Coast*

Hollywood, June 28. — William Melniker, M-G-M representative in South America, arrives here July 5 for his annual two-week visit at the studio.

## *Fire Destroys Theatre*

Rocky Ford, Col., June 28.—The Grand here has been destroyed by fire. Damages, including scenery, musical instruments and personal effects, amounted to $100,000. A cigarette is thought to have been the cause of the blaze.

# Loew Willing To Join K.C. Price Boosts

Kansas City, June 28.—Considered the stumbling block toward working out reasonable price schedules in Kansas City, Loew's is now willing to join Publix, RKO and Fox in raising first run tariffs from 25 cents to a minimum of 40 cents at night, provided the independent suburbans agree to hike their scales. The Tower, independent downtown first run, plans to increase its price from 25 cents to 35 cents if the city wide agreement goes through.

Double bills, now the policy at two downtown first runs and virtually all suburbans, will be banned under the agreement, which calls for maintenance of normal admission scales, with a suburban minimum of 15 cents.

The proposed agreement provides that each house have a set price. For instance, instead of theatres with an admission stipulated in film contracts as 20 cents cutting to 15 cents and double billing at least two nights a week at 10 cents, the price would be maintained at 20 cents, without double bills. At several Fox Midwest houses, the normal price is 25 cents, but they cut to 15 cents much of the time.

Suburbans charging 25 cents have been forced to slash and dual feature in self-defense. The price war which has gripped local houses about two years has intensified competition between three price and policy classifications: First runs, which have slashed to 25 cents; suburbans, which cut to as low as 10 cents, and suburbans, which have sought to maintain their scales near normal and as high as 25 cents.

Suburbans charging 25 cents are practically all Fox Midwest. Elmer C. Rhoden, Fox Midwest division mananger, is now one of the prime movers in the renewed attempt to establish normal scales.

Rhoden, representing first runs on the local clearance and zoning board, sought to arrive at a solution through a new clearance schedule. But because it was protested as too drastic and discriminatory by a number of independents, who also questioned the board's authority to restrict duals and premiums, Rhoden took the initiative in the current move for some voluntary agreement.

## *Baseball Standings*

| | Won | Lost |
|---|---|---|
| National Broadcasting | 1 | 0 |
| RKO | 1 | 0 |
| Columbia | 2 | 1 |
| Erpi | 2 | 1 |
| United Artists | 0 | 0 |
| Rockefeller Center | 0 | 2 |
| Warner Club | 0 | 2 |

## *Change West Title*

**Hollywood, June 28. — Mae West's picture will be released around July 19 under the title "That St. Louis Woman." No effort will be made to exploit the new title, as the company believes it will get plenty of publicity due to the controversy with censors.**

# *Another Milestone Nears*

Once again the motion picture industry reaches a milestone . . . . the 1934-1935 Motion Picture Almanac is now on the press.

Here is a new—and greater—compilation of facts and figures about a great industry . . . there are thousands of items of information, each one sharply focused for instant, dependable use . . . the exclusive "Who's Who" section alone records over 10,000 biographies—the most complete work of its kind extant . . . in the same way every phase of the motion picture industry is covered with scientific accuracy and precision.

This is why even outside agencies depend on the Motion Picture Almanac for accurate annual motion picture trade indices.

The 1934-5 Motion Picture Almanac is a tool in every showman's working kit—$5.00 the copy.

## MOTION PICTURE ALMANAC

1790 BROADWAY NEW YORK CITY

# Theatre Men Converge on Campi Office

Campi is becoming a veritable camping ground for exhibitors Fridays when appeal cases are heard. Theatre owners throughout the country converge to thresh out complaints and arguments.

Within the last few weeks important exhibitors visiting Campi either as spectators or as litigants were: Martin Mullin, Sam Pinanski and H. Le Baron, the latter two receivers for the Mullin & Pinanski circuit in New England; Charles Waldon of the Tivoli and John A. Cunningham of the State, Miami; Louis Turnick of the Brooklyn and Walter Pacey of the Pacey's Garden, Baltimore; M. Lichtman of the Booker T. and Regal, Norfolk, Va., Ben Amsterdam, Stanley, Bridgeton, N. J.; Lester F. Martin, Nevada, Ia.; Aaron Saperstein, Chicago; Edward T. Bloomberg, Strand, Gloucester, Mass.; Tom Saxe, of Saxe Amusement Management Co., Inc., Milwaukee; Frank Durkee and J. Louise Rome, Baltimore; H. F. Kincey and Robert Wilby, Atlanta; Herbert Zimmerman, De Luxe, Baltimore; Joseph Levenson, Brookline, Mass., and Milton Frels, Texas.

Attorneys from all parts of the country also have been before the board. Among these are Charles Buckley, representing Fox West Coast in Los Angeles; Sam Boyd, for Lichtman theatres, Washington; Fred Kent and Sidney Meyer for Sparks and Wometco circuits, Fla.

## *Script Books Banned By Minnesota Board*

MINNEAPOLIS, June 28.—S. F. Heath, operator of the State at Wells, Minn., has been ordered to discontinue issuance of script books or coupons beginning July 1, following hearing of a complaint before the local grievance board. The complainant was F. E. Rolloff, operator of the Pastime at Mapleton.

The board's ruling held that Heath's practice tended to lower admissions and was unfair competition at Mapleton, Easton, Waldorf, Delavan and Minnesota Lake.

## *Capital Cases to Campi*

WASHINGTON, June 28. — Three clearance cases involving Warners were ordered submitted to Campi for decision by the local zoning board today. The first was that of Lloyd J. Wineland, operator of the Fairlawn, Anacostia, D. C., vs. the Avenue Grand. The second was J. H. Hoser, State Theatre, Bethesda, Md., vs. the Avalon, the same town. The third was U. P. Hollingsworth of the Capitol, Capitol Heights, Washington, vs. the Avenue Grand.

## *Dismiss Ad Complaint*

ALBANY, June 28.—The grievance board has dismissed a complaint by C. Dayton La Pointe, operator of the Crandell at Chatham, against the Hen-Wil-Hen Corp., operators of the Playhouse, Park and Rialto at Hudson. La Points contended that the Hen-Wil-Hen advertising in Chatham was an unfair trade practice.

# *Clearance Hits Denver, Milwaukee Dual Billing*

MILWAUKEE, June 28.—The proposed clearance schedule for Milwaukee county presented to between 50 and 60 exhibitors and distributors divides the county into nine zones. In all instances, any theatre in the downtown zone charging less than 25-cent matinee and 35-cent evening admission receive pictures in accordance with the subsequent run schedule.

First runs charging 55 cents top are given 45 days over subsequent runs charging 35 cents, 52 days over those charging 30 cents; 59 over 25 cents; 73 days, 20 cents; 129 days, 15 cents, and 365 days, 10 cents. The same first run house showing pictures with stage shows is given 35, 45, 52, 66, 122 and 300 days over subsequent run prices as classified above.

Any theatre showing duals at 35 cents evenings, will get film on the basis of one-half of the regular evening admission and a subsequent run single feature theatre shall have pictures made available to it in its admission price classification.

Playing of duals in subsequent run houses on any day of the week, or the giving of rebates, such as premiums in the form of gifts, classifies such a house as a double feature spot with pictures made available 195 days after the first run to subsequents charging 35 cents; 202 days to those charging 30 cents; 209 days for 25-cent admissions; 223 days for 20 cents; 279 days for 15 cents and 515 days for 10 cents.

Any subsequent run with stage acts a part of the performance on any day of the week is classified with those using acts the entire week and its classification is in the next admission bracket below the lowest evening admission charged on any day of the week.

## *Asks K. C. Board to Rule Upon NRA Ads*

KANSAS CITY, June 28.—The local grievance board has been called upon to decide whether an exhibitor has the right to advertise his operations are "100 per cent NRA" if he has not assented to the code. The complainant is C. B. McAleer, Orpheum, Parsons, Kan., against the Uptown, a Dickinson house.

McAleer's complaint is on cut-rate admissions, and the NRA advertising feature is brought in incidentally. The charge is the Dickinson theatre runs double bills at 10 cents two days a week, an alleged contract violation. McAleer charges the Dickinson house advertises it gets the crowds because its price is low and the ads also state it has subscribed to the NRA.

"I want to know if they have the right to say that, inasmuch as they haven't signed the code and I have," McAleer requests of the board.

## *Cincy Grand to Close*

CINCINNATI, June 28.—The RKO Grand, vaudefilm, goes dark at the end of this week, with indications of reopening with a similar policy in September. Shuttering of this house leaves the town without vaudeville. The RKO Capitol, straight films, has closed for the summer.

DENVER, June 28.—Double feature houses are penalized, exchanges are granted the right to sell previous runs to theatres in the same price class, and houses having low matinee or low balcony admission prices after 1 P.M. are given less protection than if their entire house sold at the top main floor price via zoning proposed here.

In establishing a basis for protection the board decided that where the matinee and balcony admission price after 1 P.M. was less than 70 per cent of the highest main floor admission price, then the protection for that house would be based on 70 per cent of the lowest main floor admission price. Under this rule three first runs lose in their rating. The Aladdin falls into the 35-cent class, as do the Denham and Paramount. Protests are looked for.

The board inserted a rule that "any theatre, regardless of classification, using double features on the same program, will lose one-half of its admission price classification." Many exhibitors charge the board exceeded its authority in penalizing double bills.

The clearance schedule was drawn up as the result of numerous protests over the setup that has been used in the past. There has been no set protection, each theatre getting what it could from exchanges.

The board recognized the demand of exchanges that they be permitted to sell prior runs in any price classification in any part of the city. The board placed the limit of protection on this class of runs at 14 days.

First runs have been enjoying an average protection of 45 days on most films, and more on some. Under the new setup, effective with the 1934-35 films, the protection for a 50-cent (without tax) house will be 49 days over 30-cent houses, the top subsequent price in Denver; 45-cent houses will have 42 days; 40-cent houses, 35 days, and 35-cent houses, 28 days.

The Denver and Orpheum are the only first run houses retaining the full benefit of their top price, 45 cents, in the protection. Their matinee prices are 35 cents from 1 o'clock to 6 o'clock, and 45 cents, tax added, at night, all over the house.

The following protection is granted for Denver: (First figures are days protection and second are admission prices): 45-cent houses get 42 days protection over 30-cent houses; 56-25; 98-20; 133-15; 175-10. Thirty-five-cent houses get 28 days clearance over 30-cent houses; 42-25; 84-20; 119-15, 161-10.

The Gothic at Englewood, a Denver surburb, and the Grand at Littleton, Col., 10 miles out, are included in the Denver zoning area.

## *Postpone Oklahoma Cases*

OKLAHOMA CITY, June 28.—Four cases scheduled for the first meeting of the grievance board were postponed by request.

Overbuying charges have been filed by A. B. Momand of the Momand Theatres against the R. and R. Theatre Enterprises in Muskogee and the Griffith Amusement Co., Shawnee. Momand is also filing against A. M. Abbott, owner of the Kihekaha of Pawhuska on the "bank night" count.

# Albany Board Holding Off On Zone Case

ALBANY, June 28.—The clearance and zoning board has reserved decision on the clearance complaint of Frederick W. Mausert, operator of the State, Glens Falls, and the indirect complaint of theatre operators in Hudson Falls, Lake George, Fort Edward, Bolton Landing, Granville, Schuylerville, Warrensburgh, Whitehall, Chestertown and Luzerne, against the Schine Theatrical Co., Inc., of Gloversville, operators of the Empire and Rialto, Glens Falls, and the Paramount, Glens Falls, operated by George E. Brown, for Upper New York Theatres Corp.

The indirect complainants were brought into the action as the result of the desire of the board to zone this territory.

## N. O. Adopts Final Form of New Zoning

NEW ORLEANS, June 28.—The final zoning plan for the city has been adopted by the clearance and zoning board. It follows:

Zone 1, Saenger, Loew's, Orpheum, St. Charles, Liberty, Tudor; zone 2, Wonderland, Newcomb, Globe; zone 3, Lafayette, Lyceum, Coliseum, Isis; 4, Laurel, Napoleon; 5, Laurel, Garden; 6, Fine Arts; 7, Washington, Garden, Happy Hour; 8, Coliseum, Happy Hour, Isis, Granada; 9, Granada, Lincoln; 10, Tivoli, Lincoln; 11, Poplar, Ashton, Roxy; 12, Poplar, Mecca; 13, Metairie; 14, Gem, Westwego, La., Jefferson, Marrero, La.; 15, Hollywood, Gretna, La., Folly, Algiers, La.; 16, Victory, Harvey, La., Hollywood, Greta, La.; 17, St. Maurice, Fiorito's Dream; 18, New Bijou, Fiorito's Dream; 19, Piety, New Bijou, Avenue; 20, Dreamland, Famous, Avenue; 21, Dreamland, Gaiety, Casino; 22, Capital, Plaza, Casino, Arcade; 23, Arcade, Rivoli, Bell, Imperial; 24, Gentilly, Peacock; 25, Carrollton, Cortez, Escorial; 26, Escorial, Queen; 27, Prytania, National.

## Cincy and Columbus Zones Up to Campi

CINCINNATI, June 28.—The local clearance and zoning board has zoned the Greater Cincinnati and Columbus territories, subject to approval of Campi.

Remaining territories will be zoned at a meeting to be held soon.

## *See Minnesota Appeal*

MINNEAPOLIS, June 28.—Appeal is expected to be taken from the first decision of the Minneapolis grievance board which has just stepped hard on merchandise tickets in the vicinity of Wells, Minn.

S. F. Heath, Wells exhibitor, has been ordered to stop passing out tickets good at reduced prices. H. J. Rolloff of Mapleton filed the complaint. The order becomes effective July 1.

## *Canton Scale Is Cut*

CANTON, June 28.—First deviation from the 35-cent uniform admission adopted several months ago by Loew's, Warners, Alhambra and the Palace, has been made by the Palace, which has put into effect for the summer a dual first run policy at 25 cents top, plus tax, 15 cents for balcony and 15 cents for matinee, plus tax, with children's scale remaining at a dime.

# Clearance Not To End Coast Duals, Belief

(Continued from page 1)

schedule today starts a 30-day test for protests against it.

Columbia and Universal are understood ready to initiate court action to stop the plan from being put into effect, if approved by exhibitors and Campi.

J. J. Sullivan, film buyer for Fox West Coast, now in the east, is believed to be negotiating new deals to include double feature privileges. Charles Skouras is said to have ordered him to buy with the dual understanding.

Harry H. Hicks, president-elect of the I. T. O. A. of Southern California, is in New York holding daily sessions with Campi affiliates. He is understood to be in favor of the clearance and zoning plan with the dual proviso. He will return here early next week.

Other provisions of the clearance and zoning draft have runs scaled according to admissions. Under the plan no first run house charging 15 cents top will be permitted to play ahead of a 25-cent theatre.

For houses charging 25 cents, availability follows 49 days after the first run. Ten-cent houses will have to play 182 days after first runs. Houses charging 20 cents will play 72 days after first runs.

One or two independents are understood dissatisfied with the way the zoning schedule is set up and are expected to be among the first to protest.

Campi yesterday denied it had disapproved the Los Angeles clearance and zoning plan, stating the reason it asked for a copy of the schedule was to see what was in it before it was published.

Code Authority holds the plan, except for two minor details, is a great piece of work. Coast exhibitors can now go ahead on protest hearings. One will be held Monday by the I. T. O. A. of Southern California.

Harry H. Hicks, who flew in from the coast to confer on the schedule, flies back tomorrow to discuss possible changes with his unit. It is most likely several will be made following the protest hearings.

## H. M. Hicks Undecided Over ITOA Presidency

Los Angeles, June 28.—Whether or not Harry H. Hicks, president-elect of the I. T. O. A., intends to relieve Ben Berinstein, incumbent, is problematical.

Hicks is understood not willing to take the job and so expressed himself to organization members when offered it. He is now active in the association's work, being in New York on the clearance and zoning plan for the local territory.

## *Rule on Wisconsin Labor*

Madison, Wis., June 28.—Under the terms of a Supreme Court decision just handed down here it has been established that employers cannot interfere with their employes who wish to join unions other than company unions. The decision was handed down under the state labor act

# Chicago Case Seeks Forcing Of Dual Sales

Chicago, June 28.—An unusual case filed before the local grievance board is that of George Gehring of the Rosewood, seeking to force major distributors to sell him on a double feature policy and asking the local board to render a decision as to whether collusion has been practiced by the distributors in regard to local restriction of twin bills.

Since all major distributors are made defendants to the complaint this would involve them sitting in judgment on an action directed against themselves. The impossibility of the local board hearing such a complaint was readily apparent. After some debate the board decided it could neither dismiss nor certify the complaint, and it was decided the only solution was to transmit it through the local secretary direct to Code Authority without any kind of action.

## *New Clearance Takes Place of Franchises*

Kansas City, June 28.—New clearance schedules to be set up in this territory will supersede protection terms written into franchise agreements, the local clearance and zoning board has concluded. The question was raised informally by one of the circuits with respect to whether franchise agreements would be binding with the distributors regardless of the clearance setup.

The board's opinion was that new schedules would take precedence over this year's franchise. However, to obtain further clarification, the question was passed on to Campi. John C. Flinn, Campi secretary, sent word back that Campi prefers to wait until the question comes up on appeal from a formal ruling by the local board on a complaint.

Only a few franchises are held in this territory, according to distributors.

## Campi Boards Have Held 290 Sessions

Indicating that local clearance and zoning and grievance boards have been working at top speed, a recapitulation of cases filed, heard and disposed of has been made by Campi as of June 15.

The 31 clearance and zoning boards throughout the country have held a total of 146 meets, 460 protests have been filed, 310 decided, 37 appealed and 150 remain to be heard.

Grievance boards have held 144 sessions during which 289 complaints were heard and disposed of and 57 appealed. There remain 63 cases to be heard and 16 complaints have been certified for determination by Campi.

Campi itself has a total of 94 appeals and 16 have been certified directly to Code Authority for determination by local boards and of the 39 appeals heard, 19 have been passed.

## *Chicago's Ad Cases Settled in a Bunch*

Chicago, June 28.—Cases of premature advertising loaded the grievance board docket this week. B. & K. had filed complaints against a dozen exhibitors on this charge. In addition, there were a number of independent cases.

The cases were cleared in a hurry after provisions of the code were read by Chairman Felix Mendelssohn with all the defendants pleading guilty.

## *Baer at Club Today*

Max Baer will be the guest of the M. P. Club today and will give a demonstration of sparring with Louis Nizer, who will be the toastmaster. Benny Rubin and Jimmy McHugh will also be on hand to entertain.

## *Kamen Office for Canada*

Kansas City, June 28.—Kay Kamen, Inc., of New York, which controls the merchandising rights to the Walt Disney characters, will open an office in Toronto July 1 for contacts with Canadian manufacturers and advertisers, according to Williston P. Munger of Kansas City, who will be in charge.

# *Campi Asks More Facts On U. A. Cancellations*

(Continued from page 1)

issue and will determine whether U. A. films come under the 10 per cent clause or not. It is stated that questions arising on the U. A. matter will have to come before compliance committees of local grievance boards. Campi will decide whether refusals to grant cancellations are violations of the code.

Six opinions were handed down yesterday and 11 decisions were made.

No appointments were made by Campi to the writers' and actors' committee on the coast, recommendations from the Hollywood bureau not having been received as yet. Additional help for working out reclassification of 20,000 extras was approved.

A list of distributor representatives to sit on appeal hearing committees was approved. The first meeting of the first committee gets under way Monday when independent exhibitors in the east will be called upon to attend.

Date for hearing of code amendments in Washington has not yet been set although Campi has approved several, including producer and distributor assessments.

Julius Charnow was named to replace Adolph J. Rettig on the New Jersey advisory committee of the clearance and zoning board.

Attending yesterday's session were Charles L. O'Reilly, Austin Keough, Charles C. Moskowitz, Edward Golden, Harold S. Bareford, R. H. Cochrane, Nathan Yamins, Walter Vincent, W. C. Michel and Leslie E. Thompson. Keough was chairman. The next session will be held July 12 with Bareford presiding.

# Jersey Code Case Is Lost By Willentz

David T. Willentz, attorney general for New Jersey and representing Allied of New Jersey on code matters, yesterday lost his first case before the New York clearance and zoning board.

Willentz represented the Ellwood, Newark, which protested the 14 days' clearance Warners' Regent, Newark, and Capitol, Belleville, have over the independent house. Willentz argued the three houses are non-competitive and each should have equal availability. The board held the houses are in competition with each other and the 14-day protection period stands.

During the hearing the New Jersey attorney general objected to attempts on the part of Warners to shunt the case to the grievance board. Willentz had a brief prepared on the subject, but withdrew it after Louis Nizer, who substituted for I. Levinson, of Warners, stated he wanted the clearance and zoning board to decide and none other.

At another point Willentz said:

"I don't know of any other industry which needs a code of fair competition more than this one." He stated that the attempts to shift the complaint to the grievance board may be because "this is a leaky boat."

"This is an effort to strangle the little fellow," he said, referring to his protest.

Referring to Nizer's previous testimony, Willentz stated that "if clearance is bought, then we don't need code boards or courts."

After Nizer had brought out the fact that it would cost distributors $750,000 annually for extra prints to serve all theatres on open availability, Willentz retorted:

"It isn't going to cost $750,000 to give us a square deal.

"We're not going to be laughed out of this," he added, referring to the smile on Nizer's face, "not here or any other place."

The Manhattan zoning schedule was discussed. No action was taken, since the board decided to study the plan and meet again on it in two weeks. Harry Shiffman presided.

## *Cincy Board Passes U. A. Case to Campi*

Cincinnati, June 28.—The grievance board has passed on to Campi a demand by Frank W. Huss, Jr., operator of the Park here and the Highland, Newport, Ky., for 10 per cent cancellation privileges on United Artists product.

Contemplated 10-cent admissions are not a contract violation, the board ruled. Lou Holleb, New Theatre, Columbus, notified Paramount he intended to cut his scale to a dime and Paramount refused to furnish film on the ground it would be a violation of the 15-cent minimum specified in the contract. The board ruled there was no violation until Holleb had actually charged a dime.

On complaint of Daco Theatres Corp., operating the Strand, Mr. and Mrs. Phillip Semelroth, operating the Salem, were ordered to discontinue premature advertising.

# COLUMBIA'S OPENING

The audience applauded spontaneously and enthusiastically.

*Motion Picture Daily*
*Saturday, June 23, 1934*

A GRE

COMES INTO

# Grace

# ONE NIGHT

Grace Moore's beau
lions on the radio an
tionally lyric and ent
this great picture wil
the very souls of all
coming season's ne
superb feast of love

TULLIO CARMINAT
MONA

*Story by Dorothy Spea*
*and Charles Beahan*

Directed by VICTO

COLUMBIA

Grace Moore's personality and singing triumph in a production that is a credit to the industry.

*Motion Picture Daily*
*Saturday, June 23, 1934*

# TRIUMPH For 1934-1935!

T STAR
ER OWN

# Moore

in

# OF LOVE

oice has thrilled mil-
ne stage! Her sensa-
ivine performance in
t the hearts and thrill
e-goers! Here is the
reen sensation in a
ter and music!

—LYLE TALBOT
BARRIE

Screen Play by S. K. Lauren

CHERTZINGER

RCHES ON!

To Columbia's hit roster, showmen may now add "One Night of Love."

*Motion Picture Daily*
*Saturday, June 23, 1934*

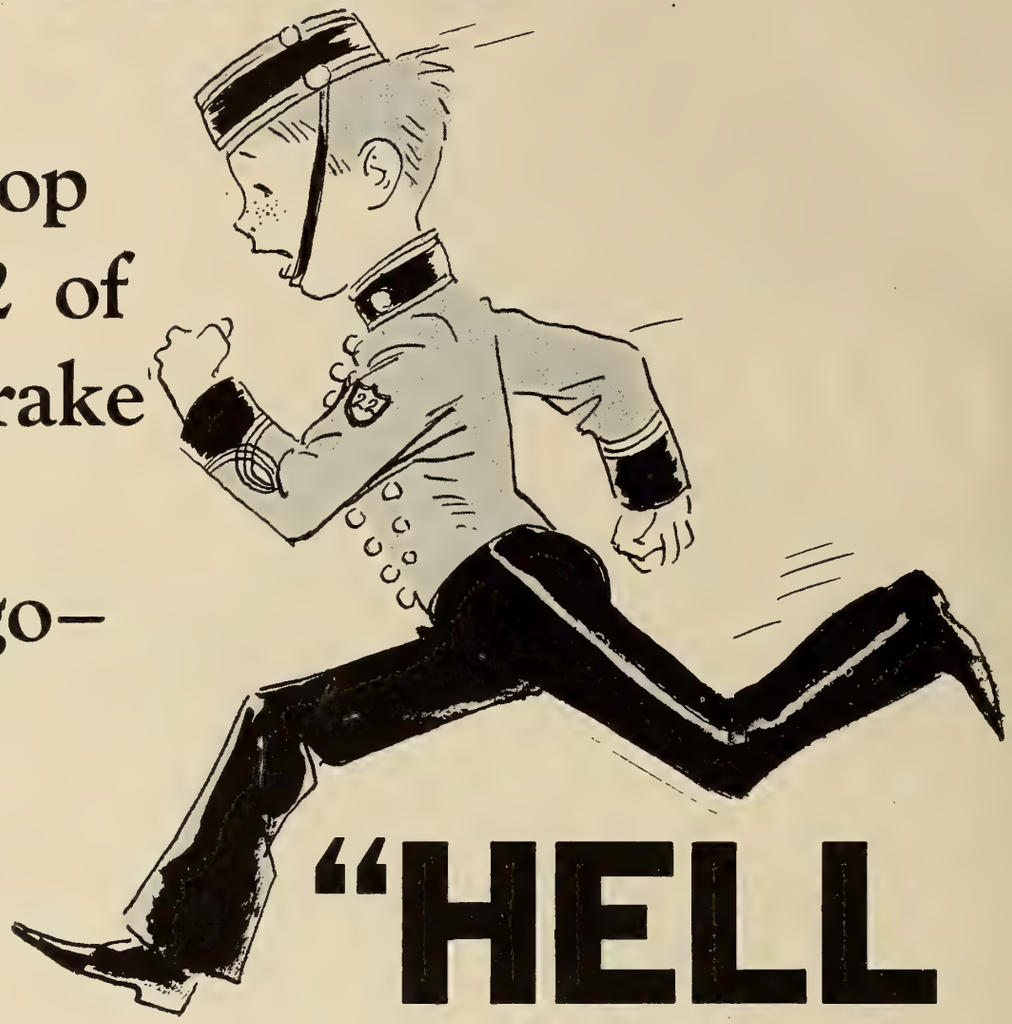
After key city notices this star may find herself a rage, both as star and singer.

*Motion Picture Daily*
*Saturday, June 23, 1934*

COLUMBIA PICTURES

# "A RIOT"

said
Bell-Hop
No. 22 of
the Drake
Hotel,
Chicago–



# "HELL

broke loose up
there in the M-G-M
Convention Hall–"

Later on he learned the reason... 250 M-G-M representatives heard the best news of all their years in motion picture business... news that will make 1934-35 a year of historic importance... no wonder they shouted, stamped, cheered... Thousands of exhibitors are getting the same big thrill as they study M-G-M's STAR SPANGLED BANNER... more great STARS than any previous year... more BIG attractions than even M-G-M has ever undertaken before. March on with Leo and you'll always be at the head of the parade!

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 35. NO. 152 | NEW YORK, SATURDAY, JUNE 30, 1934 | TEN CENTS

## Clearance Is Set for K.C. With Changes

### *Duals Set Back Sharply In Arranging Zones*

KANSAS CITY, June 29.—The new clearance schedule, announced as completed, has developed an unexpected hitch. It is understood the latest change provides that any independent not having a specified regular admission shall be classed five cents lower. This sets them back considerably.

The schedule completed late yesterday gives first runs charging 25 cents or less for single features 21 days over

(*Continued on page 3*)

## Columbians Begin Arriving at Shore

ATLANTIC CITY, June 29.—Columbia's advance guard began registering here tonight at the Ritz-Carlton. In the group were Abe Montague, Rube Jackter, Joseph McConville, George Brown, Ben Atwell, Lou Goldberg and Arnold Van Lear.

Others are expected in Saturday morning. In this group probably will

(*Continued on page 2*)

### *Casino to Open as Broadcast Theatre*

The Casino, which closes Sunday night, will be reopened in August by Theatre of the Air, Inc., for the staging and broadcasting of that organization's radio programs. Audiences will be admitted to the broadcast programs, but admissions will be charged, it was stated yesterday.

The policy provides for a continuous program of sponsored broadcasts

(*Continued on page 2*)

### *He Licked Baer*

**Fort Morgan, Col., June 29.—"Come and see the Baer-Carnera Fight and see Ed Bluck, the man who licked Baer."**

**That's the way Ed Bluck, owner of the Cover, advertised the fight pictures.**

**Years ago Bluck was principal of a school at Durango, Col., and Baer was one of the students. He laid Max over the table and gave him a good spanking. Baer was seven.**

## Expect More Delay on Fox Met. Transfer

### *Slight Progress Is Made With Negotiations*

Slight progress made yesterday at a meeting between representatives of Loew's and Warners with a sub-committee of the Fox Metropolitan bondholders' committee indicated that another postponement of the Federal Court hearing on the $4,000,000 Loew-Warner offer for the circuit may be sought next week.

Spokesmen for the bidders reported yesterday that the situation remained unchanged and that negotiations with the sub-committee would be continued on Monday. Indications are that a final decision on the offer may be reached by the bondholders' committee some time next week, but whether it will be before the Federal Court hearing scheduled for Tuesday appears doubtful.

### *Para. Will Deliver West Film Quickly*

CHICAGO, June 29.—Paramount will deliver Mae West's picture retitled "That St. Louis Woman" in the 1933-34 contract unless revisions cause a longer delay than is now expected, said George J. Schaefer, sales head, on his way through here today to New York.

Producers can deliver pictures of the type demanded by reformers, he

(*Continued on page 2*)

### *Buffalo Allied Unit Is Under Discussion*

BUFFALO, June 29.—Formation of an Allied unit is under discussion here as a result of the visit of Sidney Samuelson at which he addressed a gath-

(*Continued on page 2*)

### *Assents Ready*

**Campi will mail out 5,000 new assent forms next Wednesday to its local boards where they may be obtained by industry members who have not signed the code but desire to take advantage of the new opportunity to do so. The new assent period expires Aug. 15. The forms are now being printed.**

## Split Is Seen in Coast's ITO Ranks

HOLLYWOOD, June 29.—A split is seen here in the ranks of I.T.O. of Southern California with the formation of a new independent theatre organization for houses south of San Luis Obispo, Kern and San Bernardino counties by operator allies of Fox West Coast.

Incorporation papers under the name of Theatre Owners' Ass'n of Southern California were filed yesterday at Sacramento, with Sherill Cohen, Elaine Waldman and G. A. Metzger named as directors.

This is said to mark a split in I.T.O. of Southern California insofar as Fox West Coast operators are concerned and was primarily designed for this purpose.

Ben Berinstein, president of I.T.O.

(*Continued on page 3*)

## Production Slowly Gaining on Coast

HOLLYWOOD, June 29.—Production gained by two features last week, raising the total to 35 in work, 22 preparing and 38 in the cutting rooms. Activity in the short subject division remains about the same with 11 working, 16 preparing and 23 editing.

M-G-M continues to lead the field with seven features in work, two preparing and 10 editing. Fox follows

(*Continued on page 3*)

## Shiffman and Sears on 1st Appeals Group

### *Will Serve with Major Leslie E. Thompson*

Gradwell Sears, Warners' sales executive, and Harry Shiffman, independent exhibitor, were named yesterday to serve with Major Leslie E. Thompson of RKO as the first Code Authority appeals committee under the plan which calls for the appointment of 10 committees from affiliated distributor and independent exhibitor ranks to assist Campi on appeals hearings.

The committee will meet Monday at 2:30 to hear four cases. A panel of 30 distribution representatives and 30 exhibitor representatives is being drawn upon for the personnel of the 10 appeals committees, which will be composed of two appointees and Thomp-

(*Continued on page 3*)

### *Clearance Dual Ban Stirs Up Milwaukee*

MILWAUKEE, June 29.—Many local independent exhibitors have taken exception to certain clauses in the proposed clearance and zoning schedule for this territory and have declared they will not adhere to it in its present form. They declare the board cannot tell them what they may play or at what price, and object particularly to the clearance set for dual feature houses. Approximately 25 local houses are playing double features full or part time.

Another meeting is to be held July 3.

### *Warners Seek Stay On St. Louis Sale*

ST. LOUIS, June 29.—In an effort to stop the foreclosure sale of the Ambassador, Grand Central and Missouri theatres to the bondholders' protective committee, an involuntary bidders' petition has been filed in the Federal Court here against the St.

(*Continued on page 2*)

## *M. P. Council Plans for Big Meeting in October*

WASHINGTON, June 29.—A great national conference to which will be invited all groups, religious and educational, interested in films, will be held in Chicago in October, it was determined today by the M. P. Research Council.

Decision to hold the meeting was voiced in one of a number of resolutions adopted at the final session of the council.

Another resolution provides for the for the working out of a plan of cooperation with the State Department in a survey of the "effect of motion pictures on American foreign trade and our relations with other coun-

(*Continued on page 3*)

### *$13,036 Opener*

**"Of Human Bondage" grossed $13,036, including tax, at the Music Hall on Saturday.**

**This is described by Radio as the biggest opening day at the house in four months.**

# MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor-in-Chief and Publisher*

MAURICE KANN
*Editor*

JAMES A. CRON
*Advertising Manager*

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## Buffalo Allied Unit Is Under Discussion

(*Continued from page* 1)

ering of 40 independents. Abe Stone of Albany, state president; E. F. Tarbell, state executive secretary, and Leo Rosen, Buffalo attorney, were among the speakers.

Samuelson stressed the need of family type pictures and induced the gathering to go on record in favor of the clean film drive and against block booking.

## Tally, Stallings Sail

Truman H. Tally, vice-president of Fox Movietone News Laurence Stallings, editor, and Sydney Towell, treasurer of Fox, sail today on the *Paris*. European distribution plans for Fox Movietone will be revised in accordance with the new setup caused by the separation of Fox Movietone and Hearst Metrotone.

## Charney Joins Agfa

BINGHAMTON, June 29.—C. King Charney has been named distributor of Agfa 35 mm. negative and positive for this country. He will maintain offices in New York and Hollywood. The appointment was made by R. H. Woodford, vice-president of Agfa Ansco Corp.

## Ralph Graves Married

HOLLYWOOD, June 29.—Ralph Graves and Betty Flournoy of St. Louis were married yesterday at Yuma, Ariz.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Old Fashioned Way"

(*Paramount*)

HOLLYWOOD, June 29.—Hilarious comedy throughout. It never let the preview audience fully recover from the first laugh explosion until the fadeout. Shades of Sennett and Christie slapstick, with W. C. Fields' label predominating.

Fields characterizes the great McGonigle, head of a band of traveling troupers who collect offerings of over-ripe fruit and leave behind a string of unpaid bills. Fields' daughter, Judith Allen, and Joe Morrison, wealthy college youth with histrionic hopes, both are in the show and romantically inclined.

Morrison's father tries to break up the romance and send him back to college. Fields has his hands full keeping the sheriff away from the door, but by playing ball with the wealthiest old gal in town who wishes to become an actress and is engaged to the sheriff, Fields browbeats the sheriff into letting the show go on.

Riotous fun occurs at the dinner table when Baby LeRoy dips Fields' gold watch in molasses and plasters him with whipped cream.

Morrison brought spontaneous applause for a vocal number with a voice and presence something to rave over. Jane Duggan is outstanding as the rich widow.

William Beaudine's direction is smooth and vigorous. Gordon's and Revel's music is tuneful and catchy. The cast is excellent. Customers should like this one plenty. Running time, 72 minutes.

## "Jane Eyre"

(*Monogram*)

HOLLYWOOD, June 29.—Charlotte Bronte's famous novel of English country life comes to the screen in tune with the trend for clean, wholesome entertainment.

Having enjoyed a circulation well over a million as a book, the film has a large following awaiting it. The classic story traces Jane Eyre from an orphan child to a governess, showing her drama and heartaches along the path and her ultimate marriage to the head of Rochester Manor.

Virginia Bruce gives an unusually sympathetic portrayal of Jane and reveals genuine histrionic ability and surprising allure.

The competent supporting cast includes Colin Clive, Aileen Pringle, Beryl Mercer, David Torrence and others. Jean Darling is effective as Jane, the child. Production has class values and though its tempo is slow in spots it seems in keeping with the theme and period. Christy Cabanne directed from Adele Comandinis' script.

The majority of feminine patrons should find enjoyment here with showmen getting a good program picture and the personality of Virginia Bruce to exploit. Running time, 70 minutes.

## Dix Marries Secretary

Richard Dix and Virginia Webster, his secretary, were married yesterday in Jersey City by Justice of the Peace Edward Markley. Dix has been in town for two weeks on a vacation. He proposed by wire, he said.

## Charter Syracuse Firm

ALBANY, June 29.—Syracuse Happy Hour, Inc, Syracuse, has been chartered with 200 shares non-par value stock. George E. Smith, Dorothy L. Smith and Joseph Vito are directors and subscribers.

## Eastman Drops 1¾ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 29 | 28⅝ | 29 | ..... | 200 |
| Consolidated Film Industries, pfd | 14⅛ | 14⅛ | 14⅛ | — ⅜ | 100 |
| Eastman Kodak | 98 | 96¾ | 97¼ | —1¾ | 900 |
| Fox Film "A" | 13⅜ | 13⅜ | 13⅜ | — ⅛ | 300 |
| Loew's, Inc. | 28⅜ | 27⅞ | 28⅛ | — ¼ | 3,400 |
| Loew's, Inc., pfd | 91¼ | 91 | 91¼ | ..... | 300 |
| Paramount Publix | 3⅜ | 3¼ | 3¼ | ..... | 2,500 |
| Pathe Exchange | 2¼ | 2⅛ | 2⅛ | — ⅛ | 800 |
| Pathe Exchange "A" | 20½ | 19¼ | 19½ | —1 | 500 |
| RKO | 2¼ | 2⅛ | 2⅛ | ..... | 400 |
| Warner Bros. | 5⅝ | 5¼ | 5¼ | — ¼ | 800 |

## Technicolor Off ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅛ | 13 | 13 | — ¼ | 600 |

## Warner Bonds Drop 2

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 87⅞ | 83¾ | 83¾ | — ⅛ | 40 |
| General Theatre Equipment 6s '40, ctf | 81¼ | 81¼ | 81¼ | — ¼ | 2 |
| Keith B. F. 6s '46 | 69 | 69 | 69 | ..... | 5 |
| Paramount F. L. 6s '47 | 53 | 52⅛ | 52⅛ | — ¼ | 21 |
| Paramount Publix 5½s '50 | 52¼ | 51½ | 51½ | ..... | 13 |
| Warner Bros. 6s '39, wd | 57⅛ | 55 | 55¼ | —2 | 43 |

## Columbians Begin Arriving at Shore

(*Continued from page* 1)

be Sam Liggett, Henri Brunet, H. C. Kaufman and John Kane. On Sunday, J. W. MacFarland, Mortimer Wormser, Lou Weinberg, Lou Astor, Hal Hode, Al Seligman, Milton Goodman, Milton Hanock, Sam Hacker, Maurice Grad, W. Brennan and Charles Roberts are scheduled during the day, followed in the evening by Jack Cohn, Nate Spingold, Abe Schneider and J. Barbano. Walter Futter is due Tuesday morning.

In the meantime exchange representatives from all over the eastern territory will check in, as the convention is scheduled to get under way Monday morning and last three days.

Jackter, Hode, McConville and MacFarland are in charge of welcoming the new arrivals.

## Casino to Open as Broadcast Theatre

(*Continued from page* 1)

from noon to midnight. Products of the sponsors will be on display in merchandising centers to be provided in the lounges of the house. Dressing rooms are being converted into offices and audition rooms. It is expected the alterations will be completed and broadcasting equipment installed by Aug. 15.

The Casino has a seating capacity of 2,600. It was originally opened as the Earl Carroll and after remaining dark for more than a year was reopened as a variety house with films early this spring. It switched to revivals and double features after a few weeks.

## Warners Seek Stay On St. Louis Deal

(*Continued from page* 1)

Louis Properties Corp. The plaintiffs include Vitagraph, Inc., Warner Bros.' Artists Bureau and Francis M. Allen, Chicago, holder of $6,000 in bonds issued by the defendant. The court is asked to hold up approval of the sale until a plan of reorganization can be submitted.

## Para. Will Deliver West Film Quickly

(*Continued from page* 1)

said. He expressed the opinion that films could be strong drama and entertaining without being objectionable.

Sam Dembow, Jr., is with Schaefer.

## Paramounteers Return

Carl P. York, general manager of the Scandinavian territories, and M. J. Messeri, managing director of the Spanish division of Paramount International, arrived in New York yesterday by plane from Hollywood after attending the sales convention in Los Angeles. They will remain in New York for a few days before departing for their European posts.

## $50,796 Patent Award

Consolidated Films Industries was awarded a $50,796 judgment against U. S. Cinema Corp. by Supreme Court Justice Collins here yesterday as an outcome of the printing patents infringement case initiated some time ago by Consolidated.

# Shiffman and Sears on 1st Appeals Group

(Continued from page 1)

son, permanent chairman of the appeals committee. The committees will not make final disposition of cases but will hear and make recommendations to Campi.

The committees will act in rotation, each serving at every 10th hearing. It is expected that 48 cases will be heard at the 12 appeals committee hearings scheduled for July.

## *Stanley Files First Philadelphia Appeal*

PHILADELPHIA, June 29.—First appeal against a clearance board decision in this territory has been filed by Stanley-Warner in the case of the Fern Rock vs. the Colney and nearby houses.

The Fern Rock asked relief from the seven days' clearance held by the Colney and the similar "and-or" contracts it held with regard to the Felton and the Lindley, also S-W houses. The board gave the Fern Rock and the Colney overlapping status and cleared both seven days ahead of the other two theatres. Stanley-Warner has filed an appeal.

In the case of the Ambassador, independent house, asking clearance clarification against the Benn, a Stanley-Warner house, the board reserved decision, finding the congestion in West Philadelphia theatres too pronounced to deliver an immediate verdict. Machinery is being set up to zone all West Philadelphia and establish a clearer clearance system.

## *Cleveland Suburbs Win Assessment Cut*

CLEVELAND, June 29.—East Cleveland, Cleveland Heights and Lakewood theatres have won their protest for code assessments on the basis of suburban houses, not Greater Cleveland houses.

M. B. Horwitz, recently in New York on the dual situation, brought back verbal word from Executive Secretary John C. Flinn that these suburbans are to be assessed on the basis of 100,000 population and not Greater Cleveland population. Although no formal or written statement of verification has been received locally, it is understood checks from the suburbans involved already have been accepted by Campi.

The local grievance board originally had extended payment dates 30 days from June 29 during which time the method was to be determined.

## *Denver Clearances Stir Four Appeals*

DENVER, June 29.—Appeals have been taken from the clearance and zoning schedule by four exhibitors. They are the Webber, Rex, Federal and Harry Huffman, who controls eight houses here.

All are complaining of the section which cuts protection on double features to half that given singles, and Huffman is also protesting against several other sections.

# *M. P. Council Plans for Big Meeting in October*

(Continued from page 1)

tries." A questionnaire, to be drafted by Dr. W. W. Charters of the University of Ohio, Dr. Herbert Blumer of the University of Chicago and Dr. Edgar Dale of the University of Ohio, will be sent to all consular officers abroad.

Taking up where the Darrow review board left off, the council determined to make a study of trade practices within the industry and the effect thereof, which will cover not only those practices controlled by the film code, but, it was said, also will probe into practices on which the code is silent. The investigation will be conducted by Alfred Graham, New York lawyer.

Other resolutions expressed gratification with the "united front" presented to the industry by the three great religious forces and offered the resources of the council in cooperation with them. The council determined to seek "by every means possible" the abolition of block booking and blind selling; the appointment of a committee to cooperate with other organizations to formulate and secure the passage of necessary legislation, although it was explained the council is neither for nor against any particular bill; provided for cooperation with educators in developing the educational value of pictures and expressed appreciation to Senator Copeland of New York "for his recent speech criticizing the industry for not making use of the Payne Fund studies."

Officials of the organization expressed the hope that the President would be sympathetic with their aims because of his mother's interest in the work. She is an honorary vice-president.

The council, it was represented is "extremely skeptical" of the resolutions of the Hays organization to clean house, pointing out that they had heard many such promises in the past, only to see them broken.

While the organization is in favor of "proper" legislation to ban block booking, members could not say just what would be proper, but promised that every influence would be brought upon Congress to "do something."

## *School Head Leads Move Against Films*

Associate Superintendent of Schools John S. Roberts has asked teachers and other departmental aides to turn in suggestions by July 15 on how the department can aid in the film cleanup drive.

"If you or any members of your staff know of any instances where films have had harmful effects on children," he has written, "I should like you to send me a statement of these."

## *Rome Loses Zone Plea*

WASHINGTON, June 29.—At the last session of the clearance board J. Louis Rome, operating the Gwynn, Baltimore, lost his plea that he be placed in a zone separate from Frank Durkee's Forest. His purpose was to be free of the 14 days' clearance now enjoyed by the Durkee house.

## *"World" Goes to Chinese*

HOLLYWOOD, June 29.—Fox's "The World Moves On" is scheduled to open here at the Chinese in about three weeks.

## Split Is Seen in Coast's ITO Ranks

(Continued from page 1)

of Southern California, said the new association was formed without the sanction of his organization and that its sponsors would probably be asked to resign from his organization. Aside from West Coast operators joining the new association, he continued, there will be no effect on the present independent organization covering the same territories.

## *Westminster Dark Today*

Westminster Cinema closes today, to remain dark until Sept. 1.

## *Wisconsin Men Not To Act on Boycott*

MILWAUKEE, June 29.—One hundred and fifty theatre owners convened at Lake Geneva voted not to oppose the salacious film boycott following an address by Sidney Samuelson.

F. J. McWilliam, president of Wisconsin Allied, advocated that the public direct the boycott against producer-owned theatres to force producers into improving films.

## *Lutherans Hit Films*

ALBANY, June 29.—Resolutions condemning indecent pictures and calling upon members of the Lutheran Church to withhold their patronage from objectionable films have been adopted by the Atlantic District of the Lutheran Missouri Synod.

## *ITOA-Campi Case Off*

Arguments on an injunction to restrain Campi from prohibiting non-assenters to the code from bringing complaints before code boards were postponed until Tuesday by U. S. District Court Judge John Woolsey yesterday. The injunction against Campi is being sought by I.T.O.A.

## Production Slowly Gaining on Coast

(Continued from page 1)

with five, two and three; Paramount has four, two and four; Universal, four, one and one; Warners, four, one and six; Columbia, two, five and three; Radio, two, two and five; United Artists, zero, two and zero, while the independent group registers an aggregate of seven, five and six.

In the short subject division, Radio reports three working, one preparing and eight editing. M-G-M has one, four and three; Roach, one, three and two; Universal, one, one and zero; Columbia, zero, zero and three.

# Clearance Is Set for K. C. With Changes

(Continued from page 1)

first subsequent runs. The present clearance is 28 days.

First runs charging two bits or less for singles get protection ranging from 28 days over subsequent runs charging two bits, to 84 days over single features exhibited at 10 cents.

Subsequents dual billing are penalized 60 to 90 days in addition to regular clearance in instances where first runs charge more than two bits. First runs showing duals get only one-half clearance provided for first runs showing singles.

With issuance of the schedules for Kansas City, St. Joseph, Mo., Wichita and Atchison, Kan., the clearance and zoning board completes the work begun several weeks ago.

## *Cincy Board Holds Up Overbuying Rule*

CINCINNATI, June 29.—Decision was reserved on an overbuying complaint brought by the Pikeville Amusement Co., Pikeville, Ky., operating at Weddington, against G. C. Scott of the Liberty. The defandant was absent when the grievance board met.

In the case of Fred May, Royal, Carrollton, Ky., against the Richland Amusement Co., the board ordered the defendant to adhere to his 15-cent minimum. He played "Stingaree" at 10 cents and claimed RKO had given permission for this. This was denied by RKO.

A. M. Mills, Eminence Theatre, Eminence, Ky., filed a plea for reduction of his $12 annual code assessment, which the board refused on the ground that benefits derived justified the charge, and the amount was not considered a hardship on the exhibitor.

## *Oswego and Fulton Clearances Are Set*

BUFFALO, June 29.—The clearance and zoning board has determined that while present prices and policies prevail in Oswego and Fulton, the Strand at Oswego shall have 30 days' clearance over the Quirk and Happy Hour in Fulton and 10 days' over the Capitol, Oswego, effective with the releases of the 1934-35 season. Complaint was filed by Wego Theatres, Inc., Fulton, against the Schine Theatres, Inc., Oswego.

In another decision of the same board, it is ruled that so long as policies and admission prices remain the same at the Geneva and Regent in Geneva and the Strand in Seneca Falls, clearance on the Géneva shall remain at 30 days and clearance on the Regent be reduced to 10 days, effective with the 1934-35 season.

## *Rentals, Code to Be Highlights for KMTA*

KANSAS CITY, June 29.—Film rentals, percentages, score charges and code operations will highlight the discussions at the second annual convention of the Missouri-Kansas Theatre Ass'n. to be held July 17 in the Variety Club rooms.

# All-British House Tried In West End

By BRUCE ALLAN

LONDON, June 29 (*By Mail*)—Arthur Jarratt of Gaumont British seems convinced there is a need for a West End house "where nothing but British films would be featured," adding, however, "I cannot promise that second features will be home-made—there are not enough to go round." This ties in with an all-British policy at the New Gallery, starting with "Evergreen," Jessie Matthew's starring vehicle. Plan is to keep the house open to other British producers as well as G. B.

* * *

The reaction against "pound-a-foot quickies" to meet the letter, but not the spirit of the Films Act, continues. It is not only definite, but outspoken. Much was said on this point at the Blackpool convention a few days back.

* * *

London Films' acquisition of a Western Electric recording license is construed as a confirmation of their intention of building their own studios very soon. They take over A. W. Watkins, who recorded "Henry VIII" and "Catherine the Great" at B. &. D.

* * *

Toeplitz De Grand Roy, former joint managing director with Alexander Korda of London Films, will operate his new company on a policy of two, but not more than three, super productions a year. Toeplitz Prod., Ltd., his new enterprise, is a private company. Capitalization, $500,000.

* * *

Another television system, the Scophony, demonstrated. Will specialize on broadcasting of films, it is said. Novel feature, method of "synthesizing" picture from condensed version, four feet of film giving a 15 minute show.

* * *

Probably playing "Copperfield" for M-G-M: Loy Rick, student of Royal Academy of Dramatic Art.

## *Warner Ads Start July 28*

First of the Warner advertisements in the *Saturday Evening Post* will appear in the July 28 issue on Dames." Others are to follow on the principal 1934-35 productions, among which are "Anthony Adverse," "Gold Diggers of 1935," "Casino de Paree," "Lafayette Escadrille," "Captain Blood," "Farewell to Shanghai" and "Sweet Adeline."

## *Montgomery-Dodd Marry*

DENVER, June 29.—Edna Dodd, organist at the Denver, and James K. Montgomery, Pathe newsreel cameraman, were married at the home of the bride's parents here. They will make their home in Denver.

## *No St. Louis Time Shift*

ST. LOUIS, June 29.—The Aldermanic Public Welfare Committee has killed Alderman Terry's proposal for daylight saving from Aug. 19 to Sept. 30.

# *Variety Club Chatter*

## *Albany*

ALBANY, June 29. — Barkers and their guests enjoyed an open house event on Saturday and Sunday, started by Chairman ALEX SAYLES and his house committee. The committee will continue these during the summer.

LOUIS LAZAR, Warners' zone head, has been added to the house committee, making a total of seven serving under Chairman SAYLES.

Barker BERNIE MILLS played host to a large gathering of exhibitors for a midnight supper in the Variety Club rooms, after the trade showing of "Lost Jungle."

The membership roster has been increased by the following: TRACEY BARHAM, JOHN GEARY, JIM FAUGHNAN. The total is now 68.

Barker SHULMAN of the Olympic, Utica, received condolences from Tent No. 9 on the loss of his daughter. Miss Shulman was fatally injured on a head-on auto collision.

Committees have been appointed to formulate plans for the golf tournament and boat ride.

## *Cincinnati*

CINCINNATI, June 29.—The highlight of the week was a farewell dinner in the club rooms for MARK WOLF, resident member of Hamilton, O., where he was in charge of the three Taft theatres. MARK goes to Indianapolis to supervise the 14 houses in the Theatrical Managers' circuit. The club presented him an elaborate steamer trunk, while his Hamilton coworkers kicked in with a nifty traveling bag.

GEORGE EDDINGS, steward of the local tent, has gone to Hotel Lexington, New York, as wine steward. His successor has not been named.

Club membership has been increased by three, BUSTER LOCKE, local orchestra leader, resident member, and JOE MCKNIGHT, RKO salesman, and JOHN EIFERT, Vitagraph, both in the semi-resident classification.

MANNY SHURE and JOE GOETZ are taking time out to lure the fish at Indian Lake.

ARTHUR FRUDENFELD, while driving his new automobile recently, went off a paved country road into the mud. ARTHUR extricated the car himself instead of telephoning the nearest garage. Brother barkers now are accusing him of contributing to unemployment, which may be a code violation, they say.

## *Detroit*

DETROIT, June 29.—The following new members has been voted in:

Non-resident—P. C. SCHRAM, theatre owner, Kalamazoo, Mich. Resident members—WILLIAM FLEMION, sales manager, Excellent Pictures Co., Detroit; EDWIN SHIELDS, Butterfield circuit, Detroit; SAMUEL GILBERT, Warner, salesman, Detroit; FRED DELODDER, Detroit neighborhood theatre operator.

Frank COUZENS, Detroit's popular mayor, was made an honorary member and the following men identified in business and political life made associate members: JOHN J. GORMAN, HARRY PICKERT, police commissioner; EDGAR GUEST, FRED FRAMM, chief of detectives; HARRY S. TOY, J. E. FRAWLEY, S. E. SALLAN.

Over 225 members, filmites, theaterites and their friends attended the first annual golf tournament held by the Detroit Variety Club. The day was spent in golfing and a general good time was had by all. Thirty prizes were given to winners of different contests and topped off with a beefsteak dinner at the Franklin Hill Country Club.

## *Kansas City*

KANSAS CITY, June 29.—A bon voyage party in the club rooms honoring Rev. ROBERT W. GARDNER, Tent No. 8 chaplain, was a lively affair. FATHER GARDNER leaves for Ossining, N. Y., and later sails for Rome, returning in the fall.

BARNEY JOFFEE and BILL REINKE of the Tower were kings at the luncheon June 18.

"Jones, Inc.," did the honors at the June 25 luncheon meeting. The "Corporation" comprised HERBERT V. JONES, Fox theatre trustee; ELLIOTT H. JONES, trustee's attorney, and CHARLES, trustee's auditor in the Fox office.

There was a good turnout of barkers at a general business session called by Chief Barker FRANK HENSLER to discuss club business. A directors' meeting preceded.

Another traveling chaplain is DR. BURRIS A. JENKINS, pastor of the Community Church, who sailed with MRS. JENKINS June 20 from New York for a three-months' trip in Europe and Russia. DR. and MRS. JENKINS recently celebrated their 40th wedding anniversary.

PECK BAKER, chairman of the house committee, has added WILLIAM J. ALTHAUS of the Dubinsky circuit to the committee. BILL will do the committee's auditing.

R. R. DOYLE, Radio's manager in Australia, was a recent club visitor and guest of T. R. THOMPSON, local Radio manager.

M. M. (BUCK) BUCHANAN, *Erpi*, is sojourning in New Orleans and his native southland.

## *Pittsburgh*

PITTSBURGH, June 29.—ART LEVY, local branch manager for Columbia, has been elected second assistant chief barker of Tent No. 1.

J. T. MCGREEVEY of the Harris interests was appointed to the board of directors (Canvasmen) to fill the position vacated by BARKER LEVY.

HAROLD C. LUND was elected national secretary of the Variety Clubs at a meeting of the national officers held recently in Columbus.

Barker M. R. GOLDMAN has been appointed chairman of annual Tent No. 1 picnic. He is now busy selecting his various committees. This is one of the biggest affairs of the year locally and will be a combination picnic of the entire film row, Warners and all theatrical interests in the Pittsburgh district.

The regular weekly luncheons are being held at the Harvard-Princeton-Yale Clubrooms in order to accommodate the increased attendance.

# Institute of Educational Films Urged

WASHINGTON, June 29.—Development of a national institute to assemble, edit, classify, publicize and catalogue educational films; set up a convenient and economical distribution system, and produce and stimulate the production and effective utilization of such films is recommended in a report on motion pictures in education just published by the office of Education, Department of the Interior.

"In comparison with the theatrical motion picture, the non-theatrical picture in the past usually lacked technical excellence, was used comparatively little and with varying regularity," the report asserts, and the result is "chaotic and disorganized."

The principal reason for this condition, it is held, is the past policy of the Federal government to leave to private industry and voluntary endeavor many activities that the typical European government would assume.

"Private industry is deadlocked over the fact that producers can not afford to make films until a sufficient number of projectors is sold to make the work profitable, and the projector concerns can not sell their apparatus because there is no comprehensive library of suitable films available for their use," it is pointed out.

The report, originally submitted at the International Congress of Educational and Instructional Cinematography in Rome, in April, charges that three out of four of the pictures that are shown relate to sex, crime or romantic love; that the child retains two-thirds as much as the adult from his attendance at the "movies," and that pictures change children's attitudes and these changes have a lasting influence. There are in use in this country 190,000 non-theatrical projectors, including home sets, the report states.

## *Marks and Ray Lewis Defeated in Canada*

TORONTO, June 29.—Ernie Marks, proprietor of the New Martin, Oshawa, and a candidate for the Ontario legislature, was defeated at the principal elections by W. E. N. Sinclair, representing the Liberals.

Ray Lewis, editor of *Motion Picture Digest*, aspiring to a Toronto seat, also was defeated. Arthur Roebuck, Toronto lawyer, who has been prominent in film legal cases in recent years, was the winner.

## *Great Lakes Deals On*

BUFFALO, June 29.—Announcement may be made next week as to who will operate the Great Lakes and when it will reopen, J. C. Coplon, of J. & D. H. Coplon, Inc., owners of the building, said today. Coplon said negotiations for the house are on "with several parties."

Vincent R. McFaul, general manager of the Shea Theatre Corp., most recent operators of the house, said his company had been "out of the theatre since the end of April" and that he knew nothing of its future.

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